

As Pending in Senate Committee

128th General Assembly
Regular Session
2009-2010

Sub. H. B. No. 1

—

A BILL

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subsequently amended; to repeal Section 3 of Am.	256

Sub. H.B. 203 of the 126th General Assembly; to 257
repeal Section 325.05 of Am. Sub. H.B. 2 of the 258
128th General Assembly; to amend the version of 259
section 2949.111 of the Revised Code that is 260
scheduled to take effect January 1, 2010, to 261
continue the provisions of this act on and after 262
that effective date; to amend the version of 263
section 5739.033 of the Revised Code that is 264
scheduled to take effect January 1, 2010, to 265
continue the provisions of this act on and after 266
that effective date; to repeal sections 5112.40, 267
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beginning July 1, 2009, and ending June 30, 2011, 272
and to provide authorization and conditions for 273
the operation of state programs. 274
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 101.01. That sections 9.03, 9.314, 101.34, 101.35, 281
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5748.03, 5749.12, 5751.01, 5751.011, 5751.012, 5751.013, 5751.03,	397
5751.04, 5751.05, 5751.051, 5751.06, 5751.08, 5751.09, 5751.20,	398
5751.21, 5751.22, 5751.23, 5911.10, 5913.051, 5913.09, 6103.01,	399
6103.02, 6109.21, 6111.044, 6117.01, 6117.02, and 6119.011 be	400
amended; sections 173.43 (173.422), 3319.233 (3333.049), 4753.073	401
(3319.227), 5101.5110 (5101.5111), 5111.019 (5111.0120), and	402
5111.688 (5111.689) be amended for the purpose of adopting new	403
section numbers as indicated in parentheses; new sections 173.43,	404
3319.222, 5101.5110, and 5111.688 and sections 5.2265, 9.317,	405
103.24, 107.19, 111.26, 111.27, 121.021, 121.25, 121.251, 121.252,	406
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3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 418
3310.64, 3311.0510, 3313.461, 3313.719, 3313.86, 3314.028, 419
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5112.45, 5112.451, 5112.46, 5112.47, 5112.48, 5119.613, 5123.193, 432
5155.38, 5537.051, 5705.219, 5705.2110, 5725.33, 5729.16, 5733.58, 433
5739.051, 5747.66, 5751.014, 5709.111, 5911.11, 5919.20, 5919.36, 434
and 6119.091 of the Revised Code be enacted to read as follows: 435

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Sec. 5.2265. The month of August is designated as "Ohio 443
Military Family Month." 444

Sec. 9.03. (A) As used in this section, "political 445
subdivision" means any body corporate and politic, except a 446
municipal corporation that has adopted a charter under Section 7 447
of Article XVIII, Ohio Constitution, and except a county that has 448
adopted a charter under Sections 3 and 4 of Article X, Ohio 449
Constitution, to which both of the following apply: 450

(1) It is responsible for governmental activities only in a 451
geographic area smaller than the state. 452

(2) It is subject to the sovereign immunity of the state. 453

(B) Except as otherwise provided in division (C) of this 454
section, the governing body of a political subdivision may use 455
public funds to publish and distribute newsletters, or to use any 456
other means, to communicate information about the plans, policies, 457
and operations of the political subdivision to members of the 458
public within the political subdivision and to other persons who 459
may be affected by the political subdivision. 460

(C) Except as otherwise provided in division (A)(7) of 461
section 340.03 or division (A)(12) of section 340.033 of the 462
Revised Code, no governing body of a political subdivision shall 463
use public funds to do any of the following: 464

(1) Publish, distribute, or otherwise communicate information 465
that does any of the following: 466

(a) Contains defamatory, libelous, or obscene matter; 467

(b) Promotes alcoholic beverages, cigarettes or other tobacco 468
products, or any illegal product, service, or activity; 469

(c) Promotes illegal discrimination on the basis of race, 470
color, religion, national origin, handicap, age, or ancestry; 471

(d) Supports or opposes any labor organization or any action 472
by, on behalf of, or against any labor organization; 473

(e) Supports or opposes the nomination or election of a 474
candidate for public office, the investigation, prosecution, or 475
recall of a public official, or the passage of a levy or bond 476
issue. 477

(2) Compensate any employee of the political subdivision for 478
time spent on any activity to influence the outcome of an election 479
for any of the purposes described in division (C)(1)(e) of this 480
section. Division (C)(2) of this section does not prohibit the use 481
of public funds to compensate an employee of a political 482
subdivision for attending a public meeting to present information 483
about the political subdivision's finances, activities, and 484
governmental actions in a manner that is not designed to influence 485
the outcome of an election or the passage of a levy or bond issue, 486
even though the election, levy, or bond issue is discussed or 487
debated at the meeting. 488

(D)(1) Nothing in this section prohibits or restricts any 489
political subdivision from sponsoring, participating in, or doing 490
any of the following: 491

~~(1)~~(a) Charitable or public service advertising that is not 492
commercial in nature; 493

~~(2)~~(b) Advertising of exhibitions, performances, programs, 494
products, or services that are provided by employees of a 495
political subdivision or are provided at or through premises owned 496
or operated by a political subdivision; 497

~~(3)~~(c) Licensing an interest in a name or mark that is owned 498
or controlled by the political subdivision. 499

(2) Nothing in this section prohibits or restricts a county 500
official from placing commercial advertisements on a county web 501
site in accordance with section 307.121 of the Revised Code. 502

(E) As used in this section, "cigarettes" and "tobacco 503
product" have the same meanings as in section 5743.01 of the 504

Revised Code. 505

Sec. 9.314. (A) As used in this section: 506

(1) "Contracting authority" has the same meaning as in 507
section 307.92 of the Revised Code. 508

(2) "Political subdivision" means a municipal corporation, 509
township, county, school district, or other body corporate and 510
politic responsible for governmental activities only in geographic 511
areas smaller than that of the state and also includes a 512
contracting authority. 513

(3) "Reverse auction" means a purchasing process in which 514
offerors submit proposals in competing to sell services or 515
supplies in an open environment via the internet. 516

(4) "Services" means the furnishing of labor, time, or effort 517
by a person, not involving the delivery of a specific end product 518
other than a report which, if provided, is merely incidental to 519
the required performance. "Services" does not include services 520
furnished pursuant to employment agreements or collective 521
bargaining agreements. 522

(5) "Supplies" means all property, including, but not limited 523
to, equipment, materials, other tangible assets, and insurance, 524
but excluding real property or interests in real property. 525

(B)(1) Whenever any political subdivision determines that the 526
use of a reverse auction is advantageous to the political 527
subdivision, the political subdivision, in accordance with this 528
section and rules the political subdivision shall adopt, may 529
purchase services or supplies by reverse auction. 530

(2) A political subdivision shall not purchase supplies or 531
services by reverse auction if the contract concerns the design, 532
construction, alteration, repair, reconstruction, or demolition of 533
a building, highway, road, street, alley, drainage system, water 534

system, waterworks, ditch, sewer, sewage disposal plant, or any 535
other structure or works of any kind. 536

(C) A political subdivision shall solicit proposals through a 537
request for proposals. The request for proposals shall state the 538
relative importance of price and other evaluation factors. The 539
political subdivision shall give notice of the request for 540
proposals in accordance with the rules it adopts. 541

(D) As provided in the request for proposals and in the rules 542
a political subdivision adopts, and to ensure full understanding 543
of and responsiveness to solicitation requirements, the political 544
subdivision may conduct discussions with responsible offerors who 545
submit proposals determined to be reasonably susceptible of being 546
selected for award. The political subdivision shall accord 547
offerors fair and equal treatment with respect to any opportunity 548
for discussion regarding any clarification, correction, or 549
revision of their proposals. 550

(E) A political subdivision may award a contract to the 551
offeror whose proposal the political subdivision determines to be 552
the most advantageous to the political subdivision, taking into 553
consideration factors such as price and the evaluation criteria 554
set forth in the request for proposals. The contract file shall 555
contain the basis on which the award is made. 556

(F) The rules that a political subdivision adopts under this 557
section may require the provision of a performance bond, or 558
another similar form of financial security, in the amount and in 559
the form specified in the rules. 560

(G) If a political subdivision is required by law to purchase 561
services or supplies by competitive sealed bidding or competitive 562
sealed proposals, a purchase made by reverse auction satisfies 563
that requirement. 564

Sec. 9.317. As used in this section, "reverse auction" has 565
the meaning defined in section 9.314 of the Revised Code, and 566
"state agency" has the meaning defined in section 9.23 of the 567
Revised Code. 568

A state agency shall not purchase supplies or services by 569
reverse auction if the contract concerns the design, construction, 570
alteration, repair, reconstruction, or demolition of a building, 571
highway, road, street, alley, drainage system, water system, 572
waterworks, ditch, sewer, sewage disposal plant, or any other 573
structure or works of any kind. 574

Sec. 101.34. (A) There is hereby created a joint legislative 575
ethics committee to serve the general assembly. The committee 576
shall be composed of twelve members, six each from the two major 577
political parties, and each member shall serve on the committee 578
during the member's term as a member of that general assembly. Six 579
members of the committee shall be members of the house of 580
representatives appointed by the speaker of the house of 581
representatives, not more than three from the same political 582
party, and six members of the committee shall be members of the 583
senate appointed by the president of the senate, not more than 584
three from the same political party. A vacancy in the committee 585
shall be filled for the unexpired term in the same manner as an 586
original appointment. The members of the committee shall be 587
appointed within fifteen days after the first day of the first 588
regular session of each general assembly and the committee shall 589
meet and proceed to recommend an ethics code not later than thirty 590
days after the first day of the first regular session of each 591
general assembly. 592

In the first regular session of each general assembly, the 593
speaker of the house of representatives shall appoint the 594
chairperson of the committee from among the house members of the 595

committee, and the president of the senate shall appoint the 596
vice-chairperson of the committee from among the senate members of 597
the committee. In the second regular session of each general 598
assembly, the president of the senate shall appoint the 599
chairperson of the committee from among the senate members of the 600
committee, and the speaker of the house of representatives shall 601
appoint the vice-chairperson of the committee from among the house 602
members of the committee. The chairperson, vice-chairperson, and 603
members of the committee shall serve until their respective 604
successors are appointed or until they are no longer members of 605
the general assembly. 606

The committee shall meet at the call of the chairperson or 607
upon the written request of seven members of the committee. 608

(B) The joint legislative ethics committee: 609

(1) Shall recommend a code of ethics that is consistent with 610
law to govern all members and employees of each house of the 611
general assembly and all candidates for the office of member of 612
each house; 613

(2) May receive and hear any complaint that alleges a breach 614
of any privilege of either house, or misconduct of any member, 615
employee, or candidate, or any violation of the appropriate code 616
of ethics; 617

(3) May obtain information with respect to any complaint 618
filed pursuant to this section and to that end may enforce the 619
attendance and testimony of witnesses, and the production of books 620
and papers; 621

(4) May recommend whatever sanction is appropriate with 622
respect to a particular member, employee, or candidate as will 623
best maintain in the minds of the public a good opinion of the 624
conduct and character of members and employees of the general 625
assembly; 626

(5) May recommend legislation to the general assembly 627
relating to the conduct and ethics of members and employees of and 628
candidates for the general assembly; 629

(6) Shall employ an executive director for the committee and 630
may employ other staff as the committee determines necessary to 631
assist it in exercising its powers and duties. The executive 632
director and staff of the committee shall be known as the office 633
of legislative inspector general. At least one member of the staff 634
of the committee shall be an attorney at law licensed to practice 635
law in this state. The appointment and removal of the executive 636
director shall require the approval of at least eight members of 637
the committee. 638

(7) May employ a special counsel to assist the committee in 639
exercising its powers and duties. The appointment and removal of a 640
special counsel shall require the approval of at least eight 641
members of the committee. 642

(8) Shall act as an advisory body to the general assembly and 643
to individual members, candidates, and employees on questions 644
relating to ethics, possible conflicts of interest, and financial 645
disclosure; 646

(9) Shall provide for the proper forms on which a statement 647
required pursuant to section 102.02 or 102.021 of the Revised Code 648
shall be filed and instructions as to the filing of the statement; 649

(10) Exercise the powers and duties prescribed under sections 650
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 651
sections 121.60 to 121.69 of the Revised Code; 652

(11) Adopt, in accordance with section 111.15 of the Revised 653
Code, any rules that are necessary to implement and clarify 654
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 655

(C) There is hereby created in the state treasury the joint 656
legislative ethics committee fund. All money collected from 657

registration fees and late filing fees prescribed under sections 658
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 659
into the state treasury to the credit of the fund. Money credited 660
to the fund and any interest and earnings from the fund shall be 661
used solely for the operation of the joint legislative ethics 662
committee and the office of legislative inspector general and for 663
the purchase of data storage and computerization facilities for 664
the statements filed with the committee under sections 101.73, 665
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 666

(D) The chairperson of the joint legislative ethics committee 667
shall issue a written report, not later than the thirty-first day 668
of January of each year, to the speaker and minority leader of the 669
house of representatives and to the president and minority leader 670
of the senate that lists the number of committee meetings and 671
investigations the committee conducted during the immediately 672
preceding calendar year and the number of advisory opinions it 673
issued during the immediately preceding calendar year. 674

(E) Any investigative report that contains facts and findings 675
regarding a complaint filed with the joint legislative ethics 676
committee and that is prepared by the staff of the committee or a 677
special counsel to the committee shall become a public record upon 678
its acceptance by a vote of the majority of the members of the 679
committee, except for any names of specific individuals and 680
entities contained in the report. If the committee recommends 681
disciplinary action or reports its findings to the appropriate 682
prosecuting authority for proceedings in prosecution of the 683
violations alleged in the complaint, the investigatory report 684
regarding the complaint shall become a public record in its 685
entirety. 686

(F)(1) Any file obtained by or in the possession of the 687
former house ethics committee or former senate ethics committee 688
shall become the property of the joint legislative ethics 689

committee. Any such file is confidential if either of the 690
following applies: 691

(a) It is confidential under section 102.06 of the Revised 692
Code or the legislative code of ethics. 693

(b) If the file was obtained from the former house ethics 694
committee or from the former senate ethics committee, it was 695
confidential under any statute or any provision of a code of 696
ethics that governed the file. 697

(2) As used in this division, "file" includes, but is not 698
limited to, evidence, documentation, or any other tangible thing. 699

(G) There is hereby created in the state treasury the joint 700
legislative ethics committee investigative fund. Investment 701
earnings of the fund shall be credited to the fund. Money in the 702
fund shall be used solely for the operations of the committee in 703
conducting investigations. 704

Sec. 101.35. There is hereby created in the general assembly 705
the joint committee on agency rule review. The committee shall 706
consist of five members of the house of representatives and five 707
members of the senate. Within fifteen days after the commencement 708
of the first regular session of each general assembly, the speaker 709
of the house of representatives shall appoint the members of the 710
committee from the house of representatives, and the president of 711
the senate shall appoint the members of the committee from the 712
senate. Not more than three of the members from each house shall 713
be of the same political party. In the first regular session of a 714
general assembly, the chairperson of the committee shall be 715
appointed by the speaker of the house from among the house members 716
of the committee, and the vice-chairperson shall be appointed by 717
the president of the senate from among the senate members of the 718
committee. In the second regular session of a general assembly, 719
the chairperson shall be appointed by the president of the senate 720

from among the senate members of the committee, and the 721
vice-chairperson shall be appointed by the speaker of the house 722
from among the house members of the committee. The chairperson, 723
vice-chairperson, and members of the committee shall serve until 724
their respective successors are appointed or until they are no 725
longer members of the general assembly. When a vacancy occurs 726
among the officers or members of the committee, it shall be filled 727
in the same manner as the original appointment. 728

Notwithstanding section 101.26 of the Revised Code, the 730
members, when engaged in their duties as members of the committee 731
on days when there is not a voting session of the member's house 732
of the general assembly, shall be paid at the per diem rate of one 733
hundred fifty dollars, and their necessary traveling expenses, 734
which shall be paid from the funds appropriated for the payment of 735
expenses of legislative committees. 736

The committee has the same powers as other standing or select 737
committees of the general assembly. Six members constitute a 738
quorum, and the concurrence of six members is required for the 739
recommendation of a concurrent resolution invalidating a proposed 740
or effective rule, amendment, rescission, or part thereof, or for 741
the suspension of a rule, amendment, rescission, or part thereof, 742
under division (I) of section 119.03 ~~or section 119.031~~ of the 743
Revised Code. 744

When a member of the committee is absent, the president or 745
speaker, as the case may be, may designate a substitute from the 746
same house and political party as the absent member. The 747
substitute shall serve on the committee in the member's absence, 748
and is entitled to perform the duties of a member of the 749
committee. For serving on the committee, the substitute shall be 750
paid the same per diem and necessary traveling expenses as the 751
substitute would be entitled to receive if the substitute were a 752

member of the committee. 753

The president or speaker shall inform the executive director 754
of the committee of a substitution. If the executive director 755
learns of a substitution sufficiently in advance of the meeting of 756
the committee the substitute is to attend, the executive director 757
shall publish notice of the substitution on the internet, make 758
reasonable effort to inform of the substitution persons who are 759
known to the executive director to be interested in rules that are 760
scheduled for review at the meeting, and inform of the 761
substitution persons who inquire of the executive director 762
concerning the meeting. 763

The committee may meet during periods in which the general 764
assembly has adjourned. At meetings of the committee, the 765
committee may request a rule-making agency, as defined in section 766
119.01 of the Revised Code, to provide information relative to the 767
agency's implementation of its statutory authority. 768

A member of the committee, and the executive director and 769
staff of the committee, are entitled in their official capacities 770
to attend, but not in their official capacities to participate in, 771
a public hearing conducted by a rule-making agency on a proposed 772
rule, amendment, or rescission. 773

Sec. 101.72. (A) Each legislative agent and employer, within 774
ten days following an engagement of a legislative agent, shall 775
file with the joint legislative ethics committee an initial 776
registration statement showing all of the following: 777

(1) The name, business address, and occupation of the 778
legislative agent; 779

(2) The name and business address of the employer and the 780
real party in interest on whose behalf the legislative agent is 781
actively advocating, if it is different from the employer. For the 782

purposes of division (A) of this section, where a trade 783
association or other charitable or fraternal organization that is 784
exempt from federal income taxation under subsection 501(c) of the 785
federal Internal Revenue Code is the employer, the statement need 786
not list the names and addresses of each member of the association 787
or organization, so long as the association or organization itself 788
is listed. 789

(3) A brief description of the type of legislation to which 790
the engagement relates. 791

(B) In addition to the initial registration statement 792
required by division (A) of this section, each legislative agent 793
and employer shall file with the joint committee, not later than 794
the last day of January, May, and September of each year, an 795
updated registration statement that confirms the continuing 796
existence of each engagement described in an initial registration 797
statement and that lists the specific bills or resolutions on 798
which the agent actively advocated under that engagement during 799
the period covered by the updated statement, and with it any 800
statement of expenditures required to be filed by section 101.73 801
of the Revised Code and any details of financial transactions 802
required to be filed by section 101.74 of the Revised Code. 803

(C) If a legislative agent is engaged by more than one 804
employer, the agent shall file a separate initial and updated 805
registration statement for each engagement. If an employer engages 806
more than one legislative agent, the employer need file only one 807
updated registration statement under division (B) of this section, 808
which shall contain the information required by division (B) of 809
this section regarding all of the legislative agents engaged by 810
the employer. 811

(D)(1) A change in any information required by division 812
(A)(1), (2), or (B) of this section shall be reflected in the next 813
updated registration statement filed under division (B) of this 814

section. 815

(2) Within thirty days after the termination of an 816
engagement, the legislative agent who was employed under the 817
engagement shall send written notification of the termination to 818
the joint committee. 819

(E) ~~Except as otherwise provided in this division, a~~ A 820
registration fee of twenty-five dollars shall be charged for 821
filing an initial registration statement. The state agency of an 822
officer or employee who actively advocates in a fiduciary capacity 823
as a representative of that state agency shall pay the 824
registration fee required under this division. All money collected 825
from registration fees under this division and late filing fees 826
under division (G) of this section shall be deposited into the 827
state treasury to the credit of the joint legislative ethics 828
committee fund created under section 101.34 of the Revised Code. 829

An officer or employee of a state agency who actively 831
advocates in a fiduciary capacity as a representative of that 832
state agency need not ~~pay the registration fee prescribed by this~~ 833
~~division or~~ file expenditure statements under section 101.73 of 834
the Revised Code. As used in this division, "state agency" does 835
not include a state institution of higher education as defined in 836
section 3345.011 of the Revised Code. 837

(F) Upon registration pursuant to division (A) of this 838
section, the legislative agent shall be issued a card by the joint 839
committee showing that the legislative agent is registered. The 840
registration card and the legislative agent's registration shall 841
be valid from the date of their issuance until the next 842
thirty-first day of December of an even-numbered year. 843

(G) The executive director of the joint committee shall be 844
responsible for reviewing each registration statement filed with 845

the joint committee under this section and for determining whether 846
the statement contains all of the information required by this 847
section. If the joint committee determines that the registration 848
statement does not contain all of the required information or that 849
a legislative agent or employer has failed to file a registration 850
statement, the joint committee shall send written notification by 851
certified mail to the person who filed the registration statement 852
regarding the deficiency in the statement or to the person who 853
failed to file the registration statement regarding the failure. 854
Any person so notified by the joint committee shall, not later 855
than fifteen days after receiving the notice, file a registration 856
statement or an amended registration statement that does contain 857
all of the information required by this section. If any person who 858
receives a notice under this division fails to file a registration 859
statement or such an amended registration statement within this 860
fifteen-day period, the joint committee shall assess a late filing 861
fee equal to twelve dollars and fifty cents per day, up to a 862
maximum of one hundred dollars, upon that person. The joint 863
committee may waive the late filing fee for good cause shown. 864

(H) On or before the fifteenth day of March of each year, the 865
joint committee shall, in the manner and form that it determines, 866
publish a report containing statistical information on the 867
registration statements filed with it under this section during 868
the preceding year. 869

Sec. 102.02. (A) Except as otherwise provided in division (H) 870
of this section, all of the following shall file with the 871
appropriate ethics commission the disclosure statement described 872
in this division on a form prescribed by the appropriate 873
commission: every person who is elected to or is a candidate for a 874
state, county, or city office and every person who is appointed to 875
fill a vacancy for an unexpired term in such an elective office; 876
all members of the state board of education; the director, 877

assistant directors, deputy directors, division chiefs, or persons 878
of equivalent rank of any administrative department of the state; 879
the president or other chief administrative officer of every state 880
institution of higher education as defined in section 3345.011 of 881
the Revised Code; the executive director and the members of the 882
capitol square review and advisory board appointed or employed 883
pursuant to section 105.41 of the Revised Code; the chief 884
executive officer and the members of the board of each state 885
retirement system; each employee of a state retirement board who 886
is a state retirement system investment officer licensed pursuant 887
to section 1707.163 of the Revised Code; the members of the Ohio 888
retirement study council appointed pursuant to division (C) of 889
section 171.01 of the Revised Code; employees of the Ohio 890
retirement study council, other than employees who perform purely 891
administrative or clerical functions; the administrator of 892
workers' compensation and each member of the bureau of workers' 893
compensation board of directors; the bureau of workers' 894
compensation director of investments; the chief investment officer 895
of the bureau of workers' compensation; the director appointed by 896
the workers' compensation council; all members of the board of 897
commissioners on grievances and discipline of the supreme court 898
and the ethics commission created under section 102.05 of the 899
Revised Code; every business manager, treasurer, or superintendent 900
of a city, local, exempted village, joint vocational, or 901
cooperative education school district or an educational service 902
center; every person who is elected to or is a candidate for the 903
office of member of a board of education of a city, local, 904
exempted village, joint vocational, or cooperative education 905
school district or of a governing board of an educational service 906
center that has a total student count of twelve thousand or more 907
as most recently determined by the department of education 908
pursuant to section 3317.03 of the Revised Code; every person who 909
is appointed to the board of education of a municipal school 910

district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

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

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand

dollars; twenty-five thousand dollars or more, but less than fifty 943
thousand dollars; fifty thousand dollars or more, but less than 944
one hundred thousand dollars; and one hundred thousand dollars or 945
more. Division (A)(2)(a) of this section shall not be construed to 946
require a person filing the statement who derives income from a 947
business or profession to disclose the individual items of income 948
that constitute the gross income of that business or profession, 949
except for those individual items of income that are attributable 950
to the person's or, if the income is shared with the person, the 951
partner's, solicitation of services or goods or performance, 952
arrangement, or facilitation of services or provision of goods on 953
behalf of the business or profession of clients, including 954
corporate clients, who are legislative agents. A person who files 955
the statement under this section shall disclose the identity of 956
and the amount of income received from a person who the public 957
official or employee knows or has reason to know is doing or 958
seeking to do business of any kind with the public official's or 959
employee's agency. 960

(b) If the person filing the statement is a member of the 961
general assembly, the statement shall identify every source of 962
income and the amount of that income that was received from a 963
legislative agent during the preceding calendar year, in the 964
person's own name or by any other person for the person's use or 965
benefit, by the person filing the statement, and a brief 966
description of the nature of the services for which the income was 967
received. Division (A)(2)(b) of this section requires the 968
disclosure of clients of attorneys or persons licensed under 969
section 4732.12 of the Revised Code, or patients of persons 970
certified under section 4731.14 of the Revised Code, if those 971
clients or patients are legislative agents. Division (A)(2)(b) of 972
this section requires a person filing the statement who derives 973
income from a business or profession to disclose those individual 974
items of income that constitute the gross income of that business 975

or profession that are received from legislative agents. 976

(c) Except as otherwise provided in division (A)(2)(c) of 977
this section, division (A)(2)(a) of this section applies to 978
attorneys, physicians, and other persons who engage in the 979
practice of a profession and who, pursuant to a section of the 980
Revised Code, the common law of this state, a code of ethics 981
applicable to the profession, or otherwise, generally are required 982
not to reveal, disclose, or use confidences of clients, patients, 983
or other recipients of professional services except under 984
specified circumstances or generally are required to maintain 985
those types of confidences as privileged communications except 986
under specified circumstances. Division (A)(2)(a) of this section 987
does not require an attorney, physician, or other professional 988
subject to a confidentiality requirement as described in division 989
(A)(2)(c) of this section to disclose the name, other identity, or 990
address of a client, patient, or other recipient of professional 991
services if the disclosure would threaten the client, patient, or 992
other recipient of professional services, would reveal details of 993
the subject matter for which legal, medical, or professional 994
advice or other services were sought, or would reveal an otherwise 995
privileged communication involving the client, patient, or other 996
recipient of professional services. Division (A)(2)(a) of this 997
section does not require an attorney, physician, or other 998
professional subject to a confidentiality requirement as described 999
in division (A)(2)(c) of this section to disclose in the brief 1000
description of the nature of services required by division 1001
(A)(2)(a) of this section any information pertaining to specific 1002
professional services rendered for a client, patient, or other 1003
recipient of professional services that would reveal details of 1004
the subject matter for which legal, medical, or professional 1005
advice was sought or would reveal an otherwise privileged 1006
communication involving the client, patient, or other recipient of 1007
professional services. 1008

(3) The name of every corporation on file with the secretary 1009
of state that is incorporated in this state or holds a certificate 1010
of compliance authorizing it to do business in this state, trust, 1011
business trust, partnership, or association that transacts 1012
business in this state in which the person filing the statement or 1013
any other person for the person's use and benefit had during the 1014
preceding calendar year an investment of over one thousand dollars 1015
at fair market value as of the thirty-first day of December of the 1016
preceding calendar year, or the date of disposition, whichever is 1017
earlier, or in which the person holds any office or has a 1018
fiduciary relationship, and a description of the nature of the 1019
investment, office, or relationship. Division (A)(3) of this 1020
section does not require disclosure of the name of any bank, 1021
savings and loan association, credit union, or building and loan 1022
association with which the person filing the statement has a 1023
deposit or a withdrawable share account. 1024

(4) All fee simple and leasehold interests to which the 1025
person filing the statement holds legal title to or a beneficial 1026
interest in real property located within the state, excluding the 1027
person's residence and property used primarily for personal 1028
recreation; 1029

(5) The names of all persons residing or transacting business 1030
in the state to whom the person filing the statement owes, in the 1031
person's own name or in the name of any other person, more than 1032
one thousand dollars. Division (A)(5) of this section shall not be 1033
construed to require the disclosure of debts owed by the person 1034
resulting from the ordinary conduct of a business or profession or 1035
debts on the person's residence or real property used primarily 1036
for personal recreation, except that the superintendent of 1037
financial institutions shall disclose the names of all 1038
state-chartered savings and loan associations and of all service 1039
corporations subject to regulation under division (E)(2) of 1040

section 1151.34 of the Revised Code to whom the superintendent in 1041
the superintendent's own name or in the name of any other person 1042
owes any money, and that the superintendent and any deputy 1043
superintendent of banks shall disclose the names of all 1044
state-chartered banks and all bank subsidiary corporations subject 1045
to regulation under section 1109.44 of the Revised Code to whom 1046
the superintendent or deputy superintendent owes any money. 1047

(6) The names of all persons residing or transacting business 1048
in the state, other than a depository excluded under division 1049
(A)(3) of this section, who owe more than one thousand dollars to 1050
the person filing the statement, either in the person's own name 1051
or to any person for the person's use or benefit. Division (A)(6) 1052
of this section shall not be construed to require the disclosure 1053
of clients of attorneys or persons licensed under section 4732.12 1054
or 4732.15 of the Revised Code, or patients of persons certified 1055
under section 4731.14 of the Revised Code, nor the disclosure of 1056
debts owed to the person resulting from the ordinary conduct of a 1057
business or profession. 1058

(7) Except as otherwise provided in section 102.022 of the 1059
Revised Code, the source of each gift of over seventy-five 1060
dollars, or of each gift of over twenty-five dollars received by a 1061
member of the general assembly from a legislative agent, received 1062
by the person in the person's own name or by any other person for 1063
the person's use or benefit during the preceding calendar year, 1064
except gifts received by will or by virtue of section 2105.06 of 1065
the Revised Code, or received from spouses, parents, grandparents, 1066
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1067
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1068
fathers-in-law, mothers-in-law, or any person to whom the person 1069
filing the statement stands in loco parentis, or received by way 1070
of distribution from any inter vivos or testamentary trust 1071
established by a spouse or by an ancestor; 1072

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

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

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

Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

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

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

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

(B) The Ohio ethics commission, the joint legislative ethics

committee, and the board of commissioners on grievances and 1137
discipline of the supreme court, using the rule-making procedures 1138
of Chapter 119. of the Revised Code, may require any class of 1139
public officials or employees under its jurisdiction and not 1140
specifically excluded by this section whose positions involve a 1141
substantial and material exercise of administrative discretion in 1142
the formulation of public policy, expenditure of public funds, 1143
enforcement of laws and rules of the state or a county or city, or 1144
the execution of other public trusts, to file an annual statement 1145
on or before the fifteenth day of April under division (A) of this 1146
section. The appropriate ethics commission shall send the public 1147
officials or employees written notice of the requirement by the 1148
fifteenth day of February of each year the filing is required 1149
unless the public official or employee is appointed after that 1150
date, in which case the notice shall be sent within thirty days 1151
after appointment, and the filing shall be made not later than 1152
ninety days after appointment. 1153

Except for disclosure statements filed by members of the 1154
board of trustees and the executive director of the southern Ohio 1155
agricultural and community development foundation, disclosure 1156
statements filed under this division with the Ohio ethics 1157
commission by members of boards, commissions, or bureaus of the 1158
state for which no compensation is received other than reasonable 1159
and necessary expenses shall be kept confidential. Disclosure 1160
statements filed with the Ohio ethics commission under division 1161
(A) of this section by business managers, treasurers, and 1162
superintendents of city, local, exempted village, joint 1163
vocational, or cooperative education school districts or 1164
educational service centers shall be kept confidential, except 1165
that any person conducting an audit of any such school district or 1166
educational service center pursuant to section 115.56 or Chapter 1167
117. of the Revised Code may examine the disclosure statement of 1168
any business manager, treasurer, or superintendent of that school 1169

district or educational service center. The Ohio ethics commission 1170
shall examine each disclosure statement required to be kept 1171
confidential to determine whether a potential conflict of interest 1172
exists for the person who filed the disclosure statement. A 1173
potential conflict of interest exists if the private interests of 1174
the person, as indicated by the person's disclosure statement, 1175
might interfere with the public interests the person is required 1176
to serve in the exercise of the person's authority and duties in 1177
the person's office or position of employment. If the commission 1178
determines that a potential conflict of interest exists, it shall 1179
notify the person who filed the disclosure statement and shall 1180
make the portions of the disclosure statement that indicate a 1181
potential conflict of interest subject to public inspection in the 1182
same manner as is provided for other disclosure statements. Any 1183
portion of the disclosure statement that the commission determines 1184
does not indicate a potential conflict of interest shall be kept 1185
confidential by the commission and shall not be made subject to 1186
public inspection, except as is necessary for the enforcement of 1187
Chapters 102. and 2921. of the Revised Code and except as 1188
otherwise provided in this division. 1189

(C) No person shall knowingly fail to file, on or before the 1190
applicable filing deadline established under this section, a 1191
statement that is required by this section. 1192

(D) No person shall knowingly file a false statement that is 1193
required to be filed under this section. 1194

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1195
section, the statement required by division (A) or (B) of this 1196
section shall be accompanied by a filing fee of forty dollars. 1197

(2) The statement required by division (A) of this section 1198
shall be accompanied by the following filing fee to be paid by the 1199
person who is elected or appointed to, or is a candidate for, any 1200
of the following offices: 1201

For state office, except member of the		1202
state board of education	\$65	1203
For office of member of general assembly	\$40	1204
For county office	\$40	1205
For city office	\$25	1206
For office of member of the state board		1207
of education	\$25	1208
For office of member of a city, local,		1209
exempted village, or cooperative		1210
education board of		1211
education or educational service		1212
center governing board	\$20	1213
For position of business manager,		1214
treasurer, or superintendent of a		1215
city, local, exempted village, joint		1216
vocational, or cooperative education		1217
school district or		1218
educational service center	\$20	1219
(3) No judge of a court of record or candidate for judge of a		1220
court of record, and no referee or magistrate serving a court of		1221
record, shall be required to pay the fee required under division		1222
(E)(1) or (2) or (F) of this section.		1223
(4) For any public official who is appointed to a nonelective		1224
office of the state and for any employee who holds a nonelective		1225
position in a public agency of the state, the state agency that is		1226
the primary employer of the state official or employee shall pay		1227
the fee required under division (E)(1) or (F) of this section.		1228
(F) If a statement required to be filed under this section is		1229
not filed by the date on which it is required to be filed, the		1230
appropriate ethics commission shall assess the person required to		1231
file the statement a late filing fee of ten dollars for each day		1232
the statement is not filed, except that the total amount of the		1233

late filing fee shall not exceed two hundred fifty dollars. 1234

(G)(1) The appropriate ethics commission other than the Ohio 1235
ethics commission and the joint legislative ethics committee shall 1236
deposit all fees it receives under divisions (E) and (F) of this 1237
section into the general revenue fund of the state. 1238

(2) The Ohio ethics commission shall deposit all receipts, 1239
including, but not limited to, fees it receives under divisions 1240
(E) and (F) of this section and all moneys it receives from 1241
settlements under division (G) of section 102.06 of the Revised 1242
Code, into the Ohio ethics commission fund, which is hereby 1243
created in the state treasury. All moneys credited to the fund 1244
shall be used solely for expenses related to the operation and 1245
statutory functions of the commission. 1246

(3) The joint legislative ethics committee shall deposit all 1247
receipts it receives from the payment of financial disclosure 1248
statement filing fees under divisions (E) and (F) of this section 1249
into the joint legislative ethics committee investigative fund. 1250

(H) Division (A) of this section does not apply to a person 1251
elected or appointed to the office of precinct, ward, or district 1252
committee member under Chapter 3517. of the Revised Code; a 1253
presidential elector; a delegate to a national convention; village 1254
or township officials and employees; any physician or psychiatrist 1255
who is paid a salary or wage in accordance with schedule C of 1256
section 124.15 or schedule E-2 of section 124.152 of the Revised 1257
Code and whose primary duties do not require the exercise of 1258
administrative discretion; or any member of a board, commission, 1259
or bureau of any county or city who receives less than one 1260
thousand dollars per year for serving in that position. 1261

Sec. 103.0511. The director of the legislative service 1262
commission shall establish and maintain, and enhance and improve, 1263
an electronic rule-filing system connecting: 1264

(A) The legislative service commission, the joint committee
on agency rule review, the secretary of state, the small business
regulatory review board, and the ~~office of Ohio~~ small business
ombudsperson;

(B) The governor, the senate and house of representatives,
and the clerks of the senate and house of representatives;

(C) Each agency that files rules and other rule-making and
rule-related documents with the legislative service commission,
the joint committee on agency rule review, the governor, the
secretary of state, the ~~office of Ohio~~ small business
ombudsperson, the general assembly, or a committee of the senate
or house of representatives under section 111.15, 117.20, 119.03,
~~119.031~~, 119.032, 119.0311, 119.04, ~~121.24~~ 121.254, 121.39,
127.18, 4141.14, 5117.02, or 5703.14 of the Revised Code or any
other statute;

(D) The several publishers of the Administrative Code; and

(E) Any other person or governmental officer or entity whose
inclusion in the system is required for the system to be a
complete electronic rule-filing system.

The electronic rule-filing system is to enable rules and
rule-making and rule-related documents to be filed, and official
responses to these filings to be made, exclusively by electronic
means.

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

to pay the telephone carriers for all such telephone calls. 1295

Sec. 105.41. (A) There is hereby created in the legislative 1296
branch of government the capitol square review and advisory board, 1297
consisting of thirteen members as follows: 1298

(1) Two members of the senate, appointed by the president of 1299
the senate, both of whom shall not be members of the same 1300
political party; 1301

(2) Two members of the house of representatives, appointed by 1302
the speaker of the house of representatives, both of whom shall 1303
not be members of the same political party; 1304

(3) Five members appointed by the governor, with the advice 1305
and consent of the senate, not more than three of whom shall be 1306
members of the same political party, one of whom shall be the 1307
chief of staff of the governor's office, one of whom shall 1308
represent the Ohio arts council, one of whom shall represent the 1309
Ohio historical society, one of whom shall represent the Ohio 1310
building authority, and one of whom shall represent the public at 1311
large; 1312

(4) One member, who shall be a former president of the 1313
senate, appointed by the current president of the senate. If the 1314
current president of the senate, in the current president's 1315
discretion, decides for any reason not to make the appointment or 1316
if no person is eligible or available to serve, the seat shall 1317
remain vacant. 1318

(5) One member, who shall be a former speaker of the house of 1319
representatives, appointed by the current speaker of the house of 1320
representatives. If the current speaker of the house of 1321
representatives, in the current speaker's discretion, decides for 1322
any reason not to make the appointment or if no person is eligible 1323
or available to serve, the seat shall remain vacant. 1324

(6) The clerk of the senate and the clerk of the house of
representatives. 1325
1326

(B) Terms of office of each appointed member of the board 1327
shall be for three years, except that members of the general 1328
assembly appointed to the board shall be members of the board only 1329
so long as they are members of the general assembly and the chief 1330
of staff of the governor's office shall be a member of the board 1331
only so long as the appointing governor remains in office. Each 1332
member shall hold office from the date of the member's appointment 1333
until the end of the term for which the member was appointed. In 1334
case of a vacancy occurring on the board, the president of the 1335
senate, the speaker of the house of representatives, or the 1336
governor, as the case may be, shall in the same manner prescribed 1337
for the regular appointment to the commission, fill the vacancy by 1338
appointing a member. Any member appointed to fill a vacancy 1339
occurring prior to the expiration of the term for which the 1340
member's predecessor was appointed shall hold office for the 1341
remainder of the term. Any appointed member shall continue in 1342
office subsequent to the expiration date of the member's term 1343
until the member's successor takes office, or until a period of 1344
sixty days has elapsed, whichever occurs first. 1345

(C) The board shall hold meetings in a manner and at times 1346
prescribed by the rules adopted by the board. A majority of the 1347
board constitutes a quorum, and no action shall be taken by the 1348
board unless approved by at least six members or by at least seven 1349
members if a person is appointed under division (A)(4) or (5) of 1350
this section. At its first meeting, the board shall adopt rules 1351
for the conduct of its business and the election of its officers, 1352
and shall organize by selecting a chairperson and other officers 1353
as it considers necessary. Board members shall serve without 1354
compensation but shall be reimbursed for actual and necessary 1355
expenses incurred in the performance of their duties. 1356

(D) The board may do any of the following: 1357

(1) Employ or hire on a consulting basis professional, 1358
technical, and clerical employees as are necessary for the 1359
performance of its duties. All employees of the board are in the 1360
unclassified civil service and serve at the pleasure of the board. 1361
For the purposes of sections 718.04 and 4117.01 of the Revised 1362
Code, employees of the board shall be considered employees of the 1363
general assembly. 1364

(2) Hold public hearings at times and places as determined by 1365
the board; 1366

(3) Adopt, amend, or rescind rules necessary to accomplish 1367
the duties of the board as set forth in this section; 1368

(4) Sponsor, conduct, and support such social events as the 1369
board may authorize and consider appropriate for the employees of 1370
the board, employees and members of the general assembly, 1371
employees of persons under contract with the board or otherwise 1372
engaged to perform services on the premises of capitol square, or 1373
other persons as the board may consider appropriate. Subject to 1374
the requirements of Chapter 4303. of the Revised Code, the board 1375
may provide beer, wine, and intoxicating liquor, with or without 1376
charge, for those events and may use funds only from the sale of 1377
goods and services fund to purchase the beer, wine, and 1378
intoxicating liquor the board provides; 1379

(5) Purchase a warehouse in which to store items of the 1380
capitol collection trust and, whenever necessary, equipment or 1381
other property of the board. 1382

(E) The board shall do all of the following: 1383

(1) Have sole authority to coordinate and approve any 1384
improvements, additions, and renovations that are made to the 1385
capitol square. The improvements shall include, but not be limited 1386
to, the placement of monuments and sculpture on the capitol 1387

grounds. 1388

(2) Subject to section 3353.07 of the Revised Code, operate 1389
the capitol square, and have sole authority to regulate all uses 1390
of the capitol square. The uses shall include, but not be limited 1391
to, the casual and recreational use of the capitol square. 1392

(3) Employ, fix the compensation of, and prescribe the duties 1393
of the executive director of the board and other employees the 1394
board considers necessary for the performance of its powers and 1395
duties; 1396

(4) Establish and maintain the capitol collection trust. The 1397
capitol collection trust shall consist of furniture, antiques, and 1398
other items of personal property that the board shall store in 1399
suitable facilities until they are ready to be displayed in the 1400
capitol square. 1401

(5) Perform repair, construction, contracting, purchasing, 1402
maintenance, supervisory, and operating activities the board 1403
determines are necessary for the operation and maintenance of the 1404
capitol square; 1405

(6) Maintain and preserve the capitol square, in accordance 1406
with guidelines issued by the United States secretary of the 1407
interior for application of the secretary's standards for 1408
rehabilitation adopted in 36 C.F.R. part 67; 1409

(7) Plan and develop a center at the capitol building for the 1410
purpose of educating visitors about the history of Ohio, including 1411
its political, economic, and social development and the design and 1412
erection of the capitol building and its grounds. 1413

(F)(1) The board shall lease capital facilities improved or 1414
financed by the Ohio building authority pursuant to Chapter 152. 1415
of the Revised Code for the use of the board, and may enter into 1416
any other agreements with the authority ancillary to improvement, 1417
financing, or leasing of those capital facilities, including, but 1418

not limited to, any agreement required by the applicable bond 1419
proceedings authorized by Chapter 152. of the Revised Code. Any 1420
lease of capital facilities authorized by this section shall be 1421
governed by division (D) of section 152.24 of the Revised Code. 1422

(2) Fees, receipts, and revenues received by the board from 1423
the state underground parking garage constitute available receipts 1424
as defined in section 152.09 of the Revised Code, and may be 1425
pledged to the payment of bond service charges on obligations 1426
issued by the Ohio building authority pursuant to Chapter 152. of 1427
the Revised Code to improve, finance, or purchase capital 1428
facilities useful to the board. The authority may, with the 1429
consent of the board, provide in the bond proceedings for a pledge 1430
of all or a portion of those fees, receipts, and revenues as the 1431
authority determines. The authority may provide in the bond 1432
proceedings or by separate agreement with the board for the 1433
transfer of those fees, receipts, and revenues to the appropriate 1434
bond service fund or bond service reserve fund as required to pay 1435
the bond service charges when due, and any such provision for the 1436
transfer of those fees, receipts, and revenues shall be 1437
controlling notwithstanding any other provision of law pertaining 1438
to those fees, receipts, and revenues. 1439

(3) All moneys received by the treasurer of state on account 1440
of the board and required by the applicable bond proceedings or by 1441
separate agreement with the board to be deposited, transferred, or 1442
credited to the bond service fund or bond service reserve fund 1443
established by the bond proceedings shall be transferred by the 1444
treasurer of state to such fund, whether or not it is in the 1445
custody of the treasurer of state, without necessity for further 1446
appropriation, upon receipt of notice from the Ohio building 1447
authority as prescribed in the bond proceedings. 1448

(G) All fees, receipts, and revenues received by the board 1449
from the state underground parking garage shall be deposited into 1450

the state treasury to the credit of the underground parking garage 1451
operating fund, which is hereby created, to be used for the 1452
purposes specified in division (F) of this section and for the 1453
operation and maintenance of the garage. All investment earnings 1454
of the fund shall be credited to the fund. 1455

(H) All donations received by the board shall be deposited 1456
into the state treasury to the credit of the capitol square 1457
renovation gift fund, which is hereby created. The fund shall be 1458
used by the board as follows: 1459

(1) To provide part or all of the funding related to 1460
construction, goods, or services for the renovation of the capitol 1461
square; 1462

(2) To purchase art, antiques, and artifacts for display at 1463
the capitol square; 1464

(3) To award contracts or make grants to organizations for 1465
educating the public regarding the historical background and 1466
governmental functions of the capitol square. Chapters 125., 127., 1467
and 153. and section 3517.13 of the Revised Code do not apply to 1468
purchases made exclusively from the fund, notwithstanding anything 1469
to the contrary in those chapters or that section. All investment 1470
earnings of the fund shall be credited to the fund. 1471

(I) Except as provided in divisions (G), (H), and (J) of this 1472
section, all fees, receipts, and revenues received by the board 1473
shall be deposited into the state treasury to the credit of the 1474
sale of goods and services fund, which is hereby created. Money 1475
credited to the fund shall be used solely to pay costs of the 1476
board other than those specified in divisions (F) and (G) of this 1477
section. All investment earnings of the fund shall be credited to 1478
the fund. 1479

(J) There is hereby created in the state treasury the capitol 1480
square improvement fund, to be used by the board to pay 1481

construction, renovation, and other costs related to the capitol 1482
square for which money is not otherwise available to the board. 1483
Whenever the board determines that there is a need to incur those 1484
costs and that the unencumbered, unobligated balance to the credit 1485
of the underground parking garage operating fund exceeds the 1486
amount needed for the purposes specified in division (F) of this 1487
section and for the operation and maintenance of the garage, the 1488
board may request the director of budget and management to 1489
transfer from the underground parking garage operating fund to the 1490
capitol square improvement fund the amount needed to pay such 1491
construction, renovation, or other costs. The director then shall 1492
transfer the amount needed from the excess balance of the 1493
underground parking garage operating fund. 1494

(K) As the operation and maintenance of the capitol square 1495
constitute essential government functions of a public purpose, the 1496
board shall not be required to pay taxes or assessments upon the 1497
square, upon any property acquired or used by the board under this 1498
section, or upon any income generated by the operation of the 1499
square. 1500

(L) Section 125.18 of the Revised Code does not apply to the 1501
board. 1502

(M) As used in this section, "capitol square" means the 1503
capitol building, senate building, capitol atrium, capitol 1504
grounds, the state underground parking garage, and the warehouse 1505
owned by the board. 1506

~~(M)~~(N) The capitol annex shall be known as the senate 1507
building. 1508

Sec. 107.19. The governor shall have no power to issue any 1509
executive order that has previously been issued and that the 1510
federal trade commission, office of policy planning, bureau of 1511
economics, and bureau of competition has opined is 1512

anti-competitive and is in violation of anti-trust laws. Any such 1513
executive order shall be considered invalid and unenforceable. 1514

Sec. 107.21. (A) As used in this section, "Appalachian 1515
region" means the following counties in this state ~~which~~ that have 1516
been designated as part of Appalachia by the federal Appalachian 1517
regional commission and ~~which~~ that have been geographically 1518
isolated and economically depressed: Adams, Ashtabula, Athens, 1519
Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, 1520
Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, 1521
Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, 1522
Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and 1523
Washington. 1524

(B) There is hereby created in the department of development 1525
the governor's office of Appalachian Ohio. The governor shall 1526
designate the director of the governor's office of Appalachian 1527
Ohio. The director shall report directly to the office of the 1528
governor. On January 1, 1987, the governor shall designate the 1529
director to represent this state on the federal Appalachian 1530
regional commission. The director may appoint such employees as 1531
are necessary to exercise the powers and duties of this office. 1532
The director shall maintain local development districts as 1533
established within the Appalachian region for the purpose of 1534
regional planning for the distribution of funds from the 1535
Appalachian regional commission within the Appalachian region. 1536

(C) The governor's office of Appalachian Ohio shall represent 1537
the interests of the Appalachian region in the government of this 1538
state. The duties of the director of the office shall include, but 1539
are not limited to, the following: 1540

(1) To identify residents of the Appalachian region qualified 1541
to serve on state boards, commissions, and bodies and in state 1542
offices, and to bring these persons to the attention of the 1543

governor;	1544
(2) To represent the interests of the Appalachian region in the general assembly and before state boards, commissions, bodies, and agencies;	1545 1546 1547
(3) To assist in forming a consensus on public issues and policies among institutions and organizations that serve the Appalachian region;	1548 1549 1550
(4) To act as an ombudsman <u>ombudsperson</u> to assist in resolving differences between state or federal agencies and the officials of political subdivisions or private, nonprofit organizations located within the Appalachian region;	1551 1552 1553 1554
(5) To assist planning commissions, agencies, and organizations within the Appalachian region in distributing planning information and documents to the appropriate state and federal agencies and to assist in focusing attention on any findings and recommendations of these commissions, agencies, and organizations;	1555 1556 1557 1558 1559 1560
(6) To issue reports on the Appalachian region which <u>that</u> describe progress achieved and the needs that still exist in the region;	1561 1562 1563
(7) To assist the governor's office in resolving the problems of residents of the Appalachian region that come to the governor's attention.	1564 1565 1566
<u>(D) The amount of money from appropriated state funds allocated each year to pay administrative costs of a local development district existing on the effective date of this amendment shall not be decreased due to the creation and funding of additional local development districts. The amount of money allocated to each district shall be increased each year by the average percentage of increase in the consumer price index for the prior year.</u>	1567 1568 1569 1570 1571 1572 1573 1574

As used in this division, "consumer price index" means the 1575
consumer price index for all urban consumers (United States city 1576
average, all items), prepared by the United States department of 1577
labor, bureau of labor statistics. 1578

Sec. 107.40. (A) There is hereby created the governor's 1579
residence advisory commission. The commission shall provide for 1580
the preservation, restoration, acquisition, and conservation of 1581
all decorations, objects of art, chandeliers, china, silver, 1582
statues, paintings, furnishings, accouterments, and other 1583
aesthetic materials that have been acquired, donated, loaned, or 1584
otherwise obtained by the state for the governor's residence and 1585
that have been approved by the commission. In addition, the 1586
commission shall provide for the maintenance of plants that have 1587
been acquired, donated, loaned, or otherwise obtained by the state 1588
for the governor's residence and that have been approved by the 1589
commission. 1590

(B) The commission shall be responsible for the care, 1591
provision, repair, and placement of furnishings and other objects 1592
and accessories of the grounds and public areas of the first story 1593
of the governor's residence and for the care and placement of 1594
plants on the grounds. The commission shall not exercise its 1595
responsibility under this division by using prison labor. In 1596
exercising ~~this~~ its responsibility under this division, the 1597
commission shall preserve and seek to further establish all of the 1598
following: 1599

(1) The authentic ambiance and decor of the historic era 1600
during which the governor's residence was constructed; 1601

(2) The grounds as a representation of Ohio's natural 1602
ecosystems; 1603

(3) The heritage garden for all of the following purposes: 1604

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

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

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

(d) To serve as a reservoir of rare species of plants from
the physiographic regions of the state.

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

(C) The commission shall consist of eleven members. One
member shall be the director of administrative services or the
director's designee, who shall serve during the director's term of
office and shall serve as chairperson. One member shall be the
director of the Ohio historical society or the director's
designee, who shall serve during the director's term of office and
shall serve as vice-chairperson. One member shall represent the
Columbus landmarks foundation. One member shall represent the
Bexley historical society. One member shall be the mayor of the
city of Bexley, who shall serve during the mayor's term of office.
One member shall be the chief executive officer of the Franklin
park conservatory joint recreation district, who shall serve
during the term of employment as chief executive officer. The
remaining five members shall be appointed by the governor with the
advice and consent of the senate. The five members appointed by
the governor shall be persons with knowledge of Ohio history,

architecture, decorative arts, or historic preservation, and one 1636
of those members shall have knowledge of landscape architecture, 1637
garden design, horticulture, and plants native to this state. 1638

(D) Of the initial appointees, the representative of the 1639
Columbus landmarks foundation shall serve for a term expiring 1640
December 31, 1996, and the representative of the Bexley historical 1641
society shall serve for a term expiring December 31, 1997. Of the 1642
five members appointed by the governor, three shall serve for 1643
terms ending December 31, 1998, and two shall serve for terms 1644
ending December 31, 1999. Thereafter, each term shall be for four 1645
years, commencing on the first day of January and ending on the 1646
last day of December. The member having knowledge of landscape 1647
architecture, garden design, horticulture, and plants native to 1648
this state initially shall be appointed upon the first vacancy on 1649
the commission occurring on or after June 30, 2006. 1650

Each member shall hold office from the date of the member's 1651
appointment until the end of the term for which the member was 1652
appointed. Any member appointed to fill a vacancy occurring prior 1653
to the end of the term for which the member's predecessor was 1654
appointed shall hold office for the remainder of the term. Any 1655
member shall continue in office subsequent to the expiration of 1656
the term until the member's successor takes office. 1657

(E) Six members of the commission constitute a quorum, and 1658
the affirmative vote of six members is required for approval of 1659
any action by the commission. 1660

(F) After each initial member of the commission has been 1661
appointed, the commission shall meet and select one member as 1662
secretary and another as treasurer. Organizational meetings of the 1663
commission shall be held at the time and place designated by call 1664
of the chairperson. Meetings of the commission may be held 1665
anywhere in the state and shall be in compliance with Chapters 1666
121. and 149. of the Revised Code. The commission may adopt, 1667

pursuant to section 111.15 of the Revised Code, rules necessary to 1668
carry out the purposes of this section. 1669

(G) Members of the commission shall serve without 1670
remuneration, but shall be compensated for actual and necessary 1671
expenses incurred in the performance of their official duties. 1672

(H) All expenses incurred in carrying out this section are 1673
payable solely from money accrued under this section or 1674
appropriated for these purposes by the general assembly, and the 1675
commission shall incur no liability or obligation beyond such 1676
money. 1677

(I) Except as otherwise provided in this division, the 1678
commission may accept any payment for the use of the governor's 1679
residence or may accept any donation, gift, bequest, or devise for 1680
the governor's residence or as an endowment for the maintenance 1681
and care of the garden on the grounds of the governor's residence 1682
in furtherance of its duties. The commission shall not accept any 1683
donation, gift, bequest, or devise from a person, individual, or 1684
member of an individual's immediate family if the person or 1685
individual is receiving payments under a contract with the state 1686
or a state agency for the purchase of supplies, services, or 1687
equipment or for the construction, reconstruction, improvement, 1688
enlargement, alteration, repair, painting, or decoration of a 1689
public improvement, except for payments received under an 1690
employment contract or a collective bargaining agreement. Any 1691
revenue received by the commission shall be deposited into the 1692
governor's residence fund, which is hereby established in the 1693
state treasury, for use by the commission in accordance with the 1694
performance of its duties. All investment earnings of the fund 1695
shall be credited to the fund. Title to all property acquired by 1696
the commission shall be taken in the name of the state and shall 1697
be held for the use and benefit of the commission. 1698

(J) Nothing in this section limits the ability of a person or 1699

other entity to purchase decorations, objects of art, chandeliers, 1700
china, silver, statues, paintings, furnishings, accouterments, 1701
plants, or other aesthetic materials for placement in the 1702
governor's residence or on the grounds of the governor's residence 1703
or donation to the commission. No such object or plant, however, 1704
shall be placed on the grounds or public areas of the first story 1705
of the governor's residence without the consent of the commission. 1706

(K) The heritage garden established under this section shall 1707
be officially known as "the heritage garden at the Ohio governor's 1708
residence." 1709

(L) As used in this section, "heritage garden" means the 1710
botanical garden of native plants established at the governor's 1711
residence. 1712

Sec. 109.57. (A)(1) The superintendent of the bureau of 1713
criminal identification and investigation shall procure from 1714
wherever procurable and file for record photographs, pictures, 1715
descriptions, fingerprints, measurements, and other information 1716
that may be pertinent of all persons who have been convicted of 1717
committing within this state a felony, any crime constituting a 1718
misdemeanor on the first offense and a felony on subsequent 1719
offenses, or any misdemeanor described in division (A)(1)(a), 1720
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 1721
of all children under eighteen years of age who have been 1722
adjudicated delinquent children for committing within this state 1723
an act that would be a felony or an offense of violence if 1724
committed by an adult or who have been convicted of or pleaded 1725
guilty to committing within this state a felony or an offense of 1726
violence, and of all well-known and habitual criminals. The person 1727
in charge of any county, multicounty, municipal, municipal-county, 1728
or multicounty-municipal jail or workhouse, community-based 1729
correctional facility, halfway house, alternative residential 1730

facility, or state correctional institution and the person in 1731
charge of any state institution having custody of a person 1732
suspected of having committed a felony, any crime constituting a 1733
misdemeanor on the first offense and a felony on subsequent 1734
offenses, or any misdemeanor described in division (A)(1)(a), 1735
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 1736
having custody of a child under eighteen years of age with respect 1737
to whom there is probable cause to believe that the child may have 1738
committed an act that would be a felony or an offense of violence 1739
if committed by an adult shall furnish such material to the 1740
superintendent of the bureau. Fingerprints, photographs, or other 1741
descriptive information of a child who is under eighteen years of 1742
age, has not been arrested or otherwise taken into custody for 1743
committing an act that would be a felony or an offense of violence 1744
who is not in any other category of child specified in this 1745
division, if committed by an adult, has not been adjudicated a 1746
delinquent child for committing an act that would be a felony or 1747
an offense of violence if committed by an adult, has not been 1748
convicted of or pleaded guilty to committing a felony or an 1749
offense of violence, and is not a child with respect to whom there 1750
is probable cause to believe that the child may have committed an 1751
act that would be a felony or an offense of violence if committed 1752
by an adult shall not be procured by the superintendent or 1753
furnished by any person in charge of any county, multicounty, 1754
municipal, municipal-county, or multicounty-municipal jail or 1755
workhouse, community-based correctional facility, halfway house, 1756
alternative residential facility, or state correctional 1757
institution, except as authorized in section 2151.313 of the 1758
Revised Code. 1759

(2) Every clerk of a court of record in this state, other 1760
than the supreme court or a court of appeals, shall send to the 1761
superintendent of the bureau a weekly report containing a summary 1762
of each case involving a felony, involving any crime constituting 1763

a misdemeanor on the first offense and a felony on subsequent 1764
offenses, involving a misdemeanor described in division (A)(1)(a), 1765
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 1766
or involving an adjudication in a case in which a child under 1767
eighteen years of age was alleged to be a delinquent child for 1768
committing an act that would be a felony or an offense of violence 1769
if committed by an adult. The clerk of the court of common pleas 1770
shall include in the report and summary the clerk sends under this 1771
division all information described in divisions (A)(2)(a) to (f) 1772
of this section regarding a case before the court of appeals that 1773
is served by that clerk. The summary shall be written on the 1774
standard forms furnished by the superintendent pursuant to 1775
division (B) of this section and shall include the following 1776
information: 1777

(a) The incident tracking number contained on the standard 1778
forms furnished by the superintendent pursuant to division (B) of 1779
this section; 1780

(b) The style and number of the case; 1781

(c) The date of arrest, offense, summons, or arraignment; 1782

(d) The date that the person was convicted of or pleaded 1783
guilty to the offense, adjudicated a delinquent child for 1784
committing the act that would be a felony or an offense of 1785
violence if committed by an adult, found not guilty of the 1786
offense, or found not to be a delinquent child for committing an 1787
act that would be a felony or an offense of violence if committed 1788
by an adult, the date of an entry dismissing the charge, an entry 1789
declaring a mistrial of the offense in which the person is 1790
discharged, an entry finding that the person or child is not 1791
competent to stand trial, or an entry of a nolle prosequi, or the 1792
date of any other determination that constitutes final resolution 1793
of the case; 1794

(e) A statement of the original charge with the section of 1795
the Revised Code that was alleged to be violated; 1796

(f) If the person or child was convicted, pleaded guilty, or 1797
was adjudicated a delinquent child, the sentence or terms of 1798
probation imposed or any other disposition of the offender or the 1799
delinquent child. 1800

If the offense involved the disarming of a law enforcement 1801
officer or an attempt to disarm a law enforcement officer, the 1802
clerk shall clearly state that fact in the summary, and the 1803
superintendent shall ensure that a clear statement of that fact is 1804
placed in the bureau's records. 1805

(3) The superintendent shall cooperate with and assist 1806
sheriffs, chiefs of police, and other law enforcement officers in 1807
the establishment of a complete system of criminal identification 1808
and in obtaining fingerprints and other means of identification of 1809
all persons arrested on a charge of a felony, any crime 1810
constituting a misdemeanor on the first offense and a felony on 1811
subsequent offenses, or a misdemeanor described in division 1812
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 1813
Revised Code and of all children under eighteen years of age 1814
arrested or otherwise taken into custody for committing an act 1815
that would be a felony or an offense of violence if committed by 1816
an adult. The superintendent also shall file for record the 1817
fingerprint impressions of all persons confined in a county, 1818
multicounty, municipal, municipal-county, or multicounty-municipal 1819
jail or workhouse, community-based correctional facility, halfway 1820
house, alternative residential facility, or state correctional 1821
institution for the violation of state laws and of all children 1822
under eighteen years of age who are confined in a county, 1823
multicounty, municipal, municipal-county, or multicounty-municipal 1824
jail or workhouse, community-based correctional facility, halfway 1825
house, alternative residential facility, or state correctional 1826

institution or in any facility for delinquent children for 1827
committing an act that would be a felony or an offense of violence 1828
if committed by an adult, and any other information that the 1829
superintendent may receive from law enforcement officials of the 1830
state and its political subdivisions. 1831

(4) The superintendent shall carry out Chapter 2950. of the 1832
Revised Code with respect to the registration of persons who are 1833
convicted of or plead guilty to a sexually oriented offense or a 1834
child-victim oriented offense and with respect to all other duties 1835
imposed on the bureau under that chapter. 1836

(5) The bureau shall perform centralized recordkeeping 1837
functions for criminal history records and services in this state 1838
for purposes of the national crime prevention and privacy compact 1839
set forth in section 109.571 of the Revised Code and is the 1840
criminal history record repository as defined in that section for 1841
purposes of that compact. The superintendent or the 1842
superintendent's designee is the compact officer for purposes of 1843
that compact and shall carry out the responsibilities of the 1844
compact officer specified in that compact. 1845

(B) The superintendent shall prepare and furnish to every 1846
county, multicounty, municipal, municipal-county, or 1847
multicounty-municipal jail or workhouse, community-based 1848
correctional facility, halfway house, alternative residential 1849
facility, or state correctional institution and to every clerk of 1850
a court in this state specified in division (A)(2) of this section 1851
standard forms for reporting the information required under 1852
division (A) of this section. The standard forms that the 1853
superintendent prepares pursuant to this division may be in a 1854
tangible format, in an electronic format, or in both tangible 1855
formats and electronic formats. 1856

(C)(1) The superintendent may operate a center for 1857
electronic, automated, or other data processing for the storage 1858

and retrieval of information, data, and statistics pertaining to 1859
criminals and to children under eighteen years of age who are 1860
adjudicated delinquent children for committing an act that would 1861
be a felony or an offense of violence if committed by an adult, 1862
criminal activity, crime prevention, law enforcement, and criminal 1863
justice, and may establish and operate a statewide communications 1864
network to gather and disseminate information, data, and 1865
statistics for the use of law enforcement agencies and for other 1866
uses specified in this division. The superintendent may gather, 1867
store, retrieve, and disseminate information, data, and statistics 1868
that pertain to children who are under eighteen years of age and 1869
that are gathered pursuant to sections 109.57 to 109.61 of the 1870
Revised Code together with information, data, and statistics that 1871
pertain to adults and that are gathered pursuant to those 1872
sections. 1873

(2) The superintendent or the superintendent's designee shall 1874
gather information of the nature described in division (C)(1) of 1875
this section that pertains to the offense and delinquency history 1876
of a person who has been convicted of, pleaded guilty to, or been 1877
adjudicated a delinquent child for committing a sexually oriented 1878
offense or a child-victim oriented offense for inclusion in the 1879
state registry of sex offenders and child-victim offenders 1880
maintained pursuant to division (A)(1) of section 2950.13 of the 1881
Revised Code and in the internet database operated pursuant to 1882
division (A)(13) of that section and for possible inclusion in the 1883
internet database operated pursuant to division (A)(11) of that 1884
section. 1885

(3) In addition to any other authorized use of information, 1886
data, and statistics of the nature described in division (C)(1) of 1887
this section, the superintendent or the superintendent's designee 1888
may provide and exchange the information, data, and statistics 1889
pursuant to the national crime prevention and privacy compact as 1890

described in division (A)(5) of this section. 1891

(D) The information and materials furnished to the 1892
superintendent pursuant to division (A) of this section and 1893
information and materials furnished to any board or person under 1894
division (F) or (G) of this section are not public records under 1895
section 149.43 of the Revised Code. The superintendent or the 1896
superintendent's designee shall gather and retain information so 1897
furnished under division (A) of this section that pertains to the 1898
offense and delinquency history of a person who has been convicted 1899
of, pleaded guilty to, or been adjudicated a delinquent child for 1900
committing a sexually oriented offense or a child-victim oriented 1901
offense for the purposes described in division (C)(2) of this 1902
section. 1903

(E) The attorney general shall adopt rules, in accordance 1904
with Chapter 119. of the Revised Code, setting forth the procedure 1905
by which a person may receive or release information gathered by 1906
the superintendent pursuant to division (A) of this section. A 1907
reasonable fee may be charged for this service. If a temporary 1908
employment service submits a request for a determination of 1909
whether a person the service plans to refer to an employment 1910
position has been convicted of or pleaded guilty to an offense 1911
listed in division (A)(1), (3), (4), (5), or (6) of section 1912
109.572 of the Revised Code, the request shall be treated as a 1913
single request and only one fee shall be charged. 1914

(F)(1) As used in division (F)(2) of this section, "head 1915
start agency" means an entity in this state that has been approved 1916
to be an agency for purposes of subchapter II of the "Community 1917
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1918
as amended. 1919

(2)(a) In addition to or in conjunction with any request that 1920
is required to be made under section 109.572, 2151.86, 3301.32, or 1921
3301.541, division (C) of section 3310.58, or section 3319.39, 1922

3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 1923
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 1924
under section 3314.41, 3319.392, or 3326.25 of the Revised Code, 1925
the board of education of any school district; the director of 1926
mental retardation and developmental disabilities; any county 1927
board of mental retardation and developmental disabilities; any 1928
entity under contract with a county board of mental retardation 1929
and developmental disabilities; the chief administrator of any 1930
chartered nonpublic school; the chief administrator of a 1931
registered private provider that is not also a chartered nonpublic 1932
school; the chief administrator of any home health agency; the 1933
chief administrator of or person operating any child day-care 1934
center, type A family day-care home, or type B family day-care 1935
home licensed or certified under Chapter 5104. of the Revised 1936
Code; the administrator of any type C family day-care home 1937
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1938
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1939
general assembly; the chief administrator of any head start 1940
agency; the executive director of a public children services 1941
agency; a private company described in section 3314.41, 3319.392, 1942
or 3326.25 of the Revised Code; or an employer described in 1943
division (J)(2) of section 3327.10 of the Revised Code may request 1944
that the superintendent of the bureau investigate and determine, 1945
with respect to any individual who has applied for employment in 1946
any position after October 2, 1989, or any individual wishing to 1947
apply for employment with a board of education may request, with 1948
regard to the individual, whether the bureau has any information 1949
gathered under division (A) of this section that pertains to that 1950
individual. On receipt of the request, the superintendent shall 1951
determine whether that information exists and, upon request of the 1952
person, board, or entity requesting information, also shall 1953
request from the federal bureau of investigation any criminal 1954
records it has pertaining to that individual. The superintendent 1955

or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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

(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the

federal bureau of investigation, the superintendent shall not 1988
determine whether any information gathered under division (A) of 1989
this section exists on the person for whom the request is made. 1990

(3) The state board of education may request, with respect to 1991
any individual who has applied for employment after October 2, 1992
1989, in any position with the state board or the department of 1993
education, any information that a school district board of 1994
education is authorized to request under division (F)(2) of this 1995
section, and the superintendent of the bureau shall proceed as if 1996
the request has been received from a school district board of 1997
education ~~under division~~ and shall comply with divisions (F)(2)(a) 1998
and (c) of this section. 1999

(4) When the superintendent of the bureau receives a request 2000
for information under section 3319.291 of the Revised Code, the 2001
superintendent shall proceed as if the request has been received 2002
from a school district board of education under division (F)(2) of 2003
this section. 2004

(5) When a recipient of a classroom reading improvement grant 2005
paid under section 3301.86 of the Revised Code requests, with 2006
respect to any individual who applies to participate in providing 2007
any program or service funded in whole or in part by the grant, 2008
the information that a school district board of education is 2009
authorized to request under division (F)(2)(a) of this section, 2010
the superintendent of the bureau shall proceed as if the request 2011
has been received from a school district board of education under 2012
division (F)(2)(a) of this section. 2013

(G) In addition to or in conjunction with any request that is 2014
required to be made under section 3701.881, 3712.09, 3721.121, or 2015
3722.151 of the Revised Code with respect to an individual who has 2016
applied for employment in a position that involves providing 2017
direct care to an older adult, the chief administrator of a home 2018
health agency, hospice care program, home licensed under Chapter 2019

3721. of the Revised Code, adult day-care program operated 2020
pursuant to rules adopted under section 3721.04 of the Revised 2021
Code, or adult care facility may request that the superintendent 2022
of the bureau investigate and determine, with respect to any 2023
individual who has applied after January 27, 1997, for employment 2024
in a position that does not involve providing direct care to an 2025
older adult, whether the bureau has any information gathered under 2026
division (A) of this section that pertains to that individual. 2027

2028

In addition to or in conjunction with any request that is 2029
required to be made under section 173.27 of the Revised Code with 2030
respect to an individual who has applied for employment in a 2031
position that involves providing ombudsperson services to 2032
residents of long-term care facilities or recipients of 2033
community-based long-term care services, the state long-term care 2034
ombudsperson, ombudsperson's designee, or director of health may 2035
request that the superintendent investigate and determine, with 2036
respect to any individual who has applied for employment in a 2037
position that does not involve providing such ombudsperson 2038
services, whether the bureau has any information gathered under 2039
division (A) of this section that pertains to that applicant. 2040

In addition to or in conjunction with any request that is 2041
required to be made under section 173.394 of the Revised Code with 2042
respect to an individual who has applied for employment in a 2043
position that involves providing direct care to an individual, the 2044
chief administrator of a community-based long-term care agency may 2045
request that the superintendent investigate and determine, with 2046
respect to any individual who has applied for employment in a 2047
position that does not involve providing direct care, whether the 2048
bureau has any information gathered under division (A) of this 2049
section that pertains to that applicant. 2050

On receipt of a request under this division, the 2051

superintendent shall determine whether that information exists 2052
and, on request of the individual requesting information, shall 2053
also request from the federal bureau of investigation any criminal 2054
records it has pertaining to the applicant. The superintendent or 2055
the superintendent's designee also may request criminal history 2056
records from other states or the federal government pursuant to 2057
the national crime prevention and privacy compact set forth in 2058
section 109.571 of the Revised Code. Within thirty days of the 2059
date a request is received, the superintendent shall send to the 2060
requester a report of any information determined to exist, 2061
including information contained in records that have been sealed 2062
under section 2953.32 of the Revised Code, and, within thirty days 2063
of its receipt, shall send the requester a report of any 2064
information received from the federal bureau of investigation, 2065
other than information the dissemination of which is prohibited by 2066
federal law. 2067

(H) Information obtained by a government entity or person 2068
under this section is confidential and shall not be released or 2069
disseminated. 2070

(I) The superintendent may charge a reasonable fee for 2071
providing information or criminal records under division (F)(2) or 2072
(G) of this section. 2073

(J) As used in this section, ~~"sexually:~~ 2074

(1) "Sexually oriented offense" and "child-victim oriented 2075
offense" have the same meanings as in section 2950.01 of the 2076
Revised Code. 2077

(2) "Registered private provider" means a nonpublic school or 2078
entity registered with the superintendent of public instruction 2079
under section 3310.41 of the Revised Code to participate in the 2080
autism scholarship program or section 3310.58 of the Revised Code 2081
to participate in the special education scholarship pilot program. 2082

2083

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2084
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2085
a completed form prescribed pursuant to division (C)(1) of this 2086
section, and a set of fingerprint impressions obtained in the 2087
manner described in division (C)(2) of this section, the 2088
superintendent of the bureau of criminal identification and 2089
investigation shall conduct a criminal records check in the manner 2090
described in division (B) of this section to determine whether any 2091
information exists that indicates that the person who is the 2092
subject of the request previously has been convicted of or pleaded 2093
guilty to any of the following: 2094

(a) A violation of section 2903.01, 2903.02, 2903.03, 2095
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2096
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2097
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2098
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2099
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2100
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2101
2925.06, or 3716.11 of the Revised Code, felonious sexual 2102
penetration in violation of former section 2907.12 of the Revised 2103
Code, a violation of section 2905.04 of the Revised Code as it 2104
existed prior to July 1, 1996, a violation of section 2919.23 of 2105
the Revised Code that would have been a violation of section 2106
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2107
had the violation been committed prior to that date, or a 2108
violation of section 2925.11 of the Revised Code that is not a 2109
minor drug possession offense; 2110

(b) A violation of an existing or former law of this state, 2111
any other state, or the United States that is substantially 2112
equivalent to any of the offenses listed in division (A)(1)(a) of 2113

this section. 2114

(2) On receipt of a request pursuant to section 5123.081 of 2115
the Revised Code with respect to an applicant for employment in 2116
any position with the department of mental retardation and 2117
developmental disabilities, pursuant to section 5126.28 of the 2118
Revised Code with respect to an applicant for employment in any 2119
position with a county board of mental retardation and 2120
developmental disabilities, or pursuant to section 5126.281 of the 2121
Revised Code with respect to an applicant for employment in a 2122
direct services position with an entity contracting with a county 2123
board for employment, a completed form prescribed pursuant to 2124
division (C)(1) of this section, and a set of fingerprint 2125
impressions obtained in the manner described in division (C)(2) of 2126
this section, the superintendent of the bureau of criminal 2127
identification and investigation shall conduct a criminal records 2128
check. The superintendent shall conduct the criminal records check 2129
in the manner described in division (B) of this section to 2130
determine whether any information exists that indicates that the 2131
person who is the subject of the request has been convicted of or 2132
pleaded guilty to any of the following: 2133

(a) A violation of section 2903.01, 2903.02, 2903.03, 2134
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2135
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2136
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2137
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2138
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2139
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2140
2925.03, or 3716.11 of the Revised Code; 2141

(b) An existing or former municipal ordinance or law of this 2142
state, any other state, or the United States that is substantially 2143
equivalent to any of the offenses listed in division (A)(2)(a) of 2144
this section. 2145

(3) On receipt of a request pursuant to section 173.27, 2146
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 2147
completed form prescribed pursuant to division (C)(1) of this 2148
section, and a set of fingerprint impressions obtained in the 2149
manner described in division (C)(2) of this section, the 2150
superintendent of the bureau of criminal identification and 2151
investigation shall conduct a criminal records check with respect 2152
to any person who has applied for employment in a position for 2153
which a criminal records check is required by those sections. The 2154
superintendent shall conduct the criminal records check in the 2155
manner described in division (B) of this section to determine 2156
whether any information exists that indicates that the person who 2157
is the subject of the request previously has been convicted of or 2158
pleaded guilty to any of the following: 2159

(a) A violation of section 2903.01, 2903.02, 2903.03, 2160
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2161
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2162
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2163
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2164
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2165
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2166
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2167
2925.22, 2925.23, or 3716.11 of the Revised Code; 2168

(b) An existing or former law of this state, any other state, 2169
or the United States that is substantially equivalent to any of 2170
the offenses listed in division (A)(3)(a) of this section. 2171

(4) On receipt of a request pursuant to section 3701.881 of 2172
the Revised Code with respect to an applicant for employment with 2173
a home health agency as a person responsible for the care, 2174
custody, or control of a child, a completed form prescribed 2175
pursuant to division (C)(1) of this section, and a set of 2176
fingerprint impressions obtained in the manner described in 2177

division (C)(2) of this section, the superintendent of the bureau 2178
of criminal identification and investigation shall conduct a 2179
criminal records check. The superintendent shall conduct the 2180
criminal records check in the manner described in division (B) of 2181
this section to determine whether any information exists that 2182
indicates that the person who is the subject of the request 2183
previously has been convicted of or pleaded guilty to any of the 2184
following: 2185

(a) A violation of section 2903.01, 2903.02, 2903.03, 2186
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2187
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2188
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2189
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2190
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2191
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2192
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 2193
violation of section 2925.11 of the Revised Code that is not a 2194
minor drug possession offense; 2195

(b) An existing or former law of this state, any other state, 2196
or the United States that is substantially equivalent to any of 2197
the offenses listed in division (A)(4)(a) of this section. 2198

(5) On receipt of a request pursuant to section 5111.032, 2199
5111.033, or 5111.034 of the Revised Code, a completed form 2200
prescribed pursuant to division (C)(1) of this section, and a set 2201
of fingerprint impressions obtained in the manner described in 2202
division (C)(2) of this section, the superintendent of the bureau 2203
of criminal identification and investigation shall conduct a 2204
criminal records check. The superintendent shall conduct the 2205
criminal records check in the manner described in division (B) of 2206
this section to determine whether any information exists that 2207
indicates that the person who is the subject of the request 2208
previously has been convicted of, has pleaded guilty to, or has 2209

been found eligible for intervention in lieu of conviction for any 2210
of the following, regardless of the date of the conviction, the 2211
date of entry of the guilty plea, or the date the person was found 2212
eligible for intervention in lieu of conviction: 2213

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2214
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2215
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2216
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2217
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2218
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2219
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2220
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2221
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2222
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2223
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 2224
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2225
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 2226
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2227
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2228
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 2229
penetration in violation of former section 2907.12 of the Revised 2230
Code, a violation of section 2905.04 of the Revised Code as it 2231
existed prior to July 1, 1996, a violation of section 2919.23 of 2232
the Revised Code that would have been a violation of section 2233
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2234
had the violation been committed prior to that date; 2235

(b) ~~An~~ A violation of an existing or former municipal 2236
ordinance or law of this state, any other state, or the United 2237
States that is substantially equivalent to any of the offenses 2238
listed in division (A)(5)(a) of this section. 2239

(6) On receipt of a request pursuant to section 3701.881 of 2240
the Revised Code with respect to an applicant for employment with 2241

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

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

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

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section 3319.31 of the Revised Code.

(8) On receipt of a request pursuant to section 2151.86 of

the Revised Code, a completed form prescribed pursuant to division 2274
(C)(1) of this section, and a set of fingerprint impressions 2275
obtained in the manner described in division (C)(2) of this 2276
section, the superintendent of the bureau of criminal 2277
identification and investigation shall conduct a criminal records 2278
check in the manner described in division (B) of this section to 2279
determine whether any information exists that indicates that the 2280
person who is the subject of the request previously has been 2281
convicted of or pleaded guilty to any of the following: 2282

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2283
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2284
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2285
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2286
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2287
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2288
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2289
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2290
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2291
of the Revised Code, a violation of section 2905.04 of the Revised 2292
Code as it existed prior to July 1, 1996, a violation of section 2293
2919.23 of the Revised Code that would have been a violation of 2294
section 2905.04 of the Revised Code as it existed prior to July 1, 2295
1996, had the violation been committed prior to that date, a 2296
violation of section 2925.11 of the Revised Code that is not a 2297
minor drug possession offense, two or more OVI or OVUAC violations 2298
committed within the three years immediately preceding the 2299
submission of the application or petition that is the basis of the 2300
request, or felonious sexual penetration in violation of former 2301
section 2907.12 of the Revised Code; 2302

(b) A violation of an existing or former law of this state, 2303
any other state, or the United States that is substantially 2304
equivalent to any of the offenses listed in division (A)(8)(a) of 2305

this section. 2306

(9) Upon receipt of a request pursuant to section 5104.012 or 2307
5104.013 of the Revised Code, a completed form prescribed pursuant 2308
to division (C)(1) of this section, and a set of fingerprint 2309
impressions obtained in the manner described in division (C)(2) of 2310
this section, the superintendent of the bureau of criminal 2311
identification and investigation shall conduct a criminal records 2312
check in the manner described in division (B) of this section to 2313
determine whether any information exists that indicates that the 2314
person who is the subject of the request has been convicted of or 2315
pleaded guilty to any of the following: 2316

(a) A violation of section 2903.01, 2903.02, 2903.03, 2317
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2318
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2319
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2320
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2321
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2322
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2323
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2324
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2325
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2326
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2327
3716.11 of the Revised Code, felonious sexual penetration in 2328
violation of former section 2907.12 of the Revised Code, a 2329
violation of section 2905.04 of the Revised Code as it existed 2330
prior to July 1, 1996, a violation of section 2919.23 of the 2331
Revised Code that would have been a violation of section 2905.04 2332
of the Revised Code as it existed prior to July 1, 1996, had the 2333
violation been committed prior to that date, a violation of 2334
section 2925.11 of the Revised Code that is not a minor drug 2335
possession offense, a violation of section 2923.02 or 2923.03 of 2336
the Revised Code that relates to a crime specified in this 2337

division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification. 2338
2339
2340

(b) A violation of an existing or former law of this state, 2341
any other state, or the United States that is substantially 2342
equivalent to any of the offenses or violations described in 2343
division (A)(9)(a) of this section. 2344

(10) Upon receipt of a request pursuant to section 5153.111 2345
of the Revised Code, a completed form prescribed pursuant to 2346
division (C)(1) of this section, and a set of fingerprint 2347
impressions obtained in the manner described in division (C)(2) of 2348
this section, the superintendent of the bureau of criminal 2349
identification and investigation shall conduct a criminal records 2350
check in the manner described in division (B) of this section to 2351
determine whether any information exists that indicates that the 2352
person who is the subject of the request previously has been 2353
convicted of or pleaded guilty to any of the following: 2354

(a) A violation of section 2903.01, 2903.02, 2903.03, 2355
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2356
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2357
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2358
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2359
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2360
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2361
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2362
felonious sexual penetration in violation of former section 2363
2907.12 of the Revised Code, a violation of section 2905.04 of the 2364
Revised Code as it existed prior to July 1, 1996, a violation of 2365
section 2919.23 of the Revised Code that would have been a 2366
violation of section 2905.04 of the Revised Code as it existed 2367
prior to July 1, 1996, had the violation been committed prior to 2368
that date, or a violation of section 2925.11 of the Revised Code 2369

that is not a minor drug possession offense; 2370

(b) A violation of an existing or former law of this state, 2371
any other state, or the United States that is substantially 2372
equivalent to any of the offenses listed in division (A)(10)(a) of 2373
this section. 2374

(11) On receipt of a request for a criminal records check 2375
from an individual pursuant to section 4749.03 or 4749.06 of the 2376
Revised Code, accompanied by a completed copy of the form 2377
prescribed in division (C)(1) of this section and a set of 2378
fingerprint impressions obtained in a manner described in division 2379
(C)(2) of this section, the superintendent of the bureau of 2380
criminal identification and investigation shall conduct a criminal 2381
records check in the manner described in division (B) of this 2382
section to determine whether any information exists indicating 2383
that the person who is the subject of the request has been 2384
convicted of or pleaded guilty to a felony in this state or in any 2385
other state. If the individual indicates that a firearm will be 2386
carried in the course of business, the superintendent shall 2387
require information from the federal bureau of investigation as 2388
described in division (B)(2) of this section. The superintendent 2389
shall report the findings of the criminal records check and any 2390
information the federal bureau of investigation provides to the 2391
director of public safety. 2392

(12) On receipt of a request pursuant to section 1321.37, 2393
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 2394
form prescribed pursuant to division (C)(1) of this section, and a 2395
set of fingerprint impressions obtained in the manner described in 2396
division (C)(2) of this section, the superintendent of the bureau 2397
of criminal identification and investigation shall conduct a 2398
criminal records check with respect to any person who has applied 2399
for a license, permit, or certification from the department of 2400
commerce or a division in the department. The superintendent shall 2401

conduct the criminal records check in the manner described in 2402
division (B) of this section to determine whether any information 2403
exists that indicates that the person who is the subject of the 2404
request previously has been convicted of or pleaded guilty to any 2405
of the following: a violation of section 2913.02, 2913.11, 2406
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 2407
criminal offense involving theft, receiving stolen property, 2408
embezzlement, forgery, fraud, passing bad checks, money 2409
laundering, or drug trafficking, or any criminal offense involving 2410
money or securities, as set forth in Chapters 2909., 2911., 2913., 2411
2915., 2921., 2923., and 2925. of the Revised Code; or any 2412
existing or former law of this state, any other state, or the 2413
United States that is substantially equivalent to those offenses. 2414

(13) On receipt of a request for a criminal records check 2417
from the treasurer of state under section 113.041 of the Revised 2418
Code or from an individual under section 4701.08, 4715.101, 2419
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2420
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2421
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2422
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2423
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 2424
a completed form prescribed under division (C)(1) of this section 2425
and a set of fingerprint impressions obtained in the manner 2426
described in division (C)(2) of this section, the superintendent 2427
of the bureau of criminal identification and investigation shall 2428
conduct a criminal records check in the manner described in 2429
division (B) of this section to determine whether any information 2430
exists that indicates that the person who is the subject of the 2431
request has been convicted of or pleaded guilty to any criminal 2432
offense in this state or any other state. The superintendent shall 2433
send the results of a check requested under section 113.041 of the 2434

Revised Code to the treasurer of state and shall send the results 2435
of a check requested under any of the other listed sections to the 2436
licensing board specified by the individual in the request. 2437

2438

(14) On receipt of a request pursuant to section 1121.23, 2439
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2440
Code, a completed form prescribed pursuant to division (C)(1) of 2441
this section, and a set of fingerprint impressions obtained in the 2442
manner described in division (C)(2) of this section, the 2443
superintendent of the bureau of criminal identification and 2444
investigation shall conduct a criminal records check in the manner 2445
described in division (B) of this section to determine whether any 2446
information exists that indicates that the person who is the 2447
subject of the request previously has been convicted of or pleaded 2448
guilty to any criminal offense under any existing or former law of 2449
this state, any other state, or the United States. 2450

(15) Not later than thirty days after the date the 2451
superintendent receives a request of a type described in division 2452
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 2453
or (14) of this section, the completed form, and the fingerprint 2454
impressions, the superintendent shall send the person, board, or 2455
entity that made the request any information, other than 2456
information the dissemination of which is prohibited by federal 2457
law, the superintendent determines exists with respect to the 2458
person who is the subject of the request that indicates that the 2459
person previously has been convicted of or pleaded guilty to any 2460
offense listed or described in division (A)(1), (2), (3), (4), 2461
(5), (6), (7), (8), (9), (10), (11), (12), or (14) of this 2462
section, as appropriate. The superintendent shall send the person, 2463
board, or entity that made the request a copy of the list of 2464
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 2465
(7), (8), (9), (10), (11), (12), or (14) of this section, as 2466

appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.

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

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

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the request, including, if the

criminal records check was requested under section 113.041, 2499
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 2500
1321.37, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 2501
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 2502
4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 2503
5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 2504
Code, any relevant information contained in records that have been 2505
sealed under section 2953.32 of the Revised Code; 2506

(2) If the request received by the superintendent asks for 2507
information from the federal bureau of investigation, the 2508
superintendent shall request from the federal bureau of 2509
investigation any information it has with respect to the person 2510
who is the subject of the request, including fingerprint-based 2511
checks of national crime information databases as described in 42 2512
U.S.C. 671 if the request is made pursuant to section 2151.86, 2513
5104.012, or 5104.013 of the Revised Code or if any other Revised 2514
Code section requires fingerprint-based checks of that nature, and 2515
shall review or cause to be reviewed any information the 2516
superintendent receives from that bureau. If a request under 2517
section 3319.39 of the Revised Code asks only for information from 2518
the federal bureau of investigation, the superintendent shall not 2519
conduct the review prescribed by division (B)(1) of this section. 2520

(3) The superintendent or the superintendent's designee may 2521
request criminal history records from other states or the federal 2522
government pursuant to the national crime prevention and privacy 2523
compact set forth in section 109.571 of the Revised Code. 2524

(C)(1) The superintendent shall prescribe a form to obtain 2525
the information necessary to conduct a criminal records check from 2526
any person for whom a criminal records check is requested under 2527
section 113.041 of the Revised Code or required by section 121.08, 2528
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 2529
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2530

3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 2531
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2532
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2533
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2534
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 2535
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 2536
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 2537
5126.281, or 5153.111 of the Revised Code. The form that the 2538
superintendent prescribes pursuant to this division may be in a 2539
tangible format, in an electronic format, or in both tangible and 2540
electronic formats. 2541

(2) The superintendent shall prescribe standard impression 2542
sheets to obtain the fingerprint impressions of any person for 2543
whom a criminal records check is requested under section 113.041 2544
of the Revised Code or required by section 121.08, 173.27, 2545
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 2546
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2547
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 2548
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2549
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2550
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 2551
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2552
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 2553
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 2554
5153.111 of the Revised Code. Any person for whom a records check 2555
is requested under or required by any of those sections shall 2556
obtain the fingerprint impressions at a county sheriff's office, 2557
municipal police department, or any other entity with the ability 2558
to make fingerprint impressions on the standard impression sheets 2559
prescribed by the superintendent. The office, department, or 2560
entity may charge the person a reasonable fee for making the 2561
impressions. The standard impression sheets the superintendent 2562
prescribes pursuant to this division may be in a tangible format, 2563

in an electronic format, or in both tangible and electronic 2564
formats. 2565

(3) Subject to division (D) of this section, the 2566
superintendent shall prescribe and charge a reasonable fee for 2567
providing a criminal records check requested under section 2568
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 2569
1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 2570
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 2571
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 2572
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2573
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2574
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 2575
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 2576
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 2577
5126.281, or 5153.111 of the Revised Code. The person making a 2578
criminal records request under any of those sections shall pay the 2579
fee prescribed pursuant to this division. A person making a 2580
request under section 3701.881 of the Revised Code for a criminal 2581
records check for an applicant who may be both responsible for the 2582
care, custody, or control of a child and involved in providing 2583
direct care to an older adult shall pay one fee for the request. 2584
In the case of a request under section 1121.23, 1155.03, 1163.05, 2585
1315.141, 1733.47, 1761.26, or 5111.032 of the Revised Code, the 2586
fee shall be paid in the manner specified in that section. 2587

2588

(4) The superintendent of the bureau of criminal 2589
identification and investigation may prescribe methods of 2590
forwarding fingerprint impressions and information necessary to 2591
conduct a criminal records check, which methods shall include, but 2592
not be limited to, an electronic method. 2593

(D) A determination whether any information exists that 2594
indicates that a person previously has been convicted of or 2595

pleaded guilty to any offense listed or described in division 2596
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2597
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 2598
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this 2599
section, or that indicates that a person previously has been 2600
convicted of or pleaded guilty to any criminal offense in this 2601
state or any other state regarding a criminal records check of a 2602
type described in division (A)(13) of this section, and that is 2603
made by the superintendent with respect to information considered 2604
in a criminal records check in accordance with this section is 2605
valid for the person who is the subject of the criminal records 2606
check for a period of one year from the date upon which the 2607
superintendent makes the determination. During the period in which 2608
the determination in regard to a person is valid, if another 2609
request under this section is made for a criminal records check 2610
for that person, the superintendent shall provide the information 2611
that is the basis for the superintendent's initial determination 2612
at a lower fee than the fee prescribed for the initial criminal 2613
records check. 2614

(E) When the superintendent receives a request for 2615
information from a registered private provider, the superintendent 2616
shall proceed as if the request was received from a school 2617
district board of education under section 3319.39 of the Revised 2618
Code. The superintendent shall apply division (A)(7) of this 2619
section to any such request for an applicant who is a teacher. 2620

(F) As used in this section: 2621
2622

(1) "Criminal records check" means any criminal records check 2623
conducted by the superintendent of the bureau of criminal 2624
identification and investigation in accordance with division (B) 2625
of this section. 2626

(2) "Minor drug possession offense" has the same meaning as 2627

in section 2925.01 of the Revised Code. 2628

(3) "Older adult" means a person age sixty or older. 2629

(4) "OVI or OVUAC violation" means a violation of section 2630
4511.19 of the Revised Code or a violation of an existing or 2631
former law of this state, any other state, or the United States 2632
that is substantially equivalent to section 4511.19 of the Revised 2633
Code. 2634

(5) "Registered private provider" means a nonpublic school or 2635
entity registered with the superintendent of public instruction 2636
under section 3310.41 of the Revised Code to participate in the 2637
autism scholarship program or section 3310.58 of the Revised Code 2638
to participate in the special education scholarship pilot program. 2639
2640

Sec. 109.73. (A) The Ohio peace officer training commission 2641
shall recommend rules to the attorney general with respect to all 2642
of the following: 2643

(1) The approval, or revocation of approval, of peace officer 2644
training schools administered by the state, counties, municipal 2645
corporations, public school districts, technical college 2646
districts, and the department of natural resources; 2647

(2) Minimum courses of study, attendance requirements, and 2648
equipment and facilities to be required at approved state, county, 2649
municipal, and department of natural resources peace officer 2650
training schools; 2651

(3) Minimum qualifications for instructors at approved state, 2652
county, municipal, and department of natural resources peace 2653
officer training schools; 2654

(4) The requirements of minimum basic training that peace 2655
officers appointed to probationary terms shall complete before 2656
being eligible for permanent appointment, which requirements shall 2657

include ~~a minimum of fifteen hours of~~ training in the handling of 2658
the offense of domestic violence, other types of domestic 2659
violence-related offenses and incidents, and protection orders and 2660
consent agreements issued or approved under section 2919.26 or 2661
3113.31 of the Revised Code; ~~a minimum of six hours of~~ crisis 2662
intervention training; and ~~a specified amount of~~ training in the 2663
handling of missing children and child abuse and neglect cases; 2664
and the time within which such basic training shall be completed 2665
following appointment to a probationary term; 2666

(5) The requirements of minimum basic training that peace 2667
officers not appointed for probationary terms but appointed on 2668
other than a permanent basis shall complete in order to be 2669
eligible for continued employment or permanent appointment, which 2670
requirements shall include ~~a minimum of fifteen hours of~~ training 2671
in the handling of the offense of domestic violence, other types 2672
of domestic violence-related offenses and incidents, and 2673
protection orders and consent agreements issued or approved under 2674
section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six~~ 2675
~~hours of~~ crisis intervention training, and ~~a specified amount of~~ 2676
training in the handling of missing children and child abuse and 2677
neglect cases, and the time within which such basic training shall 2678
be completed following appointment on other than a permanent 2679
basis; 2680

(6) Categories or classifications of advanced in-service 2681
training programs for peace officers, including programs in the 2682
handling of the offense of domestic violence, other types of 2683
domestic violence-related offenses and incidents, and protection 2684
orders and consent agreements issued or approved under section 2685
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 2686
and in the handling of missing children and child abuse and 2687
neglect cases, and minimum courses of study and attendance 2688
requirements with respect to such categories or classifications; 2689

(7) Permitting persons, who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code; who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code; or who are appointed and commissioned as amusement park police officers pursuant to section 4973.17 of the Revised Code, to attend approved peace officer training schools, including the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if the private college or university that established the campus police department; qualified nonprofit corporation police department; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park sponsoring the police officers pays the entire cost of the training and certification and if trainee vacancies are available;

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

(9)(a) The requirements for basic training programs for bailiffs and deputy bailiffs of courts of record of this state and for criminal investigators employed by the state public defender

that those persons shall complete before they may carry a firearm 2722
while on duty; 2723

(b) The requirements for any training received by a bailiff 2724
or deputy bailiff of a court of record of this state or by a 2725
criminal investigator employed by the state public defender prior 2726
to June 6, 1986, that is to be considered equivalent to the 2727
training described in division (A)(9)(a) of this section. 2728

(10) Establishing minimum qualifications and requirements for 2729
certification for dogs utilized by law enforcement agencies; 2730

(11) Establishing minimum requirements for certification of 2731
persons who are employed as correction officers in a full-service 2732
jail, five-day facility, or eight-hour holding facility or who 2733
provide correction services in such a jail or facility; 2734

(12) Establishing requirements for the training of agents of 2735
a county humane society under section 1717.06 of the Revised Code, 2736
including, without limitation, a requirement that the agents 2737
receive instruction on traditional animal husbandry methods and 2738
training techniques, including customary owner-performed 2739
practices. 2740

(B) The commission shall appoint an executive director, with 2741
the approval of the attorney general, who shall hold office during 2742
the pleasure of the commission. The executive director shall 2743
perform such duties assigned by the commission. The executive 2744
director shall receive a salary fixed pursuant to Chapter 124. of 2745
the Revised Code and reimbursement for expenses within the amounts 2746
available by appropriation. The executive director may appoint 2747
officers, employees, agents, and consultants as the executive 2748
director considers necessary, prescribe their duties, and provide 2749
for reimbursement of their expenses within the amounts available 2750
for reimbursement by appropriation and with the approval of the 2751
commission. 2752

(C) The commission may do all of the following:	2753
(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code;	2754 2755 2756
(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made;	2757 2758 2759
(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding the carrying out of the purposes of sections 109.71 to 109.77 of the Revised Code;	2760 2761 2762 2763
(4) Report to the attorney general from time to time, and to the governor and the general assembly at least annually, concerning the activities of the commission;	2764 2765 2766
(5) Establish fees for the services the commission offers under sections 109.71 to 109.79 of the Revised Code, including, but not limited to, fees for training, certification, and testing;	2767 2768 2769
(6) Perform such other acts as are necessary or appropriate to carry out the powers and duties of the commission as set forth in sections 109.71 to 109.77 of the Revised Code.	2770 2771 2772
(D) In establishing the requirements, under division (A)(12) of this section, the commission may consider any portions of the curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, shall qualify to train a humane agent for appointment under section 1717.06 of the Revised Code.	2773 2774 2775 2776 2777 2778 2779 2780 2781
Sec. 109.731. (A) The Ohio peace officer training commission	2782

shall prescribe, and shall make available to sheriffs, all of the 2783
following: 2784

(1) An application form that is to be used under section 2785
2923.125 of the Revised Code by a person who applies for a license 2786
to carry a concealed handgun or for the renewal of a license of 2787
that nature and that conforms substantially to the form prescribed 2788
in section 2923.1210 of the Revised Code; 2789

(2) A form for the license to carry a concealed handgun that 2790
is to be issued by sheriffs to persons who qualify for a license 2791
to carry a concealed handgun under section 2923.125 of the Revised 2792
Code and that conforms to the following requirements: 2793

(a) It has space for the licensee's full name, residence 2794
address, and date of birth and for a color photograph of the 2795
licensee. 2796

(b) It has space for the date of issuance of the license, its 2797
expiration date, its county of issuance, the name of the sheriff 2798
who issues the license, and the unique combination of letters and 2799
numbers that identify the county of issuance and the license given 2800
to the licensee by the sheriff in accordance with division (A)(4) 2801
of this section. 2802

(c) It has space for the signature of the licensee and the 2803
signature or a facsimile signature of the sheriff who issues the 2804
license. 2805

(d) It does not require the licensee to include serial 2806
numbers of handguns, other identification related to handguns, or 2807
similar data that is not pertinent or relevant to obtaining the 2808
license and that could be used as a de facto means of registration 2809
of handguns owned by the licensee. 2810

(3) A series of three-letter county codes that identify each 2811
county in this state; 2812

(4) A procedure by which a sheriff shall give each license, 2813
replacement license, or renewal license to carry a concealed 2814
handgun and each temporary emergency license or replacement 2815
temporary emergency license to carry a concealed handgun the 2816
sheriff issues under section 2923.125 or 2923.1213 of the Revised 2817
Code a unique combination of letters and numbers that identifies 2818
the county in which the license or temporary emergency license was 2819
issued and that uses the county code and a unique number for each 2820
license and each temporary emergency license the sheriff of that 2821
county issues; 2822

(5) A form for the temporary emergency license to carry a 2823
concealed handgun that is to be issued by sheriffs to persons who 2824
qualify for a temporary emergency license under section 2923.1213 2825
of the Revised Code, which form shall conform to all the 2826
requirements set forth in divisions (A)(2)(a) to (d) of this 2827
section and shall additionally conspicuously specify that the 2828
license is a temporary emergency license and the date of its 2829
issuance. 2830

(B)(1) The Ohio peace officer training commission, in 2831
consultation with the attorney general, shall prepare a pamphlet 2832
that does all of the following, in everyday language: 2833

(a) Explains the firearms laws of this state; 2834

(b) Instructs the reader in dispute resolution and explains 2835
the laws of this state related to that matter; 2836

(c) Provides information to the reader regarding all aspects 2837
of the use of deadly force with a firearm, including, but not 2838
limited to, the steps that should be taken before contemplating 2839
the use of, or using, deadly force with a firearm, possible 2840
alternatives to using deadly force with a firearm, and the law 2841
governing the use of deadly force with a firearm. 2842

(2) The attorney general shall consult with and assist the 2843

commission in the preparation of the pamphlet described in 2844
division (B)(1) of this section and, as necessary, shall recommend 2845
to the commission changes in the pamphlet to reflect changes in 2846
the law that are relevant to it. The commission shall make copies 2847
of the pamphlet available to any person, public entity, or private 2848
entity that operates or teaches a training course, class, or 2849
program described in division (B)(3)(a), (b), (c), and (e) of 2850
section 2923.125 of the Revised Code and requests copies for 2851
distribution to persons who take the course, class, or program, 2852
and to sheriffs for distribution to applicants under section 2853
2923.125 of the Revised Code for a license to carry a concealed 2854
handgun and applicants under that section for the renewal of a 2855
license to carry a concealed handgun. 2856

(C)~~(1)~~ The Ohio peace officer training commission, in 2857
consultation with the attorney general, shall prescribe ~~a~~ an 2858
administrative fee of not more than five dollars and not less than 2859
three dollars to be paid by an applicant under section 2923.125 of 2860
the Revised Code for a license to carry a concealed handgun or for 2861
the renewal of a license to carry a concealed handgun ~~as follows:~~ 2862

~~(a) For an applicant who has been a resident of this state 2863
for five or more years, an amount that does not exceed the lesser 2864
of the actual cost of issuing the license, including, but not 2865
limited to, the cost of conducting a criminal records check, or 2866
whichever of the following is applicable:~~ 2867

~~(i) For an application made on or after the effective date of 2868
this amendment, fifty five dollars;~~ 2869

~~(ii) For an application made prior to the effective date of 2870
this amendment, forty five dollars;~~ 2871

~~(b) For an applicant who has been a resident of this state 2872
for less than five years, an amount that shall consist of the 2873
actual cost of having a criminal background check performed by the 2874~~

~~federal bureau of investigation, if one is so performed, plus the
lesser of the actual cost of issuing the license, including, but
not limited to, the cost of conducting a criminal records check,
or whichever of the following is applicable:~~

~~(i) For an application made on or after the effective date of
this amendment, fifty five dollars:~~

~~(ii) For an application made prior to the effective date of
this amendment, forty five dollars.~~

~~(2) The commission, in consultation with the attorney
general, shall specify the portion of the fee prescribed under
division (C)(1) of this section that will be used to pay each
particular cost of the issuance of the license. The sheriff shall
deposit all administrative fees prescribed pursuant to this
division and paid by an applicant under section 2923.125 of the
Revised Code into the sheriff's concealed handgun license issuance
expense fund established pursuant to section 311.42 of the Revised
Code.~~

(D) The Ohio peace officer training commission shall maintain
statistics with respect to the issuance, renewal, suspension,
revocation, and denial of licenses to carry a concealed handgun
and the suspension of processing of applications for those
licenses, and with respect to the issuance, suspension,
revocation, and denial of temporary emergency licenses to carry a
concealed handgun, as reported by the sheriffs pursuant to
division (C) of section 2923.129 of the Revised Code. Not later
than the first day of March in each year, the commission shall
submit a statistical report to the governor, the president of the
senate, and the speaker of the house of representatives indicating
the number of licenses to carry a concealed handgun that were
issued, renewed, suspended, revoked, and denied in the previous
calendar year, the number of applications for those licenses for
which processing was suspended in accordance with division (D)(3)

of section 2923.125 of the Revised Code in the previous calendar year, and the number of temporary emergency licenses to carry a concealed handgun that were issued, suspended, revoked, or denied in the previous calendar year. Nothing in the statistics or the statistical report shall identify, or enable the identification of, any individual who was issued or denied a license, for whom a license was renewed, whose license was suspended or revoked, or for whom application processing was suspended. The statistics and the statistical report are public records for the purpose of section 149.43 of the Revised Code.

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

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

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

(A) A ~~specification that fifteen or more hours~~ specified

amount of ~~that~~ training that is ~~required~~ necessary for the 2937
satisfactory completion of basic training programs at approved 2938
peace officer training schools, other than the Ohio peace officer 2939
training academy; 2940

(B) A requirement that the training include, but not be 2941
limited to, training in all of the following: 2942

(1) All recent amendments to domestic violence-related laws; 2943

(2) Notifying a victim of domestic violence of ~~his~~ the 2944
victim's rights; 2945

(3) Processing protection orders and consent agreements 2946
issued or approved under section 2919.26 or 3113.31 of the Revised 2947
Code. 2948

Sec. 109.751. (A) The executive director of the Ohio peace 2949
officer training commission shall neither approve nor issue a 2950
certificate of approval to a peace officer training school 2951
pursuant to section 109.75 of the Revised Code unless the school 2952
agrees to permit, in accordance with rules adopted by the attorney 2953
general pursuant to division (C) of this section, undercover drug 2954
agents to attend its basic training programs. The executive 2955
director shall revoke approval, and the certificate of approval 2956
of, a peace officer training school that does not permit, in 2957
accordance with rules adopted by the attorney general pursuant to 2958
division (C) of this section, undercover drug agents to attend its 2959
basic training programs. 2960

This division does not apply to peace officer training 2961
schools for employees of conservancy districts who are designated 2962
pursuant to section 6101.75 of the Revised Code or for a natural 2963
resources law enforcement staff officer, park officers, forest 2964
officers, preserve officers, wildlife officers, or state 2965
watercraft officers of the department of natural resources. 2966

(B)(1) A peace officer training school is not required to 2967
permit an undercover drug agent, a bailiff or deputy bailiff of a 2968
court of record of this state, or a criminal investigator employed 2969
by the state public defender to attend its basic training programs 2970
if either of the following applies: 2971

(a) In the case of the Ohio peace officer training academy, 2972
the employer county, township, municipal corporation, court, or 2973
state public defender or the particular undercover drug agent, 2974
bailiff, deputy bailiff, or criminal investigator has not paid the 2975
tuition costs of training in accordance with section 109.79 of the 2976
Revised Code; 2977

(b) In the case of other peace officer training schools, the 2978
~~employer~~ employing county, township, municipal corporation, court, 2979
or state public defender fails to pay the entire cost of the 2980
training and certification. 2981

(2) A training school shall not permit a bailiff or deputy 2982
bailiff of a court of record of this state or a criminal 2983
investigator employed by the state public defender to attend its 2984
basic training programs unless the employing court of the bailiff 2985
or deputy bailiff or the state public defender, whichever is 2986
applicable, has authorized the bailiff, deputy bailiff, or 2987
investigator to attend the school. 2988

(C) The attorney general shall adopt, in accordance with 2989
Chapter 119. or pursuant to section 109.74 of the Revised Code, 2990
rules governing the attendance of undercover drug agents at 2991
approved peace officer training schools, other than the Ohio peace 2992
officer training academy, and the certification of the agents upon 2993
their satisfactory completion of basic training programs. 2994

Sec. 109.761. (A)(1) Each agency or entity that appoints or 2995
employs one or more peace officers shall report to the Ohio peace 2996
officer training commission all of the following that occur on or 2997

after February 20, 2002: 2998

(a) The appointment or employment of any person to serve the 2999
agency or entity as a peace officer in any full-time, part-time, 3000
reserve, auxiliary, or other capacity; 3001

(b) The termination, resignation, felony conviction, ~~or~~ 3002
death, or guilty plea as specified in division (F) of section 3003
109.77 of the Revised Code of any person who has been appointed to 3004
or employed by the agency or entity as a peace officer in any 3005
full-time, part-time, reserve, auxiliary, or other capacity and is 3006
serving the agency or entity in any of those peace officer 3007
capacities. 3008

(2) An agency or entity shall make each report required by 3009
this division not later than ten days after the occurrence of the 3010
event being reported. The agency or entity shall make the report 3011
in the manner and format prescribed by the executive director of 3012
the Ohio peace officer training commission. 3013

(B) Each agency or entity that appoints or employs one or 3014
more peace officers or state highway patrol troopers shall 3015
annually provide to the Ohio peace officer training commission a 3016
roster of all persons who have been appointed to or employed by 3017
the agency or entity as peace officers or troopers in any 3018
full-time, part-time, reserve, auxiliary, or other capacity and 3019
are serving, or during the year covered by the report have served, 3020
the agency or entity in any of those peace officer or trooper 3021
capacities. The agency or entity shall provide the roster in the 3022
manner and format, and by the date, prescribed by the executive 3023
director of the Ohio peace officer training commission. 3024

(C) The Ohio peace officer training commission shall 3025
prescribe the manner and format of making reports under division 3026
(A) of this section and providing annual rosters under division 3027
(B) of this section and shall prescribe the date by which the 3028

annual rosters must be provided. 3029

Sec. 109.77. (A) As used in this section, "felony" has the 3030
same meaning as in section 109.511 of the Revised Code. 3031

(B)(1) Notwithstanding any general, special, or local law or 3032
charter to the contrary, and except as otherwise provided in this 3033
section, no person shall receive an original appointment on a 3034
permanent basis as any of the following unless the person 3035
previously has been awarded a certificate by the executive 3036
director of the Ohio peace officer training commission attesting 3037
to the person's satisfactory completion of an approved state, 3038
county, municipal, or department of natural resources peace 3039
officer basic training program: 3040

(a) A peace officer of any county, township, municipal 3041
corporation, regional transit authority, or metropolitan housing 3042
authority; 3043

(b) A natural resources law enforcement staff officer, park 3044
officer, forest officer, preserve officer, wildlife officer, or 3045
state watercraft officer of the department of natural resources; 3046

(c) An employee of a park district under section 511.232 or 3047
1545.13 of the Revised Code; 3048

(d) An employee of a conservancy district who is designated 3049
pursuant to section 6101.75 of the Revised Code; 3050

(e) A state university law enforcement officer; 3051

(f) A special police officer employed by the department of 3052
mental health pursuant to section 5119.14 of the Revised Code or 3053
the department of mental retardation and developmental 3054
disabilities pursuant to section 5123.13 of the Revised Code; 3055

(g) An enforcement agent of the department of public safety 3056
whom the director of public safety designates under section 3057
5502.14 of the Revised Code; 3058

(h) A special police officer employed by a port authority	3059
under section 4582.04 or 4582.28 of the Revised Code;	3060
(i) A special police officer employed by a municipal	3061
corporation at a municipal airport, or other municipal air	3062
navigation facility, that has scheduled operations, as defined in	3063
section 119.3 of Title 14 of the Code of Federal Regulations, 14	3064
C.F.R. 119.3, as amended, and that is required to be under a	3065
security program and is governed by aviation security rules of the	3066
transportation security administration of the United States	3067
department of transportation as provided in Parts 1542. and 1544.	3068
of Title 49 of the Code of Federal Regulations, as amended.	3069
(2) Every person who is appointed on a temporary basis or for	3070
a probationary term or on other than a permanent basis as any of	3071
the following shall forfeit the appointed position unless the	3072
person previously has completed satisfactorily or, within the time	3073
prescribed by rules adopted by the attorney general pursuant to	3074
section 109.74 of the Revised Code, satisfactorily completes a	3075
state, county, municipal, or department of natural resources peace	3076
officer basic training program for temporary or probationary	3077
officers and is awarded a certificate by the director attesting to	3078
the satisfactory completion of the program:	3079
(a) A peace officer of any county, township, municipal	3080
corporation, regional transit authority, or metropolitan housing	3081
authority;	3082
(b) A natural resources law enforcement staff officer, park	3083
officer, forest officer, preserve officer, wildlife officer, or	3084
state watercraft officer of the department of natural resources;	3085
(c) An employee of a park district under section 511.232 or	3086
1545.13 of the Revised Code;	3087
(d) An employee of a conservancy district who is designated	3088
pursuant to section 6101.75 of the Revised Code;	3089

(e) A special police officer employed by the department of 3090
mental health pursuant to section 5119.14 of the Revised Code or 3091
the department of mental retardation and developmental 3092
disabilities pursuant to section 5123.13 of the Revised Code; 3093

(f) An enforcement agent of the department of public safety 3094
whom the director of public safety designates under section 3095
5502.14 of the Revised Code; 3096

(g) A special police officer employed by a port authority 3097
under section 4582.04 or 4582.28 of the Revised Code; 3098

(h) A special police officer employed by a municipal 3099
corporation at a municipal airport, or other municipal air 3100
navigation facility, that has scheduled operations, as defined in 3101
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3102
C.F.R. 119.3, as amended, and that is required to be under a 3103
security program and is governed by aviation security rules of the 3104
transportation security administration of the United States 3105
department of transportation as provided in Parts 1542. and 1544. 3106
of Title 49 of the Code of Federal Regulations, as amended. 3107

(3) For purposes of division (B) of this section, a state, 3108
county, municipal, or department of natural resources peace 3109
officer basic training program, regardless of whether the program 3110
is to be completed by peace officers appointed on a permanent or 3111
temporary, probationary, or other nonpermanent basis, shall 3112
include ~~at least fifteen hours of~~ training in the handling of the 3113
offense of domestic violence, other types of domestic 3114
violence-related offenses and incidents, and protection orders and 3115
consent agreements issued or approved under section 2919.26 or 3116
3113.31 of the Revised Code and ~~at least six hours of~~ crisis 3117
intervention training. The requirement to complete ~~fifteen hours~~ 3118
~~of~~ training in the handling of the offense of domestic violence, 3119
other types of domestic violence-related offenses and incidents, 3120
and protection orders and consent agreements issued or approved 3121

under section 2919.26 or 3113.31 of the Revised Code does not 3122
apply to any person serving as a peace officer on March 27, 1979, 3123
and the requirement to complete ~~six hours of~~ training in crisis 3124
intervention does not apply to any person serving as a peace 3125
officer on April 4, 1985. Any person who is serving as a peace 3126
officer on April 4, 1985, who terminates that employment after 3127
that date, and who subsequently is hired as a peace officer by the 3128
same or another law enforcement agency shall complete ~~the six~~ 3129
~~hours of~~ training in crisis intervention ~~within the time as~~ 3130
prescribed by rules adopted by the attorney general pursuant to 3131
section 109.742 of the Revised Code. No peace officer shall have 3132
employment as a peace officer terminated and then be reinstated 3133
with intent to circumvent this section. 3134

(4) Division (B) of this section does not apply to any person 3135
serving on a permanent basis on March 28, 1985, as a park officer, 3136
forest officer, preserve officer, wildlife officer, or state 3137
watercraft officer of the department of natural resources or as an 3138
employee of a park district under section 511.232 or 1545.13 of 3139
the Revised Code, to any person serving on a permanent basis on 3140
March 6, 1986, as an employee of a conservancy district designated 3141
pursuant to section 6101.75 of the Revised Code, to any person 3142
serving on a permanent basis on January 10, 1991, as a preserve 3143
officer of the department of natural resources, to any person 3144
employed on a permanent basis on July 2, 1992, as a special police 3145
officer by the department of mental health pursuant to section 3146
5119.14 of the Revised Code or by the department of mental 3147
retardation and developmental disabilities pursuant to section 3148
5123.13 of the Revised Code, to any person serving on a permanent 3149
basis on May 17, 2000, as a special police officer employed by a 3150
port authority under section 4582.04 or 4582.28 of the Revised 3151
Code, to any person serving on a permanent basis on ~~the effective~~ 3152
~~date of this amendment~~ March 19, 2003, as a special police officer 3153
employed by a municipal corporation at a municipal airport or 3154

other municipal air navigation facility described in division 3155
(A)(19) of section 109.71 of the Revised Code, to any person 3156
serving on a permanent basis on June 19, 1978, as a state 3157
university law enforcement officer pursuant to section 3345.04 of 3158
the Revised Code and who, immediately prior to June 19, 1978, was 3159
serving as a special police officer designated under authority of 3160
that section, or to any person serving on a permanent basis on 3161
September 20, 1984, as a liquor control investigator, known after 3162
June 30, 1999, as an enforcement agent of the department of public 3163
safety, engaged in the enforcement of Chapters 4301. and 4303. of 3164
the Revised Code. 3165

(5) Division (B) of this section does not apply to any person 3166
who is appointed as a regional transit authority police officer 3167
pursuant to division (Y) of section 306.35 of the Revised Code if, 3168
on or before July 1, 1996, the person has completed satisfactorily 3169
an approved state, county, municipal, or department of natural 3170
resources peace officer basic training program and has been 3171
awarded a certificate by the executive director of the Ohio peace 3172
officer training commission attesting to the person's satisfactory 3173
completion of such an approved program and if, on July 1, 1996, 3174
the person is performing peace officer functions for a regional 3175
transit authority. 3176

(C) No person, after September 20, 1984, shall receive an 3177
original appointment on a permanent basis as a veterans' home 3178
police officer designated under section 5907.02 of the Revised 3179
Code unless the person previously has been awarded a certificate 3180
by the executive director of the Ohio peace officer training 3181
commission attesting to the person's satisfactory completion of an 3182
approved police officer basic training program. Every person who 3183
is appointed on a temporary basis or for a probationary term or on 3184
other than a permanent basis as a veterans' home police officer 3185
designated under section 5907.02 of the Revised Code shall forfeit 3186

that position unless the person previously has completed 3187
satisfactorily or, within one year from the time of appointment, 3188
satisfactorily completes an approved police officer basic training 3189
program. 3190

(D) No bailiff or deputy bailiff of a court of record of this 3191
state and no criminal investigator who is employed by the state 3192
public defender shall carry a firearm, as defined in section 3193
2923.11 of the Revised Code, while on duty unless the bailiff, 3194
deputy bailiff, or criminal investigator has done or received one 3195
of the following: 3196

(1) Has been awarded a certificate by the executive director 3197
of the Ohio peace officer training commission, which certificate 3198
attests to satisfactory completion of an approved state, county, 3199
or municipal basic training program for bailiffs and deputy 3200
bailiffs of courts of record and for criminal investigators 3201
employed by the state public defender that has been recommended by 3202
the Ohio peace officer training commission; 3203

(2) Has successfully completed a firearms training program 3204
approved by the Ohio peace officer training commission prior to 3205
employment as a bailiff, deputy bailiff, or criminal investigator; 3206

(3) Prior to June 6, 1986, was authorized to carry a firearm 3207
by the court that employed the bailiff or deputy bailiff or, in 3208
the case of a criminal investigator, by the state public defender 3209
and has received training in the use of firearms that the Ohio 3210
peace officer training commission determines is equivalent to the 3211
training that otherwise is required by division (D) of this 3212
section. 3213

(E)(1) Before a person seeking a certificate completes an 3214
approved peace officer basic training program, the executive 3215
director of the Ohio peace officer training commission shall 3216
request the person to disclose, and the person shall disclose, any 3217

previous criminal conviction of or plea of guilty of that person 3218
to a felony. 3219

(2) Before a person seeking a certificate completes an 3220
approved peace officer basic training program, the executive 3221
director shall request a criminal history records check on the 3222
person. The executive director shall submit the person's 3223
fingerprints to the bureau of criminal identification and 3224
investigation, which shall submit the fingerprints to the federal 3225
bureau of investigation for a national criminal history records 3226
check. 3227

Upon receipt of the executive director's request, the bureau 3228
of criminal identification and investigation and the federal 3229
bureau of investigation shall conduct a criminal history records 3230
check on the person and, upon completion of the check, shall 3231
provide a copy of the criminal history records check to the 3232
executive director. The executive director shall not award any 3233
certificate prescribed in this section unless the executive 3234
director has received a copy of the criminal history records check 3235
on the person to whom the certificate is to be awarded. 3236

(3) The executive director of the commission shall not award 3237
a certificate prescribed in this section to a person who has been 3238
convicted of or has pleaded guilty to a felony or who fails to 3239
disclose any previous criminal conviction of or plea of guilty to 3240
a felony as required under division (E)(1) of this section. 3241

(4) The executive director of the commission shall revoke the 3242
certificate awarded to a person as prescribed in this section, and 3243
that person shall forfeit all of the benefits derived from being 3244
certified as a peace officer under this section, if the person, 3245
before completion of an approved peace officer basic training 3246
program, failed to disclose any previous criminal conviction of or 3247
plea of guilty to a felony as required under division (E)(1) of 3248
this section. 3249

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

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

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

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

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

or (F) of this section, the person shall not be eligible to 3282
receive, at any time, a certificate attesting to the person's 3283
satisfactory completion of a peace officer basic training program. 3284

(2) The revocation or suspension of a certificate under 3285
division (E)(4) or (F) of this section shall be in accordance with 3286
Chapter 119. of the Revised Code. 3287

(H)(1) A person who was employed as a peace officer of a 3288
county, township, or municipal corporation of the state on January 3289
1, 1966, and who has completed at least sixteen years of full-time 3290
active service as such a peace officer, or equivalent service as 3291
determined by the executive director of the Ohio peace officer 3292
training commission, may receive an original appointment on a 3293
permanent basis and serve as a peace officer of a county, 3294
township, or municipal corporation, or as a state university law 3295
enforcement officer, without complying with the requirements of 3296
division (B) of this section. 3297

(2) Any person who held an appointment as a state highway 3298
trooper on January 1, 1966, may receive an original appointment on 3299
a permanent basis and serve as a peace officer of a county, 3300
township, or municipal corporation, or as a state university law 3301
enforcement officer, without complying with the requirements of 3302
division (B) of this section. 3303

(I) No person who is appointed as a peace officer of a 3304
county, township, or municipal corporation on or after April 9, 3305
1985, shall serve as a peace officer of that county, township, or 3306
municipal corporation unless the person has received training in 3307
the handling of missing children and child abuse and neglect cases 3308
from an approved state, county, township, or municipal police 3309
officer basic training program or receives the training within the 3310
time prescribed by rules adopted by the attorney general pursuant 3311
to section 109.741 of the Revised Code. 3312

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

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

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

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

(1) A requirement that applications for reimbursement be submitted on a calendar-year basis;

(2) The documentation required to substantiate any costs for 3344
which the applicant seeks reimbursement; 3345

(3) Procedures for submitting applications for reimbursement 3346
for the cost of continuing professional training programs 3347
completed by a peace officer or trooper for whom the executive 3348
director of the Ohio peace officer training commission granted 3349
pursuant to division (A)(2) of section 109.803 of the Revised Code 3350
an extension of the time for compliance with the continuing 3351
professional training requirement specified in division (A) of 3352
that section and who complied with the requirement prior to the 3353
date on which the extension ends; 3354

(4) Any other requirements necessary for the proper 3355
administration of the reimbursement program. 3356

(C) The Ohio peace officer training commission shall 3357
administer a program for reimbursing public appointing authorities 3358
for the costs of continuing professional training programs that 3359
are successfully completed by the appointing authority's peace 3360
officers or troopers. The commission shall administer the 3361
reimbursement program in accordance with rules adopted by the 3362
attorney general pursuant to division (B) of this section. 3363

(D) Each public appointing authority may apply each calendar 3364
year to the peace officer training commission for reimbursement 3365
for the costs of continuing professional training programs that 3366
are successfully completed by the appointing authority's peace 3367
officers or troopers. Each application shall be made in accordance 3368
with, on an application form prescribed in, and be supported by 3369
the documentation required by, the rules adopted by the attorney 3370
general pursuant to division (B) of this section. 3371

(E)(1) The Ohio peace officer training commission, in 3372
accordance with rules of the attorney general adopted under 3373
division (B) of this section, shall review each application for 3374

reimbursement made under division (D) of this section to determine 3375
if the applicant is entitled to reimbursement for the training 3376
programs for which the applicant seeks reimbursement. Except as 3377
provided in division (E)(2) of this section, a public appointing 3378
authority that complies with division (B) of section 109.761 of 3379
the Revised Code and applies under division (D) of this section 3380
for reimbursement is entitled to reimbursement ~~only if all for~~ 3381
~~each~~ of the appointing authority's peace officers or troopers 3382
~~comply who timely complies~~ with the continuing professional 3383
training requirement specified in division (A)(1) of section 3384
109.803 of the Revised Code by completing the minimum number of 3385
hours of training directed by the Ohio peace officer training 3386
commission under that division and with the other requirements 3387
described in that division. 3388

~~(2) If a public appointing authority applies under division 3389
(D) of this section for reimbursement, if one or more of its peace 3390
officers or troopers have not complied with the continuing 3391
professional training requirement specified in division (A)(1) of 3392
section 109.803 of the Revised Code by completing the minimum 3393
number of hours of training directed by the Ohio peace officer 3394
training commission under that division, and if the executive 3395
director of the commission granted pursuant to division (A)(2) of 3396
section 109.803 of the Revised Code an extension of the time 3397
within which each of those peace officers or troopers who have not 3398
complied with the continuing professional training requirement 3399
must comply with that requirement, notwithstanding division (E)(1) 3400
of this section, both of the following apply:~~ 3401

~~(a) If each peace officer or trooper of the public appointing 3402
authority for whom the executive director of the commission did 3403
not grant an extension pursuant to division (A)(2) of section 3404
109.803 of the Revised Code has complied with the continuing 3405
professional training requirement and with the other requirements 3406~~

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

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

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

If the public appointing authority is entitled to reimbursement under division (E)(2)(a) of this section, payment of the reimbursement shall not be withheld during the period of the extension granted to the other peace officers or troopers of the authority pursuant to division (A)(2) of section 109.803 of the

Revised Code, pending their compliance with the requirement. If 3439
the public appointing authority is entitled to reimbursement under 3440
division (E)(2)~~(a)~~ of this section and if one or more of its peace 3441
officers or troopers who were granted an extension pursuant to 3442
division (A)(2) of section 109.803 of the Revised Code fails to 3443
complete prior to the date on which the extension ends the 3444
required minimum number of hours of continuing professional 3445
training set by the commission under division (A)(1) of section 3446
109.803 of the Revised Code, the failure does not affect the 3447
reimbursement made to the public appointing authority, and the 3448
public appointing authority is not required to return the 3449
reimbursement or any portion of it. 3450

(F) Each public appointing authority that receives funds 3451
under this section shall keep those funds separate from any other 3452
funds of the appointing authority and shall use those funds only 3453
for paying the cost of continuing professional training programs. 3454

(G) As used in this section and section 109.803 of the 3455
Revised Code: 3456

(1) "Peace officer" has the same meaning as in section 109.71 3457
of the Revised Code. 3458

(2) "Trooper" means an individual appointed as a state 3459
highway patrol trooper under section 5503.01 of the Revised Code. 3460

(3) "Appointing authority" means any agency or entity that 3461
appoints a peace officer or trooper. 3462

Sec. 109.803. (A)(1) Subject to division (A)(2) of this 3463
section, every appointing authority shall require each of its 3464
appointed peace officers and troopers to complete up to 3465
twenty-four hours of continuing professional training each 3466
calendar year, as directed by the Ohio peace officer training 3467
commission. The number of hours directed by the commission, up to 3468

twenty-four hours, is intended to be a minimum requirement, and 3469
appointing authorities are encouraged to exceed the number of 3470
hours the commission directs as the minimum. The commission shall 3471
set the required minimum number of hours based upon available 3472
funding for reimbursement as described in this division. If no 3473
funding for the reimbursement is available, no continuing 3474
professional training will be required. 3475

(2) An appointing authority may submit a written request to 3476
the peace officer training commission that requests for a calendar 3477
year because of emergency circumstances an extension of the time 3478
within which one or more of its appointed peace officers or 3479
troopers must complete the required minimum number of hours of 3480
continuing professional training set by the commission, as 3481
described in division (A)(1) of this section. A request made under 3482
this division shall set forth the name of each of the appointing 3483
authority's peace officers or troopers for whom an extension is 3484
requested, identify the emergency circumstances related to that 3485
peace officer or trooper, include documentation of those emergency 3486
circumstances, and set forth the date on which the request is 3487
submitted to the commission. A request shall be made under this 3488
division not later than the fifteenth day of December in the 3489
calendar year for which the extension is requested. 3490

Upon receipt of a written request made under this division, 3491
the executive director of the commission shall review the request 3492
and the submitted documentation. If the executive director of the 3493
commission is satisfied that emergency circumstances exist for any 3494
peace officer or trooper for whom a request was made under this 3495
division, the executive director may approve the request for that 3496
peace officer or trooper and grant an extension of the time within 3497
which that peace officer or trooper must complete the required 3498
minimum number of hours of continuing professional training set by 3499
the commission. An extension granted under this division may be 3500

for any period of time the executive director believes to be 3501
appropriate, and the executive director shall specify in the 3502
notice granting the extension the date on which the extension 3503
ends. Not later than thirty days after the date on which a request 3504
is submitted to the commission, for each peace officer and trooper 3505
for whom an extension is requested, the executive director either 3506
shall approve the request and grant an extension or deny the 3507
request and deny an extension and shall send to the appointing 3508
authority that submitted the request written notice of the 3509
executive director's decision. 3510

If the executive director grants an extension of the time 3511
within which a particular appointed peace officer or trooper of an 3512
appointing authority must complete the required minimum number of 3513
hours of continuing professional training set by the commission, 3514
the appointing authority shall require that peace officer or 3515
trooper to complete the required minimum number of hours of 3516
training not later than the date on which the extension ends. 3517

~~(3)(a) If a public appointing authority complies with the 3518
training requirement specified in division (A)(1) of this section 3519
by requiring each of its appointed peace officers and troopers to 3520
complete the number of hours of training the commission directs as 3521
the minimum and with division (B) of section 109.761 of the 3522
Revised Code and if the appointed peace officers and troopers of 3523
the public appointing authority comply with section 109.801 of the 3524
Revised Code to the extent that they are subject to that section 3525
and comply with all other training mandated by the general 3526
assembly or the attorney general, the attorney general shall 3527
reimburse the public appointing authority for the successful 3528
training costs of each of its appointed peace officers and 3529
troopers as provided in section 109.802 of the Revised Code. 3530~~

~~(b) If the executive director of the Ohio peace officer 3531
training commission grants pursuant to division (A)(2) of this 3532~~

~~section an extension of the time within which one or more 3533
appointed peace officers or troopers of a public appointing 3534
authority must complete the required minimum number of hours of 3535
continuing professional training set by the commission, and if the 3536
criteria set forth in division (A)(3)(a) of this section are 3537
satisfied regarding each appointed peace officer or trooper of the 3538
public appointing authority for whom such an extension was not 3539
granted, the attorney general shall reimburse the public 3540
appointing authority for the successful training costs of each of 3541
its appointed peace officers and troopers for whom such an 3542
extension was not granted, as provided in section 109.802 of the 3543
Revised Code. 3544~~

~~If an appointed peace officer or trooper of a public 3545
appointing authority for whom the executive director granted such 3546
an extension completes prior to the date on which the extension 3547
ends the number of hours of training the commission directs as the 3548
minimum, if the officer or trooper also has complied with section 3549
109.801 of the Revised Code to the extent that the officer or 3550
trooper is subject to that section and has complied with all other 3551
training mandated by the general assembly or the attorney general, 3552
and if the public appointing authority has complied with division 3553
(B) of section 109.761 of the Revised Code, the attorney general 3554
shall reimburse the public appointing authority for the successful 3555
training costs of that peace officer or trooper as provided in 3556
section 109.802 of the Revised Code. 3557~~

~~(B)(1) Subject to division (B)(2) of this section, no 3558
appointed peace officer or trooper of an appointing authority who 3559
fails to complete in any calendar year the required hours of 3560
continuing professional training the Ohio peace officer training 3561
commission directs pursuant to division (A) of this section as the 3562
minimum number of hours or who fails to comply with section 3563
109.801 of the Revised Code or any other required training shall 3564~~

~~carry a firearm during the course of official duties or perform 3565
the functions of a peace officer or trooper until evidence of the 3566
peace officer's or trooper's compliance with those requirements is 3567
filed with the executive director of the Ohio peace officer 3568
training commission. 3569~~

~~(2) If the executive director of the Ohio peace officer 3570
training commission grants pursuant to division (A)(2) of this 3571
section an extension of the time within which an appointed peace 3572
officer or trooper of an appointing authority must complete the 3573
required minimum number of hours of continuing professional 3574
training set by the commission, during the period of the extension 3575
division (B)(1) of this section does not apply to a peace officer 3576
or trooper for whom such an extension was granted, provided that 3577
peace officer or trooper has complied with section 109.801 of the 3578
Revised Code to the extent that the officer or trooper is subject 3579
to that section and has complied with all other required training. 3580
If a peace officer or trooper of an appointing authority for whom 3581
such an extension was granted fails to complete prior to the date 3582
on which the extension ends the required minimum number of hours 3583
of continuing professional training set by the commission, 3584
division (B)(1) of this section applies to that officer or trooper 3585
after the date on which the extension ends. 3586~~

~~(C)(B) With the advice of the Ohio peace officer training 3587
commission, the attorney general shall adopt in accordance with 3588
Chapter 119. of the Revised Code rules setting forth minimum 3589
standards for continuing professional training for peace officers 3590
and troopers and governing the administration of continuing 3591
professional training programs for peace officers and troopers. 3592
The attorney general shall transmit a certified copy of any rule 3593
adopted under this section to the secretary of state. 3594~~

Sec. 111.15. (A) As used in this section: 3595

(1) "Rule" includes any rule, regulation, bylaw, or standard 3596
having a general and uniform operation adopted by an agency under 3597
the authority of the laws governing the agency; any appendix to a 3598
rule; and any internal management rule. "Rule" does not include 3599
any guideline adopted pursuant to section 3301.0714 of the Revised 3600
Code, any order respecting the duties of employees, any finding, 3601
any determination of a question of law or fact in a matter 3602
presented to an agency, or any rule promulgated pursuant to 3603
Chapter 119., section 4141.14, division (C)(1) or (2) of section 3604
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 3605
any amendment or rescission of a rule. 3606

(2) "Agency" means any governmental entity of the state and 3607
includes, but is not limited to, any board, department, division, 3608
commission, bureau, society, council, institution, state college 3609
or university, community college district, technical college 3610
district, or state community college. "Agency" does not include 3611
the general assembly, the controlling board, the adjutant 3612
general's department, or any court. 3613

(3) "Internal management rule" means any rule, regulation, 3614
bylaw, or standard governing the day-to-day staff procedures and 3615
operations within an agency. 3616

(4) "Substantive revision" has the same meaning as in 3617
division (J) of section 119.01 of the Revised Code. 3618

(B)(1) Any rule, other than a rule of an emergency nature, 3619
adopted by any agency pursuant to this section shall be effective 3620
on the tenth day after the day on which the rule in final form and 3621
in compliance with division (B)(3) of this section is filed as 3622
follows: 3623

(a) The rule shall be filed in electronic form with both the 3624
secretary of state and the director of the legislative service 3625
commission; 3626

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If no review date is assigned to a rule, or if a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 119.032 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If all filings are not completed on the same day, the rule shall be effective on the tenth day after the day on which the latest filing is completed. If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or (8) of this section.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.76 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form

and in compliance with division (B)(3) of this section, shall be 3658
filed in electronic form with the secretary of state, the director 3659
of the legislative service commission, and the joint committee on 3660
agency rule review. The emergency rule is effective immediately 3661
upon completion of the latest filing, except that if the agency in 3662
adopting the emergency rule designates an effective date, or date 3663
and time of day, that is later than the effective date and time 3664
provided for by division (B)(2) of this section, the emergency 3665
rule if filed as required by such division shall become effective 3666
at the later date, or later date and time of day, designated by 3667
the agency. 3668

An emergency rule becomes invalid at the end of the ninetieth 3669
day it is in effect. Prior to that date, the agency may file the 3670
emergency rule as a nonemergency rule in compliance with division 3671
(B)(1) of this section. The agency may not refile the emergency 3672
rule in compliance with division (B)(2) of this section so that, 3673
upon the emergency rule becoming invalid under such division, the 3674
emergency rule will continue in effect without interruption for 3675
another ninety-day period. 3676

(3) An agency shall file a rule under division (B)(1) or (2) 3677
of this section in compliance with the following standards and 3678
procedures: 3679

(a) The rule shall be numbered in accordance with the 3680
numbering system devised by the director for the Ohio 3681
administrative code. 3682

(b) The rule shall be prepared and submitted in compliance 3683
with the rules of the legislative service commission. 3684

(c) The rule shall clearly state the date on which it is to 3685
be effective and the date on which it will expire, if known. 3686

(d) Each rule that amends or rescinds another rule shall 3687
clearly refer to the rule that is amended or rescinded. Each 3688

amendment shall fully restate the rule as amended. 3689

If the director of the legislative service commission or the 3690
director's designee gives an agency notice pursuant to section 3691
103.05 of the Revised Code that a rule filed by the agency is not 3692
in compliance with the rules of the legislative service 3693
commission, the agency shall within thirty days after receipt of 3694
the notice conform the rule to the rules of the commission as 3695
directed in the notice. 3696

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 3697
of this section shall be recorded by the secretary of state and 3698
the director under the title of the agency adopting the rule and 3699
shall be numbered according to the numbering system devised by the 3700
director. The secretary of state and the director shall preserve 3701
the rules in an accessible manner. Each such rule shall be a 3702
public record open to public inspection and may be transmitted to 3703
any law publishing company that wishes to reproduce it. 3704

(D) At least sixty-five days before a board, commission, 3705
department, division, or bureau of the government of the state 3706
files a rule under division (B)(1) of this section, it shall file 3707
the full text of the proposed rule in electronic form with the 3708
joint committee on agency rule review, and the proposed rule is 3709
subject to legislative review and invalidation under division (I) 3710
of section 119.03 of the Revised Code. If a state board, 3711
commission, department, division, or bureau makes a substantive 3712
revision in a proposed rule after it is filed with the joint 3713
committee, the state board, commission, department, division, or 3714
bureau shall promptly file the full text of the proposed rule in 3715
its revised form in electronic form with the joint committee. The 3716
latest version of a proposed rule as filed with the joint 3717
committee supersedes each earlier version of the text of the same 3718
proposed rule. Except as provided in division (F) of this section, 3719
a state board, commission, department, division, or bureau shall 3720

also file the rule summary and fiscal analysis prepared under 3721
section ~~121.24~~ or 127.18 of the Revised Code, ~~or both~~, in 3722
electronic form along with a proposed rule, and along with a 3723
proposed rule in revised form, that is filed under this division. 3724

The joint committee shall promptly file a notice in 3725
electronic form with the Ohio small business ombudsperson of the 3726
filing under this division of a proposed rule, or of a proposed 3727
rule in revised form, that previously was filed with the 3728
ombudsperson under section 121.254 of the Revised Code. 3729

As used in this division, "commission" includes the public 3730
utilities commission when adopting rules under a federal or state 3731
statute. 3732

This division does not apply to any of the following: 3733

(1) A proposed rule of an emergency nature; 3734

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 3735
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 3736
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 3737
Code; 3738

(3) A rule proposed by an agency other than a board, 3739
commission, department, division, or bureau of the government of 3740
the state; 3741

(4) A proposed internal management rule of a board, 3742
commission, department, division, or bureau of the government of 3743
the state; 3744

(5) Any proposed rule that must be adopted verbatim by an 3745
agency pursuant to federal law or rule, to become effective within 3746
sixty days of adoption, in order to continue the operation of a 3747
federally reimbursed program in this state, so long as the 3748
proposed rule contains both of the following: 3749

(a) A statement that it is proposed for the purpose of 3750

complying with a federal law or rule; 3751

(b) A citation to the federal law or rule that requires 3752
verbatim compliance. 3753

(6) An initial rule proposed by the director of health to 3754
impose safety standards and quality-of-care standards with respect 3755
to a health service specified in section 3702.11 of the Revised 3756
Code, or an initial rule proposed by the director to impose 3757
quality standards on a facility listed in division (A)(4) of 3758
section 3702.30 of the Revised Code, if section 3702.12 of the 3759
Revised Code requires that the rule be adopted under this section; 3760

(7) A rule of the state lottery commission pertaining to 3761
instant game rules. 3762

If a rule is exempt from legislative review under division 3763
(D)(5) of this section, and if the federal law or rule pursuant to 3764
which the rule was adopted expires, is repealed or rescinded, or 3765
otherwise terminates, the rule is thereafter subject to 3766
legislative review under division (D) of this section. 3767

(E) Whenever a state board, commission, department, division, 3768
or bureau files a proposed rule or a proposed rule in revised form 3769
under division (D) of this section, it shall also file the full 3770
text of the same proposed rule or proposed rule in revised form in 3771
electronic form with the secretary of state and the director of 3772
the legislative service commission. Except as provided in division 3773
(F) of this section, a state board, commission, department, 3774
division, or bureau shall file the rule summary and fiscal 3775
analysis prepared under section ~~121.24~~ or 127.18 of the Revised 3776
Code, ~~or both,~~ in electronic form along with a proposed rule or 3777
proposed rule in revised form that is filed with the secretary of 3778
state or the director of the legislative service commission. 3779

(F) Except as otherwise provided in this division, the 3780
auditor of state or the auditor of state's designee is not 3781

required to file a rule summary and fiscal analysis along with a 3782
proposed rule, or proposed rule in revised form, that the auditor 3783
of state proposes under section 117.12, 117.19, 117.38, or 117.43 3784
of the Revised Code and files under division (D) or (E) of this 3785
section. ~~If, however, the auditor of state or the designee 3786
prepares a rule summary and fiscal analysis of the original 3787
version of such a proposed rule for purposes of complying with 3788
section 121.24 of the Revised Code, the auditor of state or 3789
designee shall file the rule summary and fiscal analysis in 3790
electronic form along with the original version of the proposed 3791
rule filed under division (D) or (E) of this section.~~ 3792

Sec. 111.26. (A) It is hereby declared to be a public purpose 3793
and function of the state to facilitate the conduct of elections 3794
by assisting boards of elections in acquiring state capital 3795
facilities consisting of voting machines, marking devices, and 3796
automatic tabulating equipment certified for use in this state 3797
under section 3506.05 of the Revised Code. Those voting machines, 3798
marking devices, and automatic tabulating equipment are designated 3799
as capital facilities under sections 152.09 to 152.33 of the 3800
Revised Code. The Ohio building authority is authorized to issue 3801
revenue obligations under sections 152.09 to 152.33 of the Revised 3802
Code to pay all or part of the cost of those state capital 3803
facilities as are designated by law. 3804

Boards of elections, due to their responsibilities related to 3805
the proper conduct of elections under state law, are designated as 3806
state agencies having jurisdiction over those state capital 3807
facilities financed in part pursuant to this section and Chapter 3808
152. of the Revised Code. It is hereby determined and declared 3809
that voting machines, marking devices, and automatic tabulating 3810
equipment financed in part under this section are for the purpose 3811
of housing agencies of state government, their functions and 3812
equipment. 3813

(B) A county shall contribute to the cost of capital facilities authorized under this section as provided below. 3814
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(C) Any lease of capital facilities authorized by this section, the rentals of which are payable in whole or in part from appropriations made by the general assembly, is governed by division (D) of section 152.24 of the Revised Code. Such rentals constitute available receipts as defined in section 152.09 of the Revised Code and may be pledged for the payment of bond service charges as provided in section 152.10 of the Revised Code. 3816
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(D) The county voting machine revolving lease/loan fund is hereby created in the state treasury. The fund shall consist of the net proceeds of obligations issued under sections 152.09 to 152.33 of the Revised Code to finance a portion of those state capital facilities described in division (A) of this section, as needed to ensure sufficient moneys to support appropriations from the fund. Lease payments from counties made for those capital facilities financed in part from the fund and interest earnings on the balance in the fund shall be credited to the fund. The fund shall also receive any other authorized transfers of cash. Moneys in the fund shall be used for the purpose of acquiring a portion of additional capital facilities described in division (A) of this section at the request of the applicable board of elections. 3823
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Participation in the fund by a board of county commissioners shall be voluntary. 3837
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The secretary of state shall administer the county voting machine revolving lease/loan fund in accordance with this section and shall enter into any lease or other agreement with the department of administrative services, the Ohio building authority, or any board of elections necessary or appropriate to accomplish the purposes of this section. 3839
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(E) Acquisitions made under this section shall provide not 3845
more than fifty per cent of the estimated total cost of a board of 3846
county commissioners' purchase of voting machines, marking 3847
devices, and automatic tabulating equipment. 3848

The secretary of state shall adopt rules for the 3849
implementation of the acquisition and revolving lease/loan program 3850
established under this section, which rules shall require that the 3851
secretary of state approve any acquisition of voting machines, 3852
marking devices, and automatic tabulating equipment using money 3853
made available under this section. An acquisition for any one 3854
board of county commissioners shall not exceed five million 3855
dollars and shall be made only for equipment purchased on or after 3856
March 31, 2008. Any costs incurred on or after January 1, 2008, 3857
may be considered as the county cost percentage for the purpose of 3858
an acquisition made under this section. 3859

Counties shall lease from the secretary of state the capital 3860
facilities financed in part from the county voting machine 3861
revolving lease/loan fund and may enter into any agreements 3862
required under the applicable bond proceedings. All voting 3863
machines, marking devices, and automatic tabulating equipment 3864
purchased through this fund shall remain the property of the state 3865
until all payments under the applicable county lease have been 3866
made at which time ownership shall transfer to the county. Costs 3867
associated with the maintenance, repair, and operation of the 3868
voting machines, marking devices, and automatic tabulating 3869
equipment purchased under this section shall be the responsibility 3870
of the participating boards of elections and boards of county 3871
commissioners. 3872

Such lease may obligate the counties, as using state agencies 3873
under Chapter 152. of the Revised Code, to operate the capital 3874
facilities for such period of time as may be specified by law and 3875
to pay such rent as the secretary of state determines to be 3876

appropriate. Notwithstanding any other provision of the Revised Code to the contrary, any county may enter into such a lease, and any such lease is legally sufficient to obligate the county for the term stated in the lease. Any such lease constitutes an agreement described in division (E) of section 152.24 of the Revised Code. 3877
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(F) As used in this section: 3883

(1) "Automatic tabulating equipment," "marking device," and "voting machine" have the same meanings as in section 3506.01 of the Revised Code. 3884
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(2) "Equipment" has the same meaning as in section 3506.05 of the Revised Code. 3887
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Sec. 111.27. There is hereby established in the state treasury the board of elections reimbursement and education fund. The fund shall be used by the secretary of state to reimburse boards of elections for various purposes, including reimbursements made under sections 3513.301, 3513.312, 3515.071, and 3521.03 of the Revised Code, and to provide training and educational programs for members and employees of boards of elections. The fund shall receive transfers of cash pursuant to controlling board action and also shall receive revenues from fees, gifts, grants, donations, and other similar receipts. 3889
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Sec. 117.13. (A) The costs of audits of state agencies shall be recovered by the auditor of state in the following manner: 3899
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(1) The costs of all audits of state agencies shall be paid to the auditor of state on statements rendered by the auditor of state. Money so received by the auditor of state shall be paid into the state treasury to the credit of the public audit expense fund--intrastate, which is hereby created, and shall be used to pay costs related to such audits. The costs of all annual and 3901
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special audits of a state agency shall be charged to the state 3907
agency being audited. The costs of all biennial audits of a state 3908
agency shall be paid from money appropriated to the department of 3909
administrative services for that purpose. The costs of any 3910
assistant auditor, employee, or expert employed pursuant to 3911
section 117.09 of the Revised Code called upon to testify in any 3912
legal proceedings in regard to any audit, or called upon to review 3913
or discuss any matter related to any audit, may be charged to the 3914
state agency to which the audit relates. 3915

(2) The auditor of state shall establish by rule rates to be 3916
charged to state agencies or to the department of administrative 3917
services for recovering the costs of audits of state agencies. 3918

(B) As used in this division, "government auditing standards" 3919
means the government auditing standards published by the 3920
comptroller general of the United States general accounting 3921
office. 3922

(1) Except as provided in divisions (B)(2) and (3) of this 3923
section, any costs of an audit of a private institution, 3924
association, board, or corporation receiving public money for its 3925
use shall be charged to the public office providing the public 3926
money in the same manner as costs of an audit of the public 3927
office. 3928

(2) If an audit of a private child placing agency or private 3929
noncustodial agency receiving public money from a public children 3930
services agency for providing child welfare or child protection 3931
services sets forth that money has been illegally expended, 3932
converted, misappropriated, or is unaccounted for, the costs of 3933
the audit shall be charged to the agency being audited in the same 3934
manner as costs of an audit of a public office, unless the 3935
findings are inconsequential, as defined by government auditing 3936
standards. 3937

(3) If such an audit does not set forth that money has been 3938
illegally expended, converted, misappropriated, or is unaccounted 3939
for or sets forth findings that are inconsequential, as defined by 3940
government auditing standards, the costs of the audit shall be 3941
charged as follows: 3942

(a) One-third of the costs to the agency being audited; 3943

(b) One-third of the costs to the public children services 3944
agency that provided the public money to the agency being audited; 3945

(c) One-third of the costs to the department of job and 3946
family services. 3947

(C) The costs of audits of local public offices shall be 3948
recovered by the auditor of state in the following manner: 3949

(1) The total amount of compensation paid assistant auditors 3950
of state, their expenses, the cost of employees assigned to assist 3951
the assistant auditors of state, the cost of experts employed 3952
pursuant to section 117.09 of the Revised Code, and the cost of 3953
typing, reviewing, and copying reports shall be borne by the 3954
public office to which such assistant auditors of state are so 3955
assigned, except that annual vacation and sick leave of assistant 3956
auditors of state, employees, and typists shall be financed from 3957
the general revenue fund. The necessary traveling and hotel 3958
expenses of the deputy inspectors and supervisors of public 3959
offices shall be paid from the state treasury. Assistant auditors 3960
of state shall be compensated by the taxing district or other 3961
public office audited for activities undertaken pursuant to 3962
division (B) of section 117.18 and section 117.24 of the Revised 3963
Code. The costs of any assistant auditor, employee, or expert 3964
employed pursuant to section 117.09 of the Revised Code called 3965
upon to testify in any legal proceedings in regard to any audit, 3966
or called upon to review or discuss any matter related to any 3967
audit, may be charged to the public office to which the audit 3968

relates. 3969

(2) The auditor of state shall certify the amount of such 3970
compensation, expenses, cost of experts, reviewing, copying, and 3971
typing to the fiscal officer of the local public office audited. 3972
The fiscal officer of the local public office shall forthwith draw 3973
a warrant upon the general fund or other appropriate funds of the 3974
local public office to the order of the auditor of state; 3975
provided, that the auditor of state is authorized to negotiate 3976
with any local public office and, upon agreement between the 3977
auditor of state and the local public office, may adopt a schedule 3978
for payment of the amount due under this section. Money so 3979
received by the auditor of state shall be paid into the state 3980
treasury to the credit of the public audit expense fund--local 3981
government, which is hereby created, and shall be used to pay the 3982
compensation, expense, cost of experts and employees, reviewing, 3983
copying, and typing of reports. 3984

(3) At the conclusion of each audit, or analysis and report 3985
made pursuant to section 117.24 of the Revised Code, the auditor 3986
of state shall furnish the fiscal officer of the local public 3987
office audited a statement showing the total cost of the audit, or 3988
of the audit and the analysis and report, and the percentage of 3989
the total cost chargeable to each fund audited. The fiscal officer 3990
may distribute such total cost to each fund audited in accordance 3991
with its percentage of the total cost. 3992

(4) The auditor of state shall provide each local public 3993
office a statement or certification of the amount due from the 3994
public office for services performed by the auditor of state under 3995
this or any other section of the Revised Code, as well as the date 3996
upon which payment is due to the auditor of state. Any local 3997
public office that does not pay the amount due to the auditor of 3998
state by that date may be assessed by the auditor of state for 3999
interest from the date upon which the payment is due at the rate 4000

per annum prescribed by section 5703.47 of the Revised Code. All 4001
interest charges assessed by the auditor of state may be collected 4002
in the same manner as audit costs pursuant to division (D) of this 4003
section. 4004

(D) If the auditor of state fails to receive payment for any 4005
amount due, including, but not limited to, fines, fees, and costs, 4006
from a public office for services performed under this or any 4007
other section of the Revised Code, the auditor of state may seek 4008
payment through the office of budget and management. (Amounts due 4009
include any amount due to an independent public accountant with 4010
whom the auditor has contracted to perform services, all costs and 4011
fees associated with participation in the uniform accounting 4012
network, and all costs associated with the auditor's provision of 4013
local government services.) Upon certification by the auditor of 4014
state to the director of budget and management of any such amount 4015
due, the director shall withhold from the public office any amount 4016
available, up to and including the amount certified as due, from 4017
any funds under the director's control that belong to or are 4018
lawfully payable or due to the public office. The director shall 4019
promptly pay the amount withheld to the auditor of state. If the 4020
director determines that no funds due and payable to the public 4021
office are available or that insufficient amounts of such funds 4022
are available to cover the amount due, the director shall withhold 4023
and pay to the auditor of state the amounts available and, in the 4024
case of a local public office, certify the remaining amount to the 4025
county auditor of the county in which the local public office is 4026
located. The county auditor shall withhold from the local public 4027
office any amount available, up to and including the amount 4028
certified as due, from any funds under the county auditor's 4029
control and belonging to or lawfully payable or due to the local 4030
public office. The county auditor shall promptly pay any such 4031
amount withheld to the auditor of state. 4032

(E)(1) The auditor of state shall certify to the director of budget and management the amounts due or necessary for state agency audit costs and the director shall transfer the certified amounts from the general revenue fund to the public audit expense fund - intrastate if either of the following apply: 4033
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(a) A state agency that has ceased operation has not paid audit costs pursuant to this section. 4038
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(b) In the judgment of the auditor of state, the money appropriated for the cost of biennial audits of state agencies is not sufficient to conduct an appropriate audit program. 4040
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(2) If a local public office ceases operation and has not paid audit costs pursuant to this section, one of the following shall occur: 4043
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(a) In the case of costs due for an audit performed by the auditor or state, the auditor of state shall certify to the director the amounts due for these costs, and the director shall transfer the certified amounts from the general revenue fund to the public audit expense fund-local government. 4046
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(b) In the case of costs due for an audit performed by an independent auditor, the independent auditor shall notify the auditor of state of the amounts due for these costs. The auditor of state shall certify the amounts to the director, and the director shall transfer the certified amounts from the general revenue fund to the credit of the public audit expense fund-independent auditors, which is hereby created in the state treasury for the purpose of reimbursing independent auditors for unpaid audit costs pursuant to this section. 4051
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Sec. 117.20. (A) In adopting rules pursuant to Chapter 117. of the Revised Code, the auditor of state or the auditor of state's designee shall do both of the following: 4060
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(1) Before adopting any such rule, except a rule of an emergency nature, do each of the following:

(a) At least thirty-five days before any public hearing on the proposed rule-making action, mail notice of the hearing to each public office and to each statewide organization that the auditor of state or designee determines will be affected or represents persons who will be affected by the proposed rule-making action;

(b) Mail a copy of the proposed rule to any person or organization that requests a copy within five days after receipt of the request;

(c) Consult with appropriate state and local government agencies, or with persons representative of their interests, including statewide organizations of local government officials, and consult with accounting professionals and other interested persons;

(d) Conduct, on the date and at the time and place designated in the notice, a public hearing at which any person affected by the proposed rule, including statewide organizations of local government officials, may appear and be heard in person, by attorney, or both, and may present the person's or organization's position or contentions orally or in writing.

(2) Except as otherwise provided in division (A)(2) of this section, comply with divisions (B) to (E) of section 111.15 of the Revised Code. The auditor of state is not required to file a rule summary and fiscal analysis along with any copy of a proposed rule, or proposed rule in revised form, that is filed with the joint committee on agency rule review, the secretary of state, or the director of the legislative service commission under division (D) or (E) of section 111.15 of the Revised Code; ~~however, if the auditor of state or the auditor of state's designee prepares a~~

~~rule summary and fiscal analysis of the original version of a 4094
proposed rule for purposes of complying with section 121.24 of the 4095
Revised Code, the auditor of state or designee shall file a copy 4096
of the rule summary and fiscal analysis in electronic form along 4097
with the original version of the proposed rule filed under 4098
division (D) or (E) of section 111.15 of the Revised Code. 4099~~

(B) The auditor of state shall diligently discharge the 4100
duties imposed by divisions (A)(1)(a), (b), and (c) of this 4101
section, but failure to mail any notice or copy of a proposed 4102
rule, or to consult with any person or organization, shall not 4103
invalidate any rule. 4104

(C) Notwithstanding any contrary provision of the Revised 4105
Code, the auditor of state may prepare and disseminate, to public 4106
offices and other interested persons and organizations, advisory 4107
bulletins, directives, and instructions relating to accounting and 4108
financial reporting systems, budgeting procedures, fiscal 4109
controls, and the constructions by the auditor of state of 4110
constitutional and statutory provisions, court decisions, and 4111
opinions of the attorney general. The bulletins, directives, and 4112
instructions shall be of an advisory nature only. 4113

(D) As used in this section, "rule" includes the adoption, 4114
amendment, or rescission of a rule. 4115

Sec. 118.05. (A) Pursuant to the powers of the general 4116
assembly and for the purposes of this chapter, upon the occurrence 4117
of a fiscal emergency in any municipal corporation, county, or 4118
township, as determined pursuant to section 118.04 of the Revised 4119
Code, there is established, with respect to that municipal 4120
corporation, county, or township, a body both corporate and 4121
politic constituting an agency and instrumentality of the state 4122
and performing essential governmental functions of the state to be 4123
known as the "financial planning and supervision commission for 4124

..... (name of municipal corporation, county, or township), which, in that name, may exercise all authority vested in such a commission by this chapter. A separate commission is established with respect to each municipal corporation, county, or township as to which there is a fiscal emergency as determined under this chapter.

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

(1) Four ex officio members: the treasurer of state; the director of budget and management; in the case of a municipal corporation, the mayor of the municipal corporation and the presiding officer of the legislative authority of the municipal corporation; in the case of a county, the president of the board of county commissioners and the county auditor; and in the case of a township, a member of the board of township trustees and the county auditor.

The treasurer of state may designate a deputy treasurer or director within the office of the treasurer of state or any other appropriate person who is not an employee of the treasurer of state's office; the director of budget and management may designate an individual within the office of budget and management or any other appropriate person who is not an employee of the office of budget and management; the mayor may designate a responsible official within the mayor's office or the fiscal officer of the municipal corporation; the presiding officer of the legislative authority of the municipal corporation may designate any other member of the legislative authority; the board of county commissioners may designate any other member of the board or the fiscal officer of the county; and the board of township trustees may designate any other member of the board or the fiscal officer of the township to attend the meetings of the commission when the ex officio member is absent or unable for any reason to attend. A

designee, when present, shall be counted in determining whether a 4157
quorum is present at any meeting of the commission and may vote 4158
and participate in all proceedings and actions of the commission. 4159
The designations shall be in writing, executed by the ex officio 4160
member or entity making the designation, and filed with the 4161
secretary of the commission. The designations may be changed from 4162
time to time in like manner, but due regard shall be given to the 4163
need for continuity. 4164

(2) Three If a municipal corporation, county, or township has 4165
a population of at least one thousand, three members nominated and 4166
appointed as follows: 4167

The mayor and presiding officer of the legislative authority 4168
of the municipal corporation, the board of county commissioners, 4169
or the board of township trustees shall, within ten days after the 4170
determination of the fiscal emergency by the auditor of state 4171
under section 118.04 of the Revised Code, submit in writing to the 4172
governor the nomination of five persons agreed to by them and 4173
meeting the qualifications set forth in this division. If the 4174
governor is not satisfied that at least three of the nominees are 4175
well qualified, the governor shall notify the mayor and presiding 4176
officer, or the board of county commissioners, or the board of 4177
township trustees to submit in writing, within five days, 4178
additional nominees agreed upon by them, not exceeding three. The 4179
governor shall appoint three members from all the agreed-upon 4180
nominees so submitted or a lesser number that the governor 4181
considers well qualified within thirty days after receipt of the 4182
nominations, and shall fill any remaining positions on the 4183
commission by appointment of any other persons meeting the 4184
qualifications set forth in this division. All appointments by the 4185
governor shall be made with the advice and consent of the senate. 4186
Each of the three appointed members shall serve during the life of 4187
the commission, subject to removal by the governor for 4188

misfeasance, nonfeasance, or malfeasance in office. In the event 4189
of the death, resignation, incapacity, removal, or ineligibility 4190
to serve of an appointed member, the governor, pursuant to the 4191
process for original appointment, shall appoint a successor. 4192

(3) If a municipal corporation, county, or township has a 4193
population of less than one thousand, one member nominated and 4194
appointed as follows: 4195

The mayor and presiding officer of the legislative authority 4196
of the municipal corporation, the board of county commissioners, 4197
or the board of township trustees shall, within ten days after the 4198
determination of the fiscal emergency by the auditor of state 4199
under section 118.04 of the Revised Code, submit in writing to the 4200
governor the nomination of three persons agreed to by them and 4201
meeting the qualifications set forth in this division. If the 4202
governor is not satisfied that at least one of the nominees is 4203
well qualified, the governor shall notify the mayor and presiding 4204
officer, or the board of county commissioners, or the board of 4205
township trustees to submit in writing, within five days, 4206
additional nominees agreed upon by them, not exceeding three. The 4207
governor shall appoint one member from all the agreed-upon 4208
nominees so submitted or shall fill the position on the commission 4209
by appointment of any other person meeting the qualifications set 4210
forth in this division. All appointments by the governor shall be 4211
made with the advice and consent of the senate. The appointed 4212
member shall serve during the life of the commission, subject to 4213
removal by the governor for misfeasance, nonfeasance, or 4214
malfeasance in office. In the event of the death, resignation, 4215
incapacity, removal, or ineligibility to serve of the appointed 4216
member, the governor, pursuant to the process for original 4217
appointment, shall appoint a successor. 4218

Each of the three appointed members member shall be an 4219
individual: 4220

(a) Who has knowledge and experience in financial matters, 4221
financial management, or business organization or operations, 4222
~~including at least five years of experience in the private sector~~ 4223
~~in the management of business or financial enterprise or in~~ 4224
~~management consulting, public accounting, or other professional~~ 4225
~~activity;~~ 4226

(b) Whose residency, office, or principal place of 4227
professional or business activity is situated within the municipal 4228
corporation, county, or township; 4229

(c) ~~Who has not, at any time during the five years preceding~~ 4230
~~the date of appointment, held any elected public office. An~~ 4231
~~appointed member of the commission~~ shall not become a candidate 4232
for elected public office while serving as a member of the 4233
commission. 4234

(C) Immediately after appointment of the initial ~~three~~ 4235
appointed member or members of the commission, the governor shall 4236
call the first meeting of the commission and shall cause written 4237
notice of the time, date, and place of the first meeting to be 4238
given to each member of the commission at least forty-eight hours 4239
in advance of the meeting. 4240

(D) The director of budget and management shall serve as 4241
chairperson of the commission. The commission shall elect one of 4242
its members to serve as vice-chairperson and may appoint a 4243
secretary and any other officers, who need not be members of the 4244
commission, it considers necessary. 4245

(E) The commission may adopt and alter bylaws and rules, 4246
which shall not be subject to section 111.15 or Chapter 119. of 4247
the Revised Code, for the conduct of its affairs and for the 4248
manner, subject to this chapter, in which its powers and functions 4249
shall be exercised and embodied. 4250

(F) ~~Five~~ Four members of ~~the~~ a commission established 4251

pursuant to divisions (B)(1) and (2) of this section constitute a 4252
quorum of the commission. The affirmative vote of five a majority 4253
of the members of ~~the~~ such a commission is necessary for any 4254
action taken by vote of the commission. Three members of a 4255
commission established pursuant to divisions (B)(1) and (3) of 4256
this section constitute a quorum of the commission. The 4257
affirmative vote of a majority of the members of such a commission 4258
is necessary for any action taken by vote of the commission. No 4259
vacancy in the membership of the commission shall impair the 4260
rights of a quorum by such vote to exercise all the rights and 4261
perform all the duties of the commission. Members of the 4262
commission, and their designees, are not disqualified from voting 4263
by reason of the functions of the other office they hold and are 4264
not disqualified from exercising the functions of the other office 4265
with respect to the municipal corporation, county, or township, 4266
its officers, or the commission. 4267

(G) The auditor of state shall serve as the "financial 4268
supervisor" to the commission unless the auditor of state elects 4269
to contract for that service. As used in this chapter, "financial 4270
supervisor" means the auditor of state. 4271

(H) At the request of the commission, the auditor of state 4272
shall designate employees of the auditor of state's office to 4273
assist the commission and the financial supervisor and to 4274
coordinate the work of the auditor of state's office and the 4275
financial supervisor. Upon the determination of a fiscal emergency 4276
in any municipal corporation, county, or township, the municipal 4277
corporation, county, or township shall provide the commission with 4278
such reasonable office space in the principal building housing 4279
city, county, or township government, where feasible, as it 4280
determines is necessary to carry out its duties under this 4281
chapter. 4282

(I) The financial supervisor, the members of the commission, 4283

the auditor of state, and any person authorized to act on behalf 4284
of or assist them shall not be personally liable or subject to any 4285
suit, judgment, or claim for damages resulting from the exercise 4286
of or failure to exercise the powers, duties, and functions 4287
granted to them in regard to their functioning under this chapter, 4288
but the commission, the financial supervisor, the auditor of 4289
state, and those other persons shall be subject to mandamus 4290
proceedings to compel performance of their duties under this 4291
chapter and with respect to any debt obligations issued pursuant 4292
or subject to this chapter. 4293

(J) At the request of the commission, the administrative head 4294
of any state agency shall temporarily assign personnel skilled in 4295
accounting and budgeting procedures to assist the commission or 4296
the financial supervisor in its duties as financial supervisor. 4297

(K) The appointed members of the commission are not subject 4298
to section 102.02 of the Revised Code. Each appointed member of 4299
the commission shall file with the commission a signed written 4300
statement setting forth the general nature of sales of goods, 4301
property, or services or of loans to the municipal corporation, 4302
county, or township with respect to which that commission is 4303
established, in which the appointed member has a pecuniary 4304
interest or in which any member of the appointed member's 4305
immediate family, as defined in section 102.01 of the Revised 4306
Code, or any corporation, partnership, or enterprise of which the 4307
appointed member is an officer, director, or partner, or of which 4308
the appointed member or a member of the appointed member's 4309
immediate family, as so defined, owns more than a five per cent 4310
interest, has a pecuniary interest, and of which sale, loan, or 4311
interest such member has knowledge. The statement shall be 4312
supplemented from time to time to reflect changes in the general 4313
nature of any such sales or loans. 4314

Sec. 119.03. In the adoption, amendment, or rescission of any 4315
rule, an agency shall comply with the following procedure: 4316

(A) Reasonable public notice shall be given in the register 4317
of Ohio at least thirty days prior to the date set for a hearing, 4318
in the form the agency determines. The agency shall file copies of 4319
the public notice under division (B) of this section. (The agency 4320
gives public notice in the register of Ohio when the public notice 4321
is published in the register under that division.) 4322

The public notice shall include: 4323

(1) A statement of the agency's intention to consider 4324
adopting, amending, or rescinding a rule; 4325

(2) A synopsis of the proposed rule, amendment, or rule to be 4326
rescinded or a general statement of the subject matter to which 4327
the proposed rule, amendment, or rescission relates; 4328

(3) A statement of the reason or purpose for adopting, 4329
amending, or rescinding the rule; 4330

(4) The date, time, and place of a hearing on the proposed 4331
action, which shall be not earlier than the thirty-first nor later 4332
than the fortieth day after the proposed rule, amendment, or 4333
rescission is filed under division (B) of this section. 4334

In addition to public notice given in the register of Ohio, 4335
the agency may give whatever other notice it reasonably considers 4336
necessary to ensure notice constructively is given to all persons 4337
who are subject to or affected by the proposed rule, amendment, or 4338
rescission. 4339

The agency shall provide a copy of the public notice required 4340
under division (A) of this section to any person who requests it 4341
and pays a reasonable fee, not to exceed the cost of copying and 4342
mailing. 4343

(B) The full text of the proposed rule, amendment, or rule to 4344

be rescinded, accompanied by the public notice required under 4345
division (A) of this section, shall be filed in electronic form 4346
with the secretary of state and with the director of the 4347
legislative service commission. (If in compliance with this 4348
division an agency files more than one proposed rule, amendment, 4349
or rescission at the same time, and has prepared a public notice 4350
under division (A) of this section that applies to more than one 4351
of the proposed rules, amendments, or rescissions, the agency 4352
shall file only one notice with the secretary of state and with 4353
the director for all of the proposed rules, amendments, or 4354
rescissions to which the notice applies.) The proposed rule, 4355
amendment, or rescission and public notice shall be filed as 4356
required by this division at least sixty-five days prior to the 4357
date on which the agency, in accordance with division (D) of this 4358
section, issues an order adopting the proposed rule, amendment, or 4359
rescission. 4360

If the proposed rule, amendment, or rescission incorporates a 4361
text or other material by reference, the agency shall comply with 4362
sections 121.71 to 121.76 of the Revised Code. 4363

The proposed rule, amendment, or rescission shall be 4364
available for at least thirty days prior to the date of the 4365
hearing at the office of the agency in printed or other legible 4366
form without charge to any person affected by the proposal. 4367
Failure to furnish such text to any person requesting it shall not 4368
invalidate any action of the agency in connection therewith. 4369

If the agency files a substantive revision in the text of the 4370
proposed rule, amendment, or rescission under division (H) of this 4371
section, it shall also promptly file the full text of the proposed 4372
rule, amendment, or rescission in its revised form in electronic 4373
form with the secretary of state and with the director of the 4374
legislative service commission. 4375

The agency shall file the rule summary and fiscal analysis 4376

prepared under section ~~121.24~~ or 127.18 of the Revised Code, ~~or~~ 4377
~~both,~~ in electronic form along with a proposed rule, amendment, or 4378
rescission or proposed rule, amendment, or rescission in revised 4379
form that is filed with the secretary of state or the director of 4380
the legislative service commission. 4381

The director of the legislative service commission shall 4382
publish in the register of Ohio the full text of the original and 4383
each revised version of a proposed rule, amendment, or rescission; 4384
the full text of a public notice; and the full text of a rule 4385
summary and fiscal analysis that is filed with the director under 4386
this division. 4387

(C) On the date and at the time and place designated in the 4388
notice, the agency shall conduct a public hearing at which any 4389
person affected by the proposed action of the agency may appear 4390
and be heard in person, by the person's attorney, or both, may 4391
present the person's position, arguments, or contentions, orally 4392
or in writing, offer and examine witnesses, and present evidence 4393
tending to show that the proposed rule, amendment, or rescission, 4394
if adopted or effectuated, will be unreasonable or unlawful. An 4395
agency may permit persons affected by the proposed rule, 4396
amendment, or rescission to present their positions, arguments, or 4397
contentions in writing, not only at the hearing, but also for a 4398
reasonable period before, after, or both before and after the 4399
hearing. A person who presents a position or arguments or 4400
contentions in writing before or after the hearing is not required 4401
to appear at the hearing. 4402

At the hearing, the testimony shall be recorded. Such record 4403
shall be made at the expense of the agency. The agency is required 4404
to transcribe a record that is not sight readable only if a person 4405
requests transcription of all or part of the record and agrees to 4406
reimburse the agency for the costs of the transcription. An agency 4407
may require the person to pay in advance all or part of the cost 4408

of the transcription. 4409

In any hearing under this section the agency may administer 4410
oaths or affirmations. 4411

(D) After complying with divisions (A), (B), (C), and (H) of 4412
this section, and when the time for legislative review and 4413
invalidation under division (I) of this section has expired, the 4414
agency may issue an order adopting the proposed rule or the 4415
proposed amendment or rescission of the rule, consistent with the 4416
synopsis or general statement included in the public notice. At 4417
that time the agency shall designate the effective date of the 4418
rule, amendment, or rescission, which shall not be earlier than 4419
the tenth day after the rule, amendment, or rescission has been 4420
filed in its final form as provided in section 119.04 of the 4421
Revised Code. 4422

(E) Prior to the effective date of a rule, amendment, or 4423
rescission, the agency shall make a reasonable effort to inform 4424
those affected by the rule, amendment, or rescission and to have 4425
available for distribution to those requesting it the full text of 4426
the rule as adopted or as amended. 4427

(F) If the governor, upon the request of an agency, 4428
determines that an emergency requires the immediate adoption, 4429
amendment, or rescission of a rule, the governor shall issue an 4430
order, the text of which shall be filed in electronic form with 4431
the agency, the secretary of state, the director of the 4432
legislative service commission, and the joint committee on agency 4433
rule review, that the procedure prescribed by this section with 4434
respect to the adoption, amendment, or rescission of a specified 4435
rule is suspended. The agency may then adopt immediately the 4436
emergency rule, amendment, or rescission and it becomes effective 4437
on the date the rule, amendment, or rescission, in final form and 4438
in compliance with division (A)(2) of section 119.04 of the 4439
Revised Code, ~~are~~ is filed in electronic form with the secretary 4440

of state, the director of the legislative service commission, and 4441
the joint committee on agency rule review. If all filings are not 4442
completed on the same day, the emergency rule, amendment, or 4443
rescission shall be effective on the day on which the latest 4444
filing is completed. The director shall publish the full text of 4445
the emergency rule, amendment, or rescission in the register of 4446
Ohio. 4447

The emergency rule, amendment, or rescission shall become 4448
invalid at the end of the ninetieth day it is in effect. Prior to 4449
that date the agency may adopt the emergency rule, amendment, or 4450
rescission as a nonemergency rule, amendment, or rescission by 4451
complying with the procedure prescribed by this section for the 4452
adoption, amendment, and rescission of nonemergency rules. The 4453
agency shall not use the procedure of this division to readopt the 4454
emergency rule, amendment, or rescission so that, upon the 4455
emergency rule, amendment, or rescission becoming invalid under 4456
this division, the emergency rule, amendment, or rescission will 4457
continue in effect without interruption for another ninety-day 4458
period, except when division (I)(2)(a) of this section prevents 4459
the agency from adopting the emergency rule, amendment, or 4460
rescission as a nonemergency rule, amendment, or rescission within 4461
the ninety-day period. 4462

This division does not apply to the adoption of any emergency 4463
rule, amendment, or rescission by the tax commissioner under 4464
division (C)(2) of section 5117.02 of the Revised Code. 4465

(G) Rules adopted by an authority within the department of 4466
job and family services for the administration or enforcement of 4467
Chapter 4141. of the Revised Code or of the department of taxation 4468
shall be effective without a hearing as provided by this section 4469
if the statutes pertaining to such agency specifically give a 4470
right of appeal to the board of tax appeals or to a higher 4471
authority within the agency or to a court, and also give the 4472

appellant a right to a hearing on such appeal. This division does 4473
not apply to the adoption of any rule, amendment, or rescission by 4474
the tax commissioner under division (C)(1) or (2) of section 4475
5117.02 of the Revised Code, or deny the right to file an action 4476
for declaratory judgment as provided in Chapter 2721. of the 4477
Revised Code from the decision of the board of tax appeals or of 4478
the higher authority within such agency. 4479

(H) When any agency files a proposed rule, amendment, or 4480
rescission under division (B) of this section, it shall also file 4481
in electronic form with the joint committee on agency rule review 4482
the full text of the proposed rule, amendment, or rule to be 4483
rescinded in the same form and the public notice required under 4484
division (A) of this section. (If in compliance with this division 4485
an agency files more than one proposed rule, amendment, or 4486
rescission at the same time, and has given a public notice under 4487
division (A) of this section that applies to more than one of the 4488
proposed rules, amendments, or rescissions, the agency shall file 4489
only one notice with the joint committee for all of the proposed 4490
rules, amendments, or rescissions to which the notice applies.) If 4491
the agency makes a substantive revision in a proposed rule, 4492
amendment, or rescission after it is filed with the joint 4493
committee, the agency shall promptly file the full text of the 4494
proposed rule, amendment, or rescission in its revised form in 4495
electronic form with the joint committee. The latest version of a 4496
proposed rule, amendment, or rescission as filed with the joint 4497
committee supersedes each earlier version of the text of the same 4498
proposed rule, amendment, or rescission. An agency shall file the 4499
rule summary and fiscal analysis prepared under section ~~121.24 or~~ 4500
127.18 of the Revised Code, ~~or both,~~ in electronic form along with 4501
a proposed rule, amendment, or rescission, and along with a 4502
proposed rule, amendment, or rescission in revised form, that is 4503
filed under this division. 4504

The joint committee shall promptly file a notice in 4505
electronic form with the Ohio small business ombudsperson of the 4506
filing under this division of a proposed rule, amendment, or 4507
rescission, or of a proposed rule, amendment, or rescission in 4508
revised form, that previously was filed with the ombudsperson 4509
under section 121.254 of the Revised Code. 4510

This division does not apply to: 4511

(1) An emergency rule, amendment, or rescission; 4512

(2) Any proposed rule, amendment, or rescission that must be 4513
adopted verbatim by an agency pursuant to federal law or rule, to 4514
become effective within sixty days of adoption, in order to 4515
continue the operation of a federally reimbursed program in this 4516
state, so long as the proposed rule contains both of the 4517
following: 4518

(a) A statement that it is proposed for the purpose of 4519
complying with a federal law or rule; 4520

(b) A citation to the federal law or rule that requires 4521
verbatim compliance. 4522

If a rule or amendment is exempt from legislative review 4523
under division (H)(2) of this section, and if the federal law or 4524
rule pursuant to which the rule or amendment was adopted expires, 4525
is repealed or rescinded, or otherwise terminates, the rule or 4526
amendment, or its rescission, is thereafter subject to legislative 4527
review under division (H) of this section. 4528

(I)(1) The joint committee on agency rule review may 4529
recommend the adoption of a concurrent resolution invalidating a 4530
proposed rule, amendment, rescission, or part thereof if it finds 4531
any of the following: 4532

(a) That the rule-making agency has exceeded the scope of its 4533
statutory authority in proposing the rule, amendment, or 4534

rescission; 4535

(b) That the proposed rule, amendment, or rescission 4536
conflicts with another rule, amendment, or rescission adopted by 4537
the same or a different rule-making agency; 4538

(c) That the proposed rule, amendment, or rescission 4539
conflicts with the legislative intent in enacting the statute 4540
under which the rule-making agency proposed the rule, amendment, 4541
or rescission; 4542

(d) That the rule-making agency has failed to prepare a 4543
complete and accurate rule summary and fiscal analysis of the 4544
proposed rule, amendment, or rescission as required by section 4545
~~121.24 or 127.18 of the Revised Code, or both, or that;~~ 4546

(e) That the proposed rule, amendment, or rescission 4547
incorporates a text or other material by reference and either the 4548
rule-making agency has failed to file the text or other material 4549
incorporated by reference as required by section 121.73 of the 4550
Revised Code or, in the case of a proposed rule or amendment, the 4551
incorporation by reference fails to meet the standards stated in 4552
section 121.72, 121.75, or 121.76 of the Revised Code; or 4553

(f) That the rule-making agency has failed to comply with 4554
section 121.252, 121.253, or 121.254 of the Revised Code. 4555

The joint committee shall not hold its public hearing on a 4556
proposed rule, amendment, or rescission earlier than the 4557
forty-first day after the original version of the proposed rule, 4558
amendment, or rescission was filed with the joint committee. 4559

The house of representatives and senate may adopt a 4560
concurrent resolution invalidating a proposed rule, amendment, 4561
rescission, or part thereof. The concurrent resolution shall state 4562
which of the specific rules, amendments, rescissions, or parts 4563
thereof are invalidated. A concurrent resolution invalidating a 4564
proposed rule, amendment, or rescission shall be adopted not later 4565

than the sixty-fifth day after the original version of the text of 4566
the proposed rule, amendment, or rescission is filed with the 4567
joint committee, except that if more than thirty-five days after 4568
the original version is filed the rule-making agency either files 4569
a revised version of the text of the proposed rule, amendment, or 4570
rescission, or revises the rule summary and fiscal analysis in 4571
accordance with division (I)(4) of this section, a concurrent 4572
resolution invalidating the proposed rule, amendment, or 4573
rescission shall be adopted not later than the thirtieth day after 4574
the revised version of the proposed rule or rule summary and 4575
fiscal analysis is filed. If, after the joint committee on agency 4576
rule review recommends the adoption of a concurrent resolution 4577
invalidating a proposed rule, amendment, rescission, or part 4578
thereof, the house of representatives or senate does not, within 4579
the time remaining for adoption of the concurrent resolution, hold 4580
five floor sessions at which its journal records a roll call vote 4581
disclosing a sufficient number of members in attendance to pass a 4582
bill, the time within which that house may adopt the concurrent 4583
resolution is extended until it has held five such floor sessions. 4584

Within five days after the adoption of a concurrent 4585
resolution invalidating a proposed rule, amendment, rescission, or 4586
part thereof, the clerk of the senate shall send the rule-making 4587
agency, the secretary of state, and the director of the 4588
legislative service commission in electronic form a certified text 4589
of the resolution together with a certification stating the date 4590
on which the resolution takes effect. The secretary of state and 4591
the director of the legislative service commission shall each note 4592
the invalidity of the proposed rule, amendment, rescission, or 4593
part thereof, and shall each remove the invalid proposed rule, 4594
amendment, rescission, or part thereof from the file of proposed 4595
rules. The rule-making agency shall not proceed to adopt in 4596
accordance with division (D) of this section, or to file in 4597
accordance with division (B)(1) of section 111.15 of the Revised 4598

Code, any version of a proposed rule, amendment, rescission, or 4599
part thereof that has been invalidated by concurrent resolution. 4600

Unless the house of representatives and senate adopt a 4601
concurrent resolution invalidating a proposed rule, amendment, 4602
rescission, or part thereof within the time specified by this 4603
division, the rule-making agency may proceed to adopt in 4604
accordance with division (D) of this section, or to file in 4605
accordance with division (B)(1) of section 111.15 of the Revised 4606
Code, the latest version of the proposed rule, amendment, or 4607
rescission as filed with the joint committee. If by concurrent 4608
resolution certain of the rules, amendments, rescissions, or parts 4609
thereof are specifically invalidated, the rule-making agency may 4610
proceed to adopt, in accordance with division (D) of this section, 4611
or to file in accordance with division (B)(1) of section 111.15 of 4612
the Revised Code, the latest version of the proposed rules, 4613
amendments, rescissions, or parts thereof as filed with the joint 4614
committee that are not specifically invalidated. The rule-making 4615
agency may not revise or amend any proposed rule, amendment, 4616
rescission, or part thereof that has not been invalidated except 4617
as provided in this chapter or in section 111.15 of the Revised 4618
Code. 4619

(2)(a) A proposed rule, amendment, or rescission that is 4620
filed with the joint committee under division (H) of this section 4621
or division (D) of section 111.15 of the Revised Code shall be 4622
carried over for legislative review to the next succeeding regular 4623
session of the general assembly if the original or any revised 4624
version of the proposed rule, amendment, or rescission is filed 4625
with the joint committee on or after the first day of December of 4626
any year. 4627

(b) The latest version of any proposed rule, amendment, or 4628
rescission that is subject to division (I)(2)(a) of this section, 4629
as filed with the joint committee, is subject to legislative 4630

review and invalidation in the next succeeding regular session of 4631
the general assembly in the same manner as if it were the original 4632
version of a proposed rule, amendment, or rescission that had been 4633
filed with the joint committee for the first time on the first day 4634
of the session. A rule-making agency shall not adopt in accordance 4635
with division (D) of this section, or file in accordance with 4636
division (B)(1) of section 111.15 of the Revised Code, any version 4637
of a proposed rule, amendment, or rescission that is subject to 4638
division (I)(2)(a) of this section until the time for legislative 4639
review and invalidation, as contemplated by division (I)(2)(b) of 4640
this section, has expired. 4641

(3) Invalidation of any version of a proposed rule, 4642
amendment, rescission, or part thereof by concurrent resolution 4643
shall prevent the rule-making agency from instituting or 4644
continuing proceedings to adopt any version of the same proposed 4645
rule, amendment, rescission, or part thereof for the duration of 4646
the general assembly that invalidated the proposed rule, 4647
amendment, rescission, or part thereof unless the same general 4648
assembly adopts a concurrent resolution permitting the rule-making 4649
agency to institute or continue such proceedings. 4650

The failure of the general assembly to invalidate a proposed 4651
rule, amendment, rescission, or part thereof under this section 4652
shall not be construed as a ratification of the lawfulness or 4653
reasonableness of the proposed rule, amendment, rescission, or any 4654
part thereof or of the validity of the procedure by which the 4655
proposed rule, amendment, rescission, or any part thereof was 4656
proposed or adopted. 4657

(4) In lieu of recommending a concurrent resolution to 4658
invalidate a proposed rule, amendment, rescission, or part thereof 4659
because the rule-making agency has failed to prepare a complete 4660
and accurate fiscal analysis, the joint committee on agency rule 4661
review may issue, on a one-time basis, for rules, amendments, 4662

rescissions, or parts thereof that have a fiscal effect on school 4663
districts, counties, townships, or municipal corporations, a 4664
finding that the rule summary and fiscal analysis is incomplete or 4665
inaccurate and order the rule-making agency to revise the rule 4666
summary and fiscal analysis and refile it with the proposed rule, 4667
amendment, rescission, or part thereof. If an emergency rule is 4668
filed as a nonemergency rule before the end of the ninetieth day 4669
of the emergency rule's effectiveness, and the joint committee 4670
issues a finding and orders the rule-making agency to refile under 4671
division (I)(4) of this section, the governor may also issue an 4672
order stating that the emergency rule shall remain in effect for 4673
an additional sixty days after the ninetieth day of the emergency 4674
rule's effectiveness. The governor's orders shall be filed in 4675
accordance with division (F) of this section. The joint committee 4676
shall send in electronic form to the rule-making agency, the 4677
secretary of state, and the director of the legislative service 4678
commission a certified text of the finding and order to revise the 4679
rule summary and fiscal analysis, which shall take immediate 4680
effect. 4681

An order issued under division (I)(4) of this section shall 4682
prevent the rule-making agency from instituting or continuing 4683
proceedings to adopt any version of the proposed rule, amendment, 4684
rescission, or part thereof until the rule-making agency revises 4685
the rule summary and fiscal analysis and refiles it in electronic 4686
form with the joint committee along with the proposed rule, 4687
amendment, rescission, or part thereof. If the joint committee 4688
finds the rule summary and fiscal analysis to be complete and 4689
accurate, the joint committee shall issue a new order noting that 4690
the rule-making agency has revised and refiled a complete and 4691
accurate rule summary and fiscal analysis. The joint committee 4692
shall send in electronic form to the rule-making agency, the 4693
secretary of state, and the director of the legislative service 4694
commission a certified text of this new order. The secretary of 4695

state and the director of the legislative service commission shall 4696
each link this order to the proposed rule, amendment, rescission, 4697
or part thereof. The rule-making agency may then proceed to adopt 4698
in accordance with division (D) of this section, or to file in 4699
accordance with division (B)(1) of section 111.15 of the Revised 4700
Code, the proposed rule, amendment, rescission, or part thereof 4701
that was subject to the finding and order under division (I)(4) of 4702
this section. If the joint committee determines that the revised 4703
rule summary and fiscal analysis is still inaccurate or 4704
incomplete, the joint committee shall recommend the adoption of a 4705
concurrent resolution in accordance with division (I)(1) of this 4706
section. 4707

Sec. 120.03. (A) The Ohio public defender commission shall 4708
appoint the state public defender, who shall serve at the pleasure 4709
of the commission. 4710

(B) The Ohio public defender commission shall establish rules 4711
for the conduct of the offices of the county and joint county 4712
public defenders and for the conduct of county appointed counsel 4713
systems in the state. These rules shall include, but are not 4714
limited to, the following: 4715

(1) Standards of indigency and minimum qualifications for 4716
legal representation by a public defender or appointed counsel. In 4717
establishing standards of indigency and determining who is 4718
eligible for legal representation by a public defender or 4719
appointed counsel, the commission shall consider an indigent 4720
person to be an individual who at the time ~~his~~ the person's need 4721
is determined is unable to provide for the payment of an attorney 4722
and all other necessary expenses of representation. Release on 4723
bail shall not prevent a person from being determined to be 4724
indigent. 4725

(2) Standards for the hiring of outside counsel; 4726

(3) Standards for contracts by a public defender with law schools, legal aid societies, and nonprofit organizations for providing counsel;

(4) Standards for the qualifications, training, and size of the legal and supporting staff for a public defender, facilities, and other requirements needed to maintain and operate an office of a public defender;

(5) Minimum caseload standards;

(6) Procedures for the assessment and collection of the costs of legal representation that is provided by public defenders or appointed counsel;

(7) Standards and guidelines for determining whether a client is able to make an up-front contribution toward the cost of ~~his~~ the client's legal representation;

(8) Procedures for the collection of up-front contributions from clients who are able to contribute toward the cost of their legal representation, as determined pursuant to the standards and guidelines developed under division (B)(7) of this section. All of such up-front contributions shall be paid into the appropriate county fund.

(9) Standards for contracts between a board of county commissioners, a county public defender commission, or a joint county public defender commission and a municipal corporation for the legal representation of indigent persons charged with violations of the ordinances of the municipal corporation.

(C) The Ohio public defender commission shall adopt rules prescribing minimum qualifications of counsel appointed pursuant to this chapter or appointed by the courts. Without limiting its general authority to prescribe different qualifications for different categories of appointed counsel, the commission shall prescribe, by rule, special qualifications for counsel and

co-counsel appointed in capital cases.	4758
(D) In administering the office of the Ohio public defender commission:	4759 4760
(1) The commission shall do the following:	4761
(a) Approve an annual operating budget;	4762
(b) Make an annual report to the governor, the general assembly, and the supreme court of Ohio on the operation of the state public defender's office, the county appointed counsel systems, and the county and joint county public defenders' offices.	4763 4764 4765 4766 4767
(2) The commission may do the following:	4768
(a) Accept the services of volunteer workers and consultants at no compensation other than reimbursement of actual and necessary expenses;	4769 4770 4771
(b) Prepare and publish statistical and case studies and other data pertinent to the legal representation of indigent persons;	4772 4773 4774
(c) Conduct programs having a general objective of training and educating attorneys and others in the legal representation of indigent persons.	4775 4776 4777
(E) There is hereby established in the state treasury the public defender training fund for the deposit of fees received by the Ohio public defender commission from educational seminars, and the sale of publications, on topics concerning criminal law and procedure. Expenditures from this fund shall be made only for the operation of activities authorized by division (D)(2)(c) of this section.	4778 4779 4780 4781 4782 4783 4784
(F)(1) In accordance with sections 109.02, 109.07, and 109.361 to 109.366 of the Revised Code, but subject to division (E) of section 120.06 of the Revised Code, the attorney general	4785 4786 4787

shall represent or provide for the representation of the Ohio 4788
public defender commission, the state public defender, assistant 4789
state public defenders, and other employees of the commission or 4790
the state public defender. 4791

(2) Subject to division (E) of section 120.06 of the Revised 4792
Code, the attorney general shall represent or provide for the 4793
representation of attorneys described in division (C) of section 4794
120.41 of the Revised Code in malpractice or other civil actions 4795
or proceedings that arise from alleged actions or omissions 4796
related to responsibilities derived pursuant to this chapter, or 4797
in civil actions that are based upon alleged violations of the 4798
constitution or statutes of the United States, including section 4799
1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 4800
42 U.S.C.A. 1983, as amended, and that arise from alleged actions 4801
or omissions related to responsibilities derived pursuant to this 4802
chapter. For purposes of the representation, sections 109.361 to 4803
109.366 of the Revised Code shall apply to an attorney described 4804
in division (C) of section 120.41 of the Revised Code as if ~~he~~ the 4805
attorney were an officer or employee, as defined in section 109.36 4806
of the Revised Code, and the Ohio public defender commission or 4807
the state public defender, whichever contracted with the attorney, 4808
shall be considered ~~his~~ the attorney's employer. 4809

(G) The commission shall adopt rules governing the 4810
reimbursement of counties under division (B)(14) of section 120.04 4811
of the Revised Code, including rules governing costs that are 4812
appropriate for reimbursement and standards and guidelines for 4813
providing such reimbursement. 4814

Sec. 120.04. (A) The state public defender shall serve at the 4815
pleasure of the Ohio public defender commission and shall be an 4816
attorney with a minimum of four years of experience in the 4817
practice of law and be admitted to the practice of law in this 4818

state at least one year prior to appointment. 4819

(B) The state public defender shall do all of the following: 4820

(1) Maintain a central office in Columbus. The central office 4821
shall be provided with a library of adequate size, considering the 4822
needs of the office and the accessibility of other libraries, and 4823
other necessary facilities and equipment. 4824

(2) Appoint assistant state public defenders, all of whom 4825
shall be attorneys admitted to the practice of law in this state, 4826
and other personnel necessary for the operation of the state 4827
public defender office. Assistant state public defenders shall be 4828
appointed on a full-time basis. The state public defender, 4829
assistant state public defenders, and employees appointed by the 4830
state public defender shall not engage in the private practice of 4831
law. 4832

(3) Supervise the compliance of county public defender 4833
offices, joint county public defender offices, and county 4834
appointed counsel systems with standards established by rules of 4835
the Ohio public defender commission pursuant to division (B) of 4836
section 120.03 of the Revised Code; 4837

(4) Keep and maintain financial records of all cases handled 4838
and develop records for use in the calculation of direct and 4839
indirect costs, in the operation of the office, and report 4840
periodically, but not less than annually, to the commission on all 4841
relevant data on the operations of the office, costs, projected 4842
needs, and recommendations for legislation or amendments to court 4843
rules, as may be appropriate to improve the criminal justice 4844
system; 4845

(5) Collect all moneys due the state for reimbursement for 4846
legal services under this chapter and under section 2941.51 of the 4847
Revised Code and institute any actions in court on behalf of the 4848
state for the collection of such sums that the state public 4849

defender considers advisable. Except as provided otherwise in 4850
division (D) of section 120.06 of the Revised Code, all moneys 4851
collected by the state public defender under this chapter and 4852
section 2941.51 of the Revised Code shall be deposited in the 4853
state treasury to the credit of the client payment fund, which is 4854
hereby created. All moneys credited to the fund shall be used by 4855
the state public defender to appoint assistant state public 4856
defenders and to provide other personnel, equipment, and 4857
facilities necessary for the operation of the state public 4858
defender office, to reimburse counties for the operation of county 4859
public defender offices, joint county public defender offices, and 4860
county appointed counsel systems pursuant to sections 120.18, 4861
120.28, and 120.33 of the Revised Code, or to provide assistance 4862
to counties in the operation of county indigent defense systems. 4863

(6) With respect to funds appropriated to the commission to 4864
pay criminal costs, perform the duties imposed by sections 2949.19 4865
and 2949.201 of the Revised Code; 4866

(7) Establish standards and guidelines for the reimbursement, 4867
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 4868
of the Revised Code, of counties for the operation of county 4869
public defender offices, joint county public defender offices, and 4870
county appointed counsel systems and for other costs related to 4871
felony prosecutions; 4872

(8) Establish maximum amounts that the state will reimburse 4873
the counties pursuant to sections 120.18, 120.28, 120.33, and 4874
2941.51 of the Revised Code; 4875

(9) Establish maximum amounts that the state will reimburse 4876
the counties pursuant to section 120.33 of the Revised Code for 4877
each specific type of legal service performed by a county 4878
appointed counsel system; 4879

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 4880

2949.19 of the Revised Code and make reimbursements pursuant to 4881
those sections; 4882

(11) Administer the program established pursuant to sections 4883
120.51 to 120.55 of the Revised Code for the charitable public 4884
purpose of providing financial assistance to legal aid societies. 4885
Neither the state public defender nor any of the state public 4886
defender's employees who is responsible in any way for the 4887
administration of that program and who performs those 4888
administrative responsibilities in good faith is in any manner 4889
liable if a legal aid society that is provided financial 4890
assistance under the program uses the financial assistance other 4891
than in accordance with sections 120.51 to 120.55 of the Revised 4892
Code or fails to comply with the requirements of those sections. 4893

(12) Establish an office for the handling of appeal and 4894
postconviction matters; 4895

(13) Provide technical aid and assistance to county public 4896
defender offices, joint county public defender offices, and other 4897
local counsel providing legal representation to indigent persons, 4898
including representation and assistance on appeals; 4899

(14) Provide reimbursement to counties for costs associated 4900
with programs governing persons serving as qualified volunteer 4901
guardians ad litem and court appointed special advocates pursuant 4902
to section 2151.281 of the Revised Code. The reimbursement shall 4903
be provided from money deposited in the indigent defense support 4904
fund created in section 120.08 of the Revised Code and from other 4905
moneys appropriated to the office of the Ohio public defender 4906
commission. The reimbursement required under division (B)(14) of 4907
this section shall be provided in accordance with rules adopted by 4908
the Ohio public defender commission under section 120.03 of the 4909
Revised Code. 4910

(C) The state public defender may do any of the following: 4911

- (1) In providing legal representation, conduct 4912
investigations, obtain expert testimony, take depositions, use 4913
other discovery methods, order transcripts, and make all other 4914
preparations which are appropriate and necessary to an adequate 4915
defense or the prosecution of appeals and other legal proceedings; 4916
- (2) Seek, solicit, and apply for grants for the operation of 4917
programs for the defense of indigent persons from any public or 4918
private source, and may receive donations, grants, awards, and 4919
similar funds from any lawful source. Such funds shall be 4920
deposited in the state treasury to the credit of the public 4921
defender gifts and grants fund, which is hereby created. 4922
- (3) Make all the necessary arrangements to coordinate the 4923
services of the office with any federal, county, or private 4924
programs established to provide legal representation to indigent 4925
persons and others, and to obtain and provide all funds allowable 4926
under any such programs; 4927
- (4) Consult and cooperate with professional groups concerned 4928
with the causes of criminal conduct, the reduction of crime, the 4929
rehabilitation and correction of persons convicted of crime, the 4930
administration of criminal justice, and the administration and 4931
operation of the state public defender's office; 4932
- (5) Accept the services of volunteer workers and consultants 4933
at no compensation other than reimbursement for actual and 4934
necessary expenses; 4935
- (6) Prescribe any forms that are necessary for the uniform 4936
operation of this chapter; 4937
- (7) Contract with a county public defender commission or a 4938
joint county public defender commission to provide all or any part 4939
of the services that a county public defender or joint county 4940
public defender is required or permitted to provide by this 4941
chapter, or contract with a board of county commissioners of a 4942

county that is not served by a county public defender commission 4943
or a joint county public defender commission for the provision of 4944
services in accordance with section 120.33 of the Revised Code. 4945
All money received by the state public defender pursuant to such a 4946
contract shall be credited to either the multi-county: county 4947
share fund or, if received as a result of a contract with Trumbull 4948
county, the Trumbull county: county share fund. 4949

(8) Authorize persons employed as criminal investigators to 4950
attend the Ohio peace officer training academy or any other peace 4951
officer training school for training; 4952

(9) Procure a policy or policies of malpractice insurance 4953
that provide coverage for the state public defender and assistant 4954
state public defenders in connection with malpractice claims that 4955
may arise from their actions or omissions related to 4956
responsibilities derived pursuant to this chapter. 4957

(D) No person employed by the state public defender as a 4958
criminal investigator shall attend the Ohio peace officer training 4959
academy or any other peace officer training school unless 4960
authorized to do so by the state public defender. 4961

Sec. 120.08. There is hereby created in the state treasury 4962
the indigent defense support fund, consisting of money paid into 4963
the fund pursuant to ~~section~~ sections 4507.45, 4509.101, 4510.22, 4964
and 4511.19 of the Revised Code and pursuant to ~~section~~ sections 4965
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 4966
additional court costs imposed under ~~that section~~ those sections. 4967
The state public defender shall use at least ninety per cent of 4968
the money in the fund for the purpose of reimbursing county 4969
governments for expenses incurred pursuant to sections 120.18, 4970
120.28, and 120.33 of the Revised Code. Disbursements from the 4971
fund to county governments shall be made ~~in each state fiscal~~ at 4972
least once per year and shall be allocated proportionately so that 4973

each county receives an equal percentage of its total cost for 4974
operating its county public defender system, its joint county 4975
public defender system, ~~or~~ its county appointed counsel system, or 4976
its system operated under division (C)(7) of section 120.04 of the 4977
Revised Code and division (B) of section 120.33 of the Revised 4978
Code. The state public defender may use not more than ten per cent 4979
of the money in the fund for the purposes of appointing assistant 4980
state public defenders or for providing other personnel, 4981
equipment, and facilities necessary for the operation of the state 4982
public defender office. 4983

Sec. 120.52. (A) There is hereby established in the state 4984
treasury the legal aid fund, ~~which that~~ shall be for the 4985
charitable public purpose of providing financial assistance to 4986
legal aid societies that provide civil legal services to 4987
indigents. The fund shall contain all funds credited to it by the 4988
treasurer of state pursuant to sections 1901.26, 1907.24, 4989
2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised 4990
Code. 4991

(B) The treasurer of state may invest moneys contained in the 4992
legal aid fund in any manner authorized by the Revised Code for 4993
the investment of state moneys. However, no such investment shall 4994
interfere with any apportionment, allocation, or payment of moneys 4995
as required by section 120.53 of the Revised Code. 4996

(C) The state public defender, through the Ohio legal 4997
assistance foundation, shall administer the payment of moneys out 4998
of the fund. Four and one-half per cent of the moneys in the fund 4999
shall be reserved for the actual, reasonable costs of 5000
administering sections 120.51 to 120.55 and sections 1901.26, 5001
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 5002
Revised Code. Moneys that are reserved for administrative costs 5003
but that are not used for actual, reasonable administrative costs 5004

shall be set aside for use in the manner described in division (A) 5005
of section 120.521 of the Revised Code. The remainder of the 5006
moneys in the legal aid fund shall be distributed in accordance 5007
with section 120.53 of the Revised Code. The Ohio legal assistance 5008
foundation shall establish, in accordance with Chapter 119. of the 5009
Revised Code, rules governing the administration of the legal aid 5010
fund, including the programs established under sections 1901.26, 5011
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 5012
Revised Code ~~regarding interest on interest bearing trust accounts~~ 5013
~~of an attorney, law firm, or legal professional association.~~ 5014

Sec. 120.53. (A) A legal aid society that operates within the 5016
state may apply to the Ohio legal assistance foundation for 5017
financial assistance from the legal aid fund established by 5018
section 120.52 of the Revised Code to be used for the funding of 5019
the society during the calendar year following the calendar year 5020
in which application is made. 5021

(B) An application for financial assistance made under 5022
division (A) of this section shall be submitted by the first day 5023
of November of the calendar year preceding the calendar year for 5024
which financial assistance is desired and shall include all of the 5025
following: 5026

(1) Evidence that the applicant is incorporated in this state 5027
as a nonprofit corporation; 5028

(2) A list of the trustees of the applicant; 5029

(3) The proposed budget of the applicant for these funds for 5030
the following calendar year; 5031

(4) A summary of the services to be offered by the applicant 5032
in the following calendar year; 5033

(5) A specific description of the territory or constituency 5034

served by the applicant; 5035

(6) An estimate of the number of persons to be served by the 5036
applicant during the following calendar year; 5037

(7) A general description of the additional sources of the 5038
applicant's funding; 5039

(8) The amount of the applicant's total budget for the 5040
calendar year in which the application is filed that it will 5041
expend in that calendar year for legal services in each of the 5042
counties it serves; 5043

(9) A specific description of any services, programs, 5044
training, and legal technical assistance to be delivered by the 5045
applicant or by another person pursuant to a contract with the 5046
applicant, including, but not limited to, by private attorneys or 5047
through reduced fee plans, judicare panels, organized pro bono 5048
programs, and mediation programs. 5049

(C) The Ohio legal assistance foundation shall determine 5050
whether each applicant that filed an application for financial 5051
assistance under division (A) of this section in a calendar year 5052
is eligible for financial assistance under this section. To be 5053
eligible for such financial assistance, an applicant shall satisfy 5054
the criteria for being a legal aid society and shall be in 5055
compliance with the provisions of sections 120.51 to 120.55 of the 5056
Revised Code and with the rules and requirements the foundation 5057
establishes pursuant to section 120.52 of the Revised Code. The 5058
Ohio legal assistance foundation then, on or before the fifteenth 5059
day of December of the calendar year in which the application is 5060
filed, shall notify each such applicant, in writing, whether it is 5061
eligible for financial assistance under this section, and if it is 5062
eligible, estimate the amount that will be available for that 5063
applicant for each six-month distribution period, as determined 5064
under division (D) of this section. 5065

(D) The Ohio legal assistance foundation shall allocate 5066
moneys contained in the legal aid fund monthly for distribution to 5067
applicants that filed their applications in the previous calendar 5068
year and are determined to be eligible applicants. 5069

All moneys contained in the fund on the first day of each 5070
month shall be allocated, after deduction of the costs of 5071
administering sections 120.51 to 120.55 and sections 1901.26, 5072
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 5073
Revised Code that are authorized by section 120.52 of the Revised 5074
Code, according to this section and shall be distributed 5075
accordingly not later than the last day of the month following the 5076
month the moneys were received. In making the allocations under 5077
this section, the moneys in the fund that were generated pursuant 5078
to sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 5079
4705.09, and 4705.10 of the Revised Code shall be apportioned as 5080
follows: 5081

(1) After deduction of the amount authorized and used for 5082
actual, reasonable administrative costs under section 120.52 of 5083
the Revised Code: 5084

(a) Five per cent of the moneys remaining in the fund shall 5085
be reserved for use in the manner described in division (A) of 5086
section 120.521 of the Revised Code or for distribution to legal 5087
aid societies that provide assistance to special population groups 5088
of their eligible clients, engage in special projects that have a 5089
substantial impact on their local service area or on significant 5090
segments of the state's poverty population, or provide legal 5091
training or support to other legal aid societies in the state; 5092

(b) After deduction of the amount described in division 5093
(D)(1)(a) of this section, one and three-quarters per cent of the 5094
moneys remaining in the fund shall be apportioned among entities 5095
that received financial assistance from the legal aid fund prior 5096
to ~~the effective date of this amendment~~ July 1, 1993, but that, on 5097

and after ~~the effective date of this amendment~~ July 1, 1993, no 5098
longer qualify as a legal aid society that is eligible for 5099
financial assistance under this section. 5100

(c) After deduction of the amounts described in divisions 5101
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 5102
remaining in the fund shall be placed in the legal assistance 5103
foundation fund for use in the manner described in division (A) of 5104
section 120.521 of the Revised Code. 5105

(2) After deduction of the actual, reasonable administrative 5106
costs under section 120.52 of the Revised Code and after deduction 5107
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 5108
this section, the remaining moneys shall be apportioned among the 5109
counties that are served by eligible legal aid societies that have 5110
applied for financial assistance under this section so that each 5111
such county is apportioned a portion of those moneys, based upon 5112
the ratio of the number of indigents who reside in that county to 5113
the total number of indigents who reside in all counties of this 5114
state that are served by eligible legal aid societies that have 5115
applied for financial assistance under this section. Subject to 5116
division (E) of this section, the moneys apportioned to a county 5117
under this division then shall be allocated to the eligible legal 5118
aid society that serves the county and that has applied for 5119
financial assistance under this section. For purposes of this 5120
division, the source of data identifying the number of indigent 5121
persons who reside in a county shall be the most recent decennial 5122
census figures from the United States department of commerce, 5123
division of census. 5124

(E) If the Ohio legal assistance foundation, in attempting to 5125
make an allocation of moneys under division (D)(2) of this 5126
section, determines that a county that has been apportioned money 5127
under that division is served by more than one eligible legal aid 5128
society that has applied for financial assistance under this 5129

section, the Ohio legal assistance foundation shall allocate the 5130
moneys that have been apportioned to that county under division 5131
(D)(2) of this section among all eligible legal aid societies that 5132
serve that county and that have applied for financial assistance 5133
under this section on a pro rata basis, so that each such eligible 5134
society is allocated a portion based upon the amount of its total 5135
budget expended in the prior calendar year for legal services in 5136
that county as compared to the total amount expended in the prior 5137
calendar year for legal services in that county by all eligible 5138
legal aid societies that serve that county and that have applied 5139
for financial assistance under this section. 5140

(F) Moneys allocated to eligible applicants under this 5141
section shall be paid monthly beginning the calendar year 5142
following the calendar year in which the application is filed. 5143

(G)(1) A legal aid society that receives financial assistance 5144
in any calendar year under this section shall file an annual 5145
report with the Ohio legal assistance foundation detailing the 5146
number and types of cases handled, and the amount and types of 5147
legal training, legal technical assistance, and other service 5148
provided, by means of that financial assistance. No information 5149
contained in the report shall identify or enable the 5150
identification of any person served by the legal aid society or in 5151
any way breach client confidentiality. 5152

(2) The Ohio legal assistance foundation shall make an annual 5153
report to the governor, the general assembly, and the supreme 5154
court on the distribution and use of the legal aid fund. The 5155
foundation also shall include in the annual report an audited 5156
financial statement of all gifts, bequests, donations, 5157
contributions, and other moneys the foundation receives. No 5158
information contained in the report shall identify or enable the 5159
identification of any person served by a legal aid society, or in 5160
any way breach confidentiality. 5161

(H) A legal aid society may enter into agreements for the 5162
provision of services, programs, training, or legal technical 5163
assistance for the legal aid society or to indigent persons. 5164

Sec. 121.021. It is the policy of the state to improve 5165
customer service in state agencies. Each state agency shall 5166
emphasize improved customer service, efficiency, and productivity 5167
in employee orientation, personnel training, and employee 5168
performance reviews. 5169

Sec. 121.04. Offices are created within the several 5170
departments as follows: 5171

In the department of commerce: 5172

Commissioner of securities; 5173

Superintendent of real estate and professional 5174
licensing;

Superintendent of financial institutions; 5175

State fire marshal; 5176

Superintendent of labor and worker safety; 5177

Superintendent of liquor control; 5178

Superintendent of industrial compliance; 5179

Superintendent of unclaimed funds. 5180

In the department of administrative services: 5181

State architect and engineer; 5182

Equal employment opportunity coordinator. 5183

In the department of agriculture: 5184

Chiefs of divisions as follows: 5185

Administration; 5186

Animal industry; 5187

Dairy; 5188

Food safety; 5189

Plant industry; 5190

Markets;	5191
Meat inspection;	5192
Consumer analytical laboratory;	5193
Amusement ride safety;	5194
Enforcement;	5195
Weights and measures.	5196
In the department of natural resources:	5197
Chiefs of divisions as follows:	5198
Water;	5199
Mineral resources management;	5200
Forestry;	5201
Natural areas and preserves;	5202
Wildlife;	5203
Geological survey;	5204
Parks and recreation;	5205
Watercraft;	5206
Recycling and litter prevention;	5207
Soil and water conservation <u>resources</u> ;	5208
Real estate and land management;	5209
Engineering.	5210
In the department of insurance:	5211
Deputy superintendent of insurance;	5212
Assistant superintendent of insurance, technical;	5213
Assistant superintendent of insurance, administrative;	5214
Assistant superintendent of insurance, research.	5215
Sec. 121.07. (A) Except as otherwise provided in this	5216
division, the officers mentioned in sections 121.04 and 121.05 of	5217
the Revised Code and the offices and divisions they administer	5218
shall be under the direction, supervision, and control of the	5219
directors of their respective departments, and shall perform such	5220
duties as the directors prescribe. In performing or exercising any	5221

of the examination or regulatory functions, powers, or duties 5222
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 5223
to 1315.18 of the Revised Code in the superintendent of financial 5224
institutions, the superintendent of financial institutions and the 5225
division of financial institutions are independent of and are not 5226
subject to the control of the department or the director of 5227
commerce. In the absence of the superintendent of financial 5228
institutions, a deputy superintendent may, for a limited period of 5229
time, perform or exercise any of those functions, powers, or 5230
duties if written authorization is given by the superintendent of 5231
financial institutions. 5232

(B) With the approval of the governor, the director of each 5233
department shall establish divisions within the department, and 5234
distribute the work of the department among such divisions. Each 5235
officer created by section 121.04 of the Revised Code shall be the 5236
head of such a division. 5237

With the approval of the governor, the director of each 5238
department may consolidate any two or more of the offices created 5239
in the department by section 121.04 of the Revised Code, or reduce 5240
the number of or create new divisions therein. 5241

The director of each department may prescribe rules for the 5242
government of the department, the conduct of its employees, the 5243
performance of its business, and the custody, use, and 5244
preservation of the records, papers, books, documents, and 5245
property pertaining thereto. 5246

Sec. 121.25. As used in this section and in sections 121.251, 5247
121.252, 121.253, 121.254, 121.255, 121.256, and 121.257 of the 5248
Revised Code: 5249

(A) "Rule" means the intended enactment of a new rule or the 5250
intended amendment or rescission of an existing rule. 5251

(B) "Rule-making agency" has the same meaning as in division 5252
(I) of section 119.01 of the Revised Code. 5253

(C) "Small business" means an independently owned and 5254
operated business entity, including its affiliates, having fewer 5255
than five hundred employees. 5256

Sec. 121.251. If a rule-making agency intends to adopt a rule 5257
on or after January 1, 2010, that, if adopted, may have any 5258
adverse impact on small businesses, the rule-making agency shall 5259
comply with sections 121.252 to 121.256 of the Revised Code before 5260
filing the rule under division (D) of section 111.15 or divisions 5261
(B) and (H) of section 119.03 of the Revised Code. The duty 5262
defined in this paragraph first applies with regard to the 5263
original version of a rule and then with regard to each revised 5264
version of the rule. 5265

Sections 121.252 to 121.256 of the Revised Code do not apply 5266
to an emergency rule adopted under division (B)(2) of section 5267
111.15 or division (F) of section 119.03 of the Revised Code. But 5268
sections 121.252 to 121.256 of the Revised Code apply to a 5269
nonemergency rule that is intended to be filed under division 5270
(B)(1) of section 111.15 or divisions (B) and (H) of section 5271
119.03 of the Revised Code to replace an emergency rule that 5272
expires under division (B)(2) of section 111.15 or division (F) of 5273
section 119.03 of the Revised Code. 5274

Sec. 121.252. The rule-making agency shall prepare a full 5275
text of the rule and shall do both of the following: 5276

(A) Conduct a cost-benefit analysis, weighing the following 5277
factors, to determine whether the effect of the rule on small 5278
businesses outweighs the benefits of the rule: 5279

(1) An identification and estimate of the number of small 5280
businesses that may be subject to the rule; 5281

<u>(2) The projected reporting, recordkeeping, and other</u>	5282
<u>administrative costs required for compliance with the rule,</u>	5283
<u>including the type of technical or professional skills necessary</u>	5284
<u>for preparation of any report or record required by the rule;</u>	5285
<u>(3) A statement of the probable effect of the rule on the</u>	5286
<u>impacted small businesses identified under division (A)(1) of this</u>	5287
<u>section;</u>	5288
<u>(4) A description of any less intrusive or less costly</u>	5289
<u>alternative methods of achieving the purpose of the rule; and</u>	5290
<u>(5) Any other information the rule-making agency considers</u>	5291
<u>necessary to fully explain its cost-benefit analysis regarding the</u>	5292
<u>rule.</u>	5293
<u>(B) Conduct a regulatory flexibility analysis of how each of</u>	5294
<u>the following methods might reduce any adverse impact the rule may</u>	5295
<u>have on small businesses:</u>	5296
<u>(1) The establishment of less stringent compliance or</u>	5297
<u>reporting requirements for small businesses;</u>	5298
<u>(2) The establishment of less stringent schedules or</u>	5299
<u>deadlines for compliance or reporting requirements for small</u>	5300
<u>businesses;</u>	5301
<u>(3) The consolidation or simplification of compliance or</u>	5302
<u>reporting requirements for small businesses;</u>	5303
<u>(4) The establishment of performance standards for small</u>	5304
<u>businesses to replace design or operational standards required in</u>	5305
<u>the rule; and</u>	5306
<u>(5) The exemption of small businesses from any or all of the</u>	5307
<u>rule's requirements.</u>	5308
<u>Sec. 121.253. (A) The rule-making agency shall incorporate</u>	5309
<u>into the rule features the cost-benefit analysis indicates will</u>	5310

reduce the cost and increase the benefit of the rule to small 5311
businesses, and features the regulatory flexibility analysis 5312
indicates will reduce any adverse impact the rule may have on 5313
small businesses. In both cases, the rule-making agency shall 5314
incorporate features into the rule only if they are feasible and 5315
not if doing so would be contrary to the statutory objectives that 5316
are the basis for the rule. 5317

(B) The rule-making agency shall prepare two reports as 5318
follows: 5319

(1) A cost-benefit report that describes the results of the 5320
cost-benefit analysis, that describes any features incorporated 5321
into the rule as a result of the cost-benefit analysis, and that 5322
explains how those features reduce the cost and increase the 5323
benefit of the rule to small businesses. 5324

(2) A regulatory flexibility report that describes the 5325
results of the regulatory flexibility analysis, that describes any 5326
features incorporated into the rule as a result of the regulatory 5327
flexibility analysis, and that explains how those features reduce 5328
any adverse impact the rule may have on small businesses. 5329

The rule-making agency shall include any supporting 5330
documentation for either analysis in an appendix to its report of 5331
the analysis unless the documentation is otherwise incorporated 5332
into the report. 5333

Sec. 121.254. The rule-making agency shall file all of the 5334
following in electronic form with the Ohio small business 5335
ombudsperson: 5336

(A) The full text of the rule; 5337

(B) The cost-benefit report; and 5338

(C) The regulatory flexibility report. 5339

Sec. 121.255. (A) Within seven days after receipt of a filing 5340
under section 121.254 of the Revised Code, the Ohio small business 5341
ombudsperson shall cause all of the following to be published in 5342
the register of Ohio for a period of thirty days: 5343

(1) The full text of the rule filed under that section; 5344

(2) The cost-benefit report; 5345

(3) The regulatory flexibility report; and 5346

(4) A notice informing persons that, during the thirty-day 5347
period, they may comment to the ombudsperson concerning any 5348
adverse impact the rule may have on small businesses. The notice 5349
shall explain how persons may communicate comments to the 5350
ombudsperson. 5351

(B) During the period beginning on the day notice of the 5352
right to comment is first published in the register of Ohio and 5353
ending thirty days thereafter, any person may comment to the 5354
ombudsperson concerning any adverse impact the rule may have on 5355
small businesses. The ombudsperson shall establish and maintain, 5356
or participate in, a web site having features that enable persons 5357
to comment electronically. And the ombudsperson shall establish a 5358
toll-free telephone number persons may call to make comments. The 5359
telephone answering point shall be equipped to record comments 5360
that are called in. 5361

(C)(1) Not later than three days after the day the comment 5362
period closes, the ombudsperson shall collate and review comments 5363
that are received with regard to a rule, and shall compile them in 5364
a report that describes in detail the substance of the comments 5365
and, in particular, any objections to the rule. 5366

(2) The ombudsperson shall forthwith cause the report to be 5367
published in the register of Ohio and shall file the report in 5368
electronic form with the rule-making agency that filed the rule 5369

and with the small business regulatory review board. At the same 5370
time, the ombudsperson shall file in electronic form with the 5371
board the full text of the rule, the cost-benefit report, and the 5372
regulatory flexibility report. 5373

(3) The ombudsperson may appear before the joint committee on 5374
agency rule review and testify concerning a rule-making agency's 5375
compliance with sections 121.252, 121.253, and 121.254 of the 5376
Revised Code. 5377

Sec. 121.256. (A)(1) Within thirty days after receiving a 5378
report from the Ohio small business ombudsperson, the small 5379
business regulatory review board may hold a meeting at which it 5380
shall review the report, the rule that is the subject of the 5381
report, the cost-benefit report, and the regulatory flexibility 5382
report, and shall determine whether the rule-making agency that 5383
filed the rule has complied with sections 121.252, 121.253, and 5384
121.254 of the Revised Code. 5385

(2) The board may conduct a public hearing on the rule, at 5386
which any person having an interest in the rule may appear and 5387
offer comments on, or objections to, the rule insofar as it may 5388
have any adverse impact on small businesses. The board shall cause 5389
notice of such a public hearing to be published in the register of 5390
Ohio at least seven days before the date set for the hearing. In 5391
the notice, the board shall state the date and time when, and the 5392
place where, the public hearing will be held. 5393

(B)(1) If the board finds that a rule-making agency, in 5395
regard to a rule, has failed to comply with section 121.252, 5396
121.253, or 121.254 of the Revised Code, the board shall issue in 5397
writing a determination of noncompliance that states the 5398
determination and explains why the rule fails to comply with those 5399
sections. The board may include in the determination of 5400

noncompliance suggested changes in the rule that will bring the 5401
rule into compliance with sections 121.252 and 121.253 of the 5402
Revised Code. 5403

(2) If the board finds that a rule-making agency, in regard 5404
to a rule, complied with sections 121.252, 121.253, and 121.254 of 5405
the Revised Code, the board shall issue in writing a determination 5406
of compliance that states such determination. 5407

(C)(1) The board shall file its determination in electronic 5408
form with the rule-making agency and shall cause its determination 5409
to be published in the register of Ohio. 5410

(2) If the rule-making agency proceeds to file the rule under 5411
division (B)(1) of section 111.15 or divisions (B) and (H) of 5412
section 119.03 of the Revised Code, the rule-making agency shall 5413
file with the joint committee on agency rule review the board's 5414
determination, the full text of the rule, the ombudsperson's 5415
report, the cost-benefit report, and the regulatory flexibility 5416
report. 5417

(D) If the board, within thirty days after receiving the 5418
ombudsperson's report, does not issue a determination to the 5419
rule-making agency, the board, in electronic form, shall return to 5420
the rule-making agency the full text of the rule, the cost-benefit 5421
report, and the regulatory flexibility report. The board shall 5422
note on the rule that it has not issued a determination with 5423
regard to the rule. The rule-making agency then may proceed to 5424
file the rule under division (B)(1) of section 111.15 or divisions 5425
(B) and (H) of section 119.03 of the Revised Code, but only if the 5426
rule that is so filed is substantially similar to the rule that 5427
was filed with the ombudsperson. 5428

Sec. 121.257. There is hereby created the small business 5429
regulatory review board, consisting of five members appointed by 5430
the governor, two members appointed by the president of the 5431

senate, and two members appointed by the speaker of the house of 5432
representatives. Each member shall represent small business. 5433

The terms of office of all members of the board shall be for 5434
three years, beginning on the first day of January and ending at 5435
the close of business on the thirty-first day of December. A 5436
vacancy on the board shall be filled in the same manner as the 5437
initial appointment. Any member appointed to fill a vacancy 5438
occurring prior to the expiration of the term for which the 5439
member's predecessor was appointed shall hold office for the 5440
remainder of the term. 5441

The governor shall designate the chairperson of the board 5442
from among the members appointed by the governor. The chairperson 5443
shall appoint a secretary from among the board's members. 5444

Five members of the board constitute a quorum, and the 5445
affirmative vote of five members is necessary for any action taken 5446
by the board. 5447

Members of the board shall serve without compensation, but 5448
shall be reimbursed for their necessary and actual expenses 5449
incurred in the performance of their board duties. 5450

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5451
and children first cabinet council. The council shall be composed 5452
of the superintendent of public instruction and the directors of 5453
youth services, job and family services, mental health, health, 5454
alcohol and drug addiction services, mental retardation and 5455
developmental disabilities, aging, rehabilitation and correction, 5456
and budget and management. The chairperson of the council shall be 5457
the governor or the governor's designee and shall establish 5458
procedures for the council's internal control and management. 5459

The purpose of the cabinet council is to help families 5460
seeking government services. This section shall not be interpreted 5461

or applied to usurp the role of parents, but solely to streamline 5462
and coordinate existing government services for families seeking 5463
assistance for their children. 5464

(2) In seeking to fulfill its purpose, the council may do any 5465
of the following: 5466

(a) Advise and make recommendations to the governor and 5467
general assembly regarding the provision of services to children; 5468

(b) Advise and assess local governments on the coordination 5469
of service delivery to children; 5470

(c) Hold meetings at such times and places as may be 5471
prescribed by the council's procedures and maintain records of the 5472
meetings, except that records identifying individual children are 5473
confidential and shall be disclosed only as provided by law; 5474

(d) Develop programs and projects, including pilot projects, 5475
to encourage coordinated efforts at the state and local level to 5476
improve the state's social service delivery system; 5477

(e) Enter into contracts with and administer grants to county 5478
family and children first councils, as well as other county or 5479
multicounty organizations to plan and coordinate service delivery 5480
between state agencies and local service providers for families 5481
and children; 5482

(f) Enter into contracts with and apply for grants from 5483
federal agencies or private organizations; 5484

(g) Enter into interagency agreements to encourage 5485
coordinated efforts at the state and local level to improve the 5486
state's social service delivery system. The agreements may include 5487
provisions regarding the receipt, transfer, and expenditure of 5488
funds; 5489

(h) Identify public and private funding sources for services 5490
provided to alleged or adjudicated unruly children and children 5491

who are at risk of being alleged or adjudicated unruly children,	5492
including regulations governing access to and use of the services;	5493
(i) Collect information provided by local communities	5494
regarding successful programs for prevention, intervention, and	5495
treatment of unruly behavior, including evaluations of the	5496
programs;	5497
(j) Identify and disseminate publications regarding alleged	5498
or adjudicated unruly children and children who are at risk of	5499
being alleged or adjudicated unruly children and regarding	5500
programs serving those types of children;	5501
(k) Maintain an inventory of strategic planning facilitators	5502
for use by government or nonprofit entities that serve alleged or	5503
adjudicated unruly children or children who are at risk of being	5504
alleged or adjudicated unruly children.	5505
(3) The cabinet council shall provide for the following:	5506
(a) Reviews of service and treatment plans for children for	5507
which such reviews are requested;	5508
(b) Assistance as the council determines to be necessary to	5509
meet the needs of children referred by county family and children	5510
first councils;	5511
(c) Monitoring and supervision of a statewide, comprehensive,	5512
coordinated, multi-disciplinary, interagency system for infants	5513
and toddlers with developmental disabilities or delays and their	5514
families, as established pursuant to federal grants received and	5515
administered by the department of health for early intervention	5516
services under the "Individuals with Disabilities Education Act of	5517
2004," 20 U.S.C.A. 1400, as amended.	5518
(4) The cabinet council shall develop and implement the	5519
following:	5520
(a) An interagency process to select the indicators that will	5521

be used to measure progress toward increasing child well-being in 5522
the state and to update the indicators on an annual basis. The 5523
indicators shall focus on expectant parents and newborns thriving; 5524
infants and toddlers thriving; children being ready for school; 5525
children and youth succeeding in school; youth choosing healthy 5526
behaviors; and youth successfully transitioning into adulthood. 5527

(b) An interagency system to offer guidance and monitor 5528
progress toward increasing child well-being in the state and in 5529
each county; 5530

(c) An annual plan that identifies state-level agency efforts 5531
taken to ensure progress towards increasing child well-being in 5532
the state. 5533

On an annual basis, the cabinet council shall submit to the 5534
governor and the general assembly a report on the status of 5535
efforts to increase child well-being in the state. This report 5536
shall be made available to any other person on request. 5537

(B)(1) Each board of county commissioners shall establish a 5538
county family and children first council. The board may invite any 5539
local public or private agency or group that funds, advocates, or 5540
provides services to children and families to have a 5541
representative become a permanent or temporary member of its 5542
county council. Each county council must include the following 5543
individuals: 5544

(a) At least three individuals who are not employed by an 5545
agency represented on the council and whose families are or have 5546
received services from an agency represented on the council or 5547
another county's council. Where possible, the number of members 5548
representing families shall be equal to twenty per cent of the 5549
council's membership. 5550

(b) The director of the board of alcohol, drug addiction, and 5551
mental health services that serves the county, or, in the case of 5552

a county that has a board of alcohol and drug addiction services 5553
and a community mental health board, the directors of both boards. 5554
If a board of alcohol, drug addiction, and mental health services 5555
covers more than one county, the director may designate a person 5556
to participate on the county's council. 5557

(c) The health commissioner, or the commissioner's designee, 5558
of the board of health of each city and general health district in 5559
the county. If the county has two or more health districts, the 5560
health commissioner membership may be limited to the commissioners 5561
of the two districts with the largest populations. 5562

(d) The director of the county department of job and family 5563
services; 5564

(e) The executive director of the public children services 5565
agency; 5566

(f) The superintendent of the county board of mental 5567
retardation and developmental disabilities; 5568

(g) The superintendent of the city, exempted village, or 5569
local school district with the largest number of pupils residing 5570
in the county, as determined by the department of education, which 5571
shall notify each board of county commissioners of its 5572
determination at least biennially; 5573

(h) A school superintendent representing all other school 5574
districts with territory in the county, as designated at a 5575
biennial meeting of the superintendents of those districts; 5576

(i) A representative of the municipal corporation with the 5577
largest population in the county; 5578

(j) The president of the board of county commissioners or an 5579
individual designated by the board; 5580

(k) A representative of the regional office of the department 5581
of youth services; 5582

(l) A representative of the county's head start agencies, as 5583
defined in section 3301.32 of the Revised Code; 5584

(m) A representative of the county's early intervention 5585
collaborative established pursuant to the federal early 5586
intervention program operated under the "Individuals with 5587
Disabilities Education Act of 2004"; 5588

(n) A representative of a local nonprofit entity that funds, 5589
advocates, or provides services to children and families. 5590

Notwithstanding any other provision of law, the public 5591
members of a county council are not prohibited from serving on the 5592
council and making decisions regarding the duties of the council, 5593
including those involving the funding of joint projects and those 5594
outlined in the county's service coordination mechanism 5595
implemented pursuant to division (C) of this section. 5596

The cabinet council shall establish a state appeals process 5597
to resolve disputes among the members of a county council 5598
concerning whether reasonable responsibilities as members are 5599
being shared. The appeals process may be accessed only by a 5600
majority vote of the council members who are required to serve on 5601
the council. Upon appeal, the cabinet council may order that state 5602
funds for services to children and families be redirected to a 5603
county's board of county commissioners. 5604

The county's juvenile court judge senior in service or 5605
another judge of the juvenile court designated by the 5606
administrative judge or, where there is no administrative judge, 5607
by the judge senior in service shall serve as the judicial advisor 5608
to the county family and children first council. The judge may 5609
advise the county council on the court's utilization of resources, 5610
services, or programs provided by the entities represented by the 5611
members of the county council and how those resources, services, 5612
or programs assist the court in its administration of justice. 5613

Service of a judge as a judicial advisor pursuant to this section 5614
is a judicial function. 5615

(2) The purpose of the county council is to streamline and 5616
coordinate existing government services for families seeking 5617
services for their children. In seeking to fulfill its purpose, a 5618
county council shall provide for the following: 5619

(a) Referrals to the cabinet council of those children for 5620
whom the county council cannot provide adequate services; 5621

(b) Development and implementation of a process that annually 5622
evaluates and prioritizes services, fills service gaps where 5623
possible, and invents new approaches to achieve better results for 5624
families and children; 5625

(c) Participation in the development of a countywide, 5626
comprehensive, coordinated, multi-disciplinary, interagency system 5627
for infants and toddlers with developmental disabilities or delays 5628
and their families, as established pursuant to federal grants 5629
received and administered by the department of health for early 5630
intervention services under the "Individuals with Disabilities 5631
Education Act of 2004"; 5632

(d) Maintenance of an accountability system to monitor the 5633
county council's progress in achieving results for families and 5634
children; 5635

(e) Establishment of a mechanism to ensure ongoing input from 5636
a broad representation of families who are receiving services 5637
within the county system. 5638

(3) A county council shall develop and implement the 5639
following: 5640

(a) An interagency process to establish local indicators and 5641
monitor the county's progress toward increasing child well-being 5642
in the county; 5643

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.

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

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

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

(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being

implemented, including a reasonable period during which the 5676
program or approach is being evaluated for effectiveness. 5677

(5)(a) Each county council shall designate an administrative 5678
agent for the council from among the following public entities: 5679
the board of alcohol, drug addiction, and mental health services, 5680
including a board of alcohol and drug addiction or a community 5681
mental health board if the county is served by separate boards; 5682
the board of county commissioners; any board of health of the 5683
county's city and general health districts; the county department 5684
of job and family services; the county agency responsible for the 5685
administration of children services pursuant to section 5153.15 of 5686
the Revised Code; the county board of mental retardation and 5687
developmental disabilities; any of the county's boards of 5688
education or governing boards of educational service centers; or 5689
the county's juvenile court. Any of the foregoing public entities, 5690
other than the board of county commissioners, may decline to serve 5691
as the council's administrative agent. 5692

A county council's administrative agent shall serve as the 5693
council's appointing authority for any employees of the council. 5694
The council shall file an annual budget with its administrative 5695
agent, with copies filed with the county auditor and with the 5696
board of county commissioners, unless the board is serving as the 5697
council's administrative agent. The council's administrative agent 5698
shall ensure that all expenditures are handled in accordance with 5699
policies, procedures, and activities prescribed by state 5700
departments in rules or interagency agreements that are applicable 5701
to the council's functions. 5702

The administrative agent of a county council shall send 5703
notice of a member's absence if a member listed in division (B)(1) 5704
of this section has been absent from either three consecutive 5705
meetings of the county council or a county council subcommittee, 5706
or from one-quarter of such meetings in a calendar year, whichever 5707

is less. The notice shall be sent to the board of county 5708
commissioners that establishes the county council and, for the 5709
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5710
section, to the governing board overseeing the respective entity; 5711
for the member listed in division (B)(1)(f) of this section, to 5712
the county board of mental retardation and developmental 5713
disabilities that employs the superintendent; for a member listed 5714
in division (B)(1)(g) or (h) of this section, to the school board 5715
that employs the superintendent; for the member listed in division 5716
(B)(1)(i) of this section, to the mayor of the municipal 5717
corporation; for the member listed in division (B)(1)(k) of this 5718
section, to the director of youth services; and for the member 5719
listed in division (B)(1)(n), to that member's board of trustees. 5720

The administrative agent for a county council may do any of 5721
the following on behalf of the council: 5722

(i) Enter into agreements or administer contracts with public 5723
or private entities to fulfill specific council business. Such 5724
agreements and contracts are exempt from the competitive bidding 5725
requirements of section 307.86 of the Revised Code if they have 5726
been approved by the county council and they are for the purchase 5727
of family and child welfare or child protection services or other 5728
social or job and family services for families and children. The 5729
approval of the county council is not required to exempt 5730
agreements or contracts entered into under section 5139.34, 5731
5139.41, or 5139.43 of the Revised Code from the competitive 5732
bidding requirements of section 307.86 of the Revised Code. 5733

(ii) As determined by the council, provide financial 5734
stipends, reimbursements, or both, to family representatives for 5735
expenses related to council activity; 5736

(iii) Receive by gift, grant, devise, or bequest any moneys, 5737
lands, or other property for the purposes for which the council is 5738
established. The agent shall hold, apply, and dispose of the 5739

moneys, lands, or other property according to the terms of the 5740
gift, grant, devise, or bequest. Any interest or earnings shall be 5741
treated in the same manner and are subject to the same terms as 5742
the gift, grant, devise, or bequest from which it accrues. 5743

(b)(i) If the county council designates the board of county 5744
commissioners as its administrative agent, the board may, by 5745
resolution, delegate any of its powers and duties as 5746
administrative agent to an executive committee the board 5747
establishes from the membership of the county council. The board 5748
shall name to the executive committee at least the individuals 5749
described in divisions (B)(1)(b) to (h) of this section and may 5750
appoint the president of the board or another individual as the 5751
chair of the executive committee. The executive committee must 5752
include at least one family county council representative who does 5753
not have a family member employed by an agency represented on the 5754
council. 5755

(ii) The executive committee may, with the approval of the 5756
board, hire an executive director to assist the county council in 5757
administering its powers and duties. The executive director shall 5758
serve in the unclassified civil service at the pleasure of the 5759
executive committee. The executive director may, with the approval 5760
of the executive committee, hire other employees as necessary to 5761
properly conduct the county council's business. 5762

(iii) The board may require the executive committee to submit 5763
an annual budget to the board for approval and may amend or repeal 5764
the resolution that delegated to the executive committee its 5765
authority as the county council's administrative agent. 5766

(6) Two or more county councils may enter into an agreement 5767
to administer their county councils jointly by creating a regional 5768
family and children first council. A regional council possesses 5769
the same duties and authority possessed by a county council, 5770
except that the duties and authority apply regionally rather than 5771

to individual counties. Prior to entering into an agreement to 5772
create a regional council, the members of each county council to 5773
be part of the regional council shall meet to determine whether 5774
all or part of the members of each county council will serve as 5775
members of the regional council. 5776

(7) A board of county commissioners may approve a resolution 5777
by a majority vote of the board's members that requires the county 5778
council to submit a statement to the board each time the council 5779
proposes to enter into an agreement, adopt a plan, or make a 5780
decision, other than a decision pursuant to section 121.38 of the 5781
Revised Code, that requires the expenditure of funds for two or 5782
more families. The statement shall describe the proposed 5783
agreement, plan, or decision. 5784

Not later than fifteen days after the board receives the 5785
statement, it shall, by resolution approved by a majority of its 5786
members, approve or disapprove the agreement, plan, or decision. 5787
Failure of the board to pass a resolution during that time period 5788
shall be considered approval of the agreement, plan, or decision. 5789

An agreement, plan, or decision for which a statement is 5790
required to be submitted to the board shall be implemented only if 5791
it is approved by the board. 5792

(C) Each county shall develop a county service coordination 5793
mechanism. The county service coordination mechanism shall serve 5794
as the guiding document for coordination of services in the 5795
county. For children who also receive services under the help me 5796
grow program, the service coordination mechanism shall be 5797
consistent with rules adopted by the department of health under 5798
section 3701.61 of the Revised Code. All family service 5799
coordination plans shall be developed in accordance with the 5800
county service coordination mechanism. The mechanism shall be 5801
developed and approved with the participation of the county 5802
entities representing child welfare; mental retardation and 5803

developmental disabilities; alcohol, drug addiction, and mental 5804
health services; health; juvenile judges; education; the county 5805
family and children first council; and the county early 5806
intervention collaborative established pursuant to the federal 5807
early intervention program operated under the "Individuals with 5808
Disabilities Education Act of 2004." The county shall establish an 5809
implementation schedule for the mechanism. The cabinet council may 5810
monitor the implementation and administration of each county's 5811
service coordination mechanism. 5812

Each mechanism shall include all of the following: 5813

(1) A procedure for an agency, including a juvenile court, or 5814
a family voluntarily seeking service coordination, to refer the 5815
child and family to the county council for service coordination in 5816
accordance with the mechanism; 5817

(2) A procedure ensuring that a family and all appropriate 5818
staff from involved agencies, including a representative from the 5819
appropriate school district, are notified of and invited to 5820
participate in all family service coordination plan meetings; 5821

(3) A procedure that permits a family to initiate a meeting 5822
to develop or review the family's service coordination plan and 5823
allows the family to invite a family advocate, mentor, or support 5824
person of the family's choice to participate in any such meeting; 5825

(4) A procedure for ensuring that a family service 5826
coordination plan meeting is conducted for each child who receives 5827
service coordination under the mechanism and for whom an emergency 5828
out-of-home placement has been made or for whom a nonemergency 5829
out-of-home placement is being considered. The meeting shall be 5830
conducted within ten days of an emergency out-of-home placement. 5831
The meeting shall be conducted before a nonemergency out-of-home 5832
placement. The family service coordination plan shall outline how 5833
the county council members will jointly pay for services, where 5834

applicable, and provide services in the least restrictive 5835
environment. 5836

(5) A procedure for monitoring the progress and tracking the 5837
outcomes of each service coordination plan requested in the county 5838
including monitoring and tracking children in out-of-home 5839
placements to assure continued progress, appropriateness of 5840
placement, and continuity of care after discharge from placement 5841
with appropriate arrangements for housing, treatment, and 5842
education. 5843

(6) A procedure for protecting the confidentiality of all 5844
personal family information disclosed during service coordination 5845
meetings or contained in the comprehensive family service 5846
coordination plan. 5847

(7) A procedure for assessing the needs and strengths of any 5848
child or family that has been referred to the council for service 5849
coordination, including a child whose parent or custodian is 5850
voluntarily seeking services, and for ensuring that parents and 5851
custodians are afforded the opportunity to participate; 5852

(8) A procedure for development of a family service 5853
coordination plan described in division (D) of this section; 5854

(9) A local dispute resolution process to serve as the 5855
process that must be used first to resolve disputes among the 5856
agencies represented on the county council concerning the 5857
provision of services to children, including children who are 5858
abused, neglected, dependent, unruly, alleged unruly, or 5859
delinquent children and under the jurisdiction of the juvenile 5860
court and children whose parents or custodians are voluntarily 5861
seeking services. The local dispute resolution process shall 5862
comply with sections 121.38, 121.381, and 121.382 of the Revised 5863
Code. The local dispute resolution process shall be used to 5864
resolve disputes between a child's parents or custodians and the 5865

county council regarding service coordination. The county council 5866
shall inform the parents or custodians of their right to use the 5867
dispute resolution process. Parents or custodians shall use 5868
existing local agency grievance procedures to address disputes not 5869
involving service coordination. The dispute resolution process is 5870
in addition to and does not replace other rights or procedures 5871
that parents or custodians may have under other sections of the 5872
Revised Code. 5873

The cabinet council shall adopt rules in accordance with 5874
Chapter 119. of the Revised Code establishing an administrative 5875
review process to address problems that arise concerning the 5876
operation of a local dispute resolution process. 5877

Nothing in division (C)(4) of this section shall be 5878
interpreted as overriding or affecting decisions of a juvenile 5879
court regarding an out-of-home placement, long-term placement, or 5880
emergency out-of-home placement. 5881

(D) Each county shall develop a family service coordination 5882
plan that does all of the following: 5883

(1) Designates service responsibilities among the various 5884
state and local agencies that provide services to children and 5885
their families, including children who are abused, neglected, 5886
dependent, unruly, or delinquent children and under the 5887
jurisdiction of the juvenile court and children whose parents or 5888
custodians are voluntarily seeking services; 5889

(2) Designates an individual, approved by the family, to 5890
track the progress of the family service coordination plan, 5891
schedule reviews as necessary, and facilitate the family service 5892
coordination plan meeting process; 5893

(3) Ensures that assistance and services to be provided are 5894
responsive to the strengths and needs of the family, as well as 5895
the family's culture, race, and ethnic group, by allowing the 5896

family to offer information and suggestions and participate in 5897
decisions. Identified assistance and services shall be provided in 5898
the least restrictive environment possible. 5899

(4) Includes a process for dealing with a child who is 5900
alleged to be an unruly child. The process shall include methods 5901
to divert the child from the juvenile court system; 5902

(5) Includes timelines for completion of goals specified in 5903
the plan with regular reviews scheduled to monitor progress toward 5904
those goals; 5905

(6) Includes a plan for dealing with short-term crisis 5906
situations and safety concerns. 5907

(E)(1) The process provided for under division (D)(4) of this 5908
section may include, but is not limited to, the following: 5909

(a) Designation of the person or agency to conduct the 5910
assessment of the child and the child's family as described in 5911
division (C)(7) of this section and designation of the instrument 5912
or instruments to be used to conduct the assessment; 5913

(b) An emphasis on the personal responsibilities of the child 5914
and the parental responsibilities of the parents, guardian, or 5915
custodian of the child; 5916

(c) Involvement of local law enforcement agencies and 5917
officials. 5918

(2) The method to divert a child from the juvenile court 5919
system that must be included in the service coordination process 5920
may include, but is not limited to, the following: 5921

(a) The preparation of a complaint under section 2151.27 of 5922
the Revised Code alleging that the child is an unruly child and 5923
notifying the child and the parents, guardian, or custodian that 5924
the complaint has been prepared to encourage the child and the 5925
parents, guardian, or custodian to comply with other methods to 5926

divert the child from the juvenile court system;	5927
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;	5928 5929 5930 5931
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;	5932 5933 5934 5935
(d) A program to provide a mentor to the child or the parents, guardian, or custodian;	5936 5937
(e) A program to provide parenting education to the parents, guardian, or custodian;	5938 5939
(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;	5940 5941 5942
(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.	5943 5944 5945 5946
(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.	5947 5948 5949 5950 5951 5952
<u>Sec. 121.375.</u> (A) A care coordination agency may provide the <u>following information to the Ohio family and children first</u> <u>cabinet council:</u>	5953 5954 5955
<u>(1) The types of individuals the agency identifies as being</u>	5956

<u>at-risk individuals;</u>	5957
<u>(2) The total per-individual cost to the agency for care coordination services provided to at-risk individuals;</u>	5958
<u>(3) The administrative cost per individual for care coordination services provided to at-risk individuals;</u>	5960
<u>(4) The specific work products the agency purchased to provide care coordination services to at-risk individuals;</u>	5962
<u>(5) The strategies the agency uses to help at-risk individuals access available health and social services;</u>	5964
<u>(6) The agency's success in helping at-risk individuals access available health and social services;</u>	5966
<u>(7) The mechanisms the agency uses to identify and eliminate duplicate care coordination services.</u>	5968
<u>(B) The Ohio family and children first cabinet council may do either or both of the following:</u>	5970
<u>(1) Give incentives to encourage care coordination agencies to provide information to the council under this section;</u>	5971
<u>(2) Use the information provided to it under this section to help improve care coordination for at-risk individuals throughout the state.</u>	5972
<u>(C) The Ohio family and children first cabinet council shall adopt rules in accordance with Chapter 119. of the Revised Code to define the terms "at-risk individual" and "care coordination agency" for the purpose of this section.</u>	5974
<u>Sec. 121.376. (A) Not later than January 31 of each year, each public children services agency shall report to the Ohio family and children first cabinet council the number of times during the previous calendar year that a parent, guardian, or other person having custody of a child who has a mental illness as</u>	5975
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defined in section 5122.01 of the Revised Code voluntarily 5986
surrendered custody of the child to the agency pursuant to section 5987
5103.15 of the Revised Code for the sole purpose of qualifying the 5988
child for government funded mental health services. 5989

(B) Not later than March 1 of each year, the cabinet council 5990
shall submit to the president of the senate and the speaker of the 5991
house of representatives a report of the results obtained pursuant 5992
to division (A) of this section. 5993

Sec. 121.39. (A) As used in this section, "environmental 5994
protection" means any of the following: 5995

(1) Protection of human health or safety, biological 5996
resources, or natural resources by preventing, reducing, or 5997
remediating the pollution or degradation of air, land, or water 5998
resources or by preventing or limiting the exposure of humans, 5999
animals, or plants to pollution; 6000

(2) Appropriation or regulation of privately owned property 6001
to preserve air, land, or water resources in a natural state or to 6002
wholly or partially restore them to a natural state; 6003

(3) Regulation of the collection, management, treatment, 6004
reduction, storage, or disposal of solid, hazardous, radioactive, 6005
or other wastes; 6006

(4) Plans or programs to promote or regulate the 6007
conservation, recycling, or reuse of energy, materials, or wastes. 6008

(B) Except as otherwise provided in division (E) of this 6009
section, when proposed legislation dealing with environmental 6010
protection or containing a component dealing with environmental 6011
protection is referred to a committee of the general assembly, 6012
other than a committee on rules or reference, the sponsor of the 6013
legislation, at the time of the first hearing of the legislation 6014
before the committee, shall submit to the members of the committee 6015

a written statement identifying either the documentation that is 6016
the basis of the legislation or the federal requirement or 6017
requirements with which the legislation is intended to comply. If 6018
the legislation is not based on documentation or has not been 6019
introduced to comply with a federal requirement or requirements, 6020
the written statement from the sponsor shall so indicate. 6021

Also at the time of the first hearing of the legislation 6022
before the committee, a statewide organization that represents 6023
businesses in this state and that elects its board of directors 6024
may submit to the members of the committee a written estimate of 6025
the costs to the regulated community in this state of complying 6026
with the legislation if it is enacted. 6027

At any hearing of the legislation before the committee, a 6028
representative of any state agency, environmental advocacy 6029
organization, or consumer advocacy organization or any private 6030
citizen may present documentation containing an estimate of the 6031
monetary and other costs to public health and safety and the 6032
environment and to consumers and residential utility customers, 6033
and the effects on property values, if the legislation is not 6034
enacted. 6035

(C) Until such time as the statement required under division 6036
(B) of this section is submitted to the committee to which 6037
proposed legislation dealing with environmental protection or 6038
containing a component dealing with environmental protection was 6039
referred, the legislation shall not be reported by that committee. 6040
This requirement does not apply if the component dealing with 6041
environmental protection is removed from the legislation or if 6042
two-thirds of the members of the committee vote in favor of a 6043
motion to report the proposed legislation. 6044

(D) Except as otherwise provided in division (E) of this 6045
section, prior to adopting a rule or an amendment proposed to a 6046
rule dealing with environmental protection or containing a 6047

component dealing with environmental protection, a state agency 6048
shall do all of the following: 6049

(1) Consult with organizations that represent political 6050
subdivisions, environmental interests, business interests, and 6051
other persons affected by the proposed rule or amendment; 6052

(2) Consider documentation relevant to the need for, the 6053
environmental benefits or consequences of, other benefits of, and 6054
the technological feasibility of the proposed rule or amendment; 6055

(3) Specifically identify whether the proposed rule or 6056
amendment is being adopted or amended to enable the state to 6057
obtain or maintain approval to administer and enforce a federal 6058
environmental law or to participate in a federal environmental 6059
program, whether the proposed rule or amendment is more stringent 6060
than its federal counterpart, and, if the proposed rule or 6061
amendment is more stringent, the rationale for not incorporating 6062
its federal counterpart; 6063

(4) Include with the proposed rule or amendment and the rule 6064
summary and fiscal analysis required under ~~sections 121.24 and~~ 6065
section 127.18 of the Revised Code, when they are filed with the 6066
joint committee on agency rule review in accordance with division 6067
(D) of section 111.15 or division (H) of section 119.03 of the 6068
Revised Code, one of the following in electronic form, as 6069
applicable: 6070

(a) The information identified under division (D)(3) of this 6071
section and, if the proposed rule or amendment is more stringent 6072
than its federal counterpart, as identified in that division, the 6073
documentation considered under division (D)(2) of this section; 6074

(b) If an amendment proposed to a rule is being adopted or 6075
amended under a state statute that establishes standards with 6076
which the amendment shall comply, and the proposed amendment is 6077
more stringent than the rule that it is proposing to amend, the 6078

documentation considered under division (D)(2) of this section; 6079

(c) If division (D)(4)(a) or (b) of this section is not 6080
applicable, the documentation considered under division (D)(2) of 6081
this section. 6082

If the agency subsequently files a revision of such a 6083
proposed rule or amendment in accordance with division (D) of 6084
section 111.15 or division (H) of section 119.03 of the Revised 6085
Code, the revision shall be accompanied in electronic form by the 6086
applicable information or documentation. 6087

Division (D) of this section does not apply to any emergency 6088
rule adopted under division (B)(2) of section 111.15 or division 6089
(F) of section 119.03 of the Revised Code, but does apply to any 6090
such rule that subsequently is adopted as a nonemergency rule 6091
under either of those divisions. 6092

The information or documentation submitted under division 6093
(D)(4) of this section may be in the form of a summary or index of 6094
available knowledge or information and shall consist of or be 6095
based upon the best available generally accepted knowledge or 6096
information in the appropriate fields, as determined by the agency 6097
that prepared the documentation. 6098

(E) The statement required under division (B) and the 6099
information or documentation required under division (D) of this 6100
section need not be prepared or submitted with regard to a 6101
proposed statute or rule, or an amendment to a rule, if the 6102
statute, rule, or amendment is procedural or budgetary in nature, 6103
or governs the organization or operation of a state agency, and 6104
will not affect the substantive rights or obligations of any 6105
person other than a state agency or an employee or contractor of a 6106
state agency. 6107

(F) The insufficiency, incompleteness, or inadequacy of a 6108
statement, information, documentation, or a summary of information 6109

or documentation provided in accordance with division (B) or (D) 6110
of this section shall not be grounds for invalidation of any 6111
statute, rule, or amendment to a rule. 6112

(G) This section applies only to the following: 6113

(1) Legislation and components of legislation dealing with 6114
environmental protection that are introduced in the general 6115
assembly after March 5, 1996; 6116

(2) Rules and rule amendments dealing with environmental 6117
protection that are filed with the joint committee on agency rule 6118
review in accordance with division (D) of section 111.15 or 6119
division (H) of section 119.03 of the Revised Code after March 5, 6120
1996. 6121

Sec. 121.40. (A) There is hereby created the Ohio community 6122
service council consisting of twenty-one voting members including 6123
the superintendent of public instruction or the superintendent's 6124
designee, the chancellor of the Ohio board of regents or the 6125
chancellor's designee, the director of youth services or the 6126
director's designee, the director of aging or the director's 6127
designee, the chairperson of the committee of the house of 6128
representatives dealing with education or the chairperson's 6129
designee, the chairperson of the committee of the senate dealing 6130
with education or the chairperson's designee, and fifteen members 6131
who shall be appointed by the governor with the advice and consent 6132
of the senate and who shall serve terms of office of three years. 6133
The appointees shall include educators, including teachers and 6134
administrators; representatives of youth organizations; students 6135
and parents; representatives of organizations engaged in volunteer 6136
program development and management throughout the state, including 6137
youth and conservation programs; and representatives of business, 6138
government, nonprofit organizations, social service agencies, 6139
veterans organizations, religious organizations, or philanthropies 6140

that support or encourage volunteerism within the state. The 6141
director of the governor's office of faith-based and community 6142
initiatives shall serve as a nonvoting ex officio member of the 6143
council. Members of the council shall receive no compensation, but 6144
shall be reimbursed for actual and necessary expenses incurred in 6145
the performance of their official duties. 6146

(B) The council shall appoint an executive director for the 6147
council, who shall be in the unclassified civil service. The 6148
executive director shall supervise the council's activities and 6149
report to the council on the progress of those activities. The 6150
executive director shall do all things necessary for the efficient 6151
and effective implementation of the duties of the council. 6152
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The responsibilities assigned to the executive director do 6154
not relieve the members of the council from final responsibility 6155
for the proper performance of the requirements of this section. 6156

(C) The council or its designee shall do all of the 6157
following: 6158

(1) Employ, promote, supervise, and remove all employees as 6159
needed in connection with the performance of its duties under this 6160
section and may assign duties to those employees as necessary to 6161
achieve the most efficient performance of its functions, and to 6162
that end may establish, change, or abolish positions, and assign 6163
and reassign duties and responsibilities of any employee of the 6164
council. Personnel employed by the council who are subject to 6165
Chapter 4117. of the Revised Code shall retain all of their rights 6166
and benefits conferred pursuant to that chapter. Nothing in this 6167
chapter shall be construed as eliminating or interfering with 6168
Chapter 4117. of the Revised Code or the rights and benefits 6169
conferred under that chapter to public employees or to any 6170
bargaining unit. 6171

- (2) Maintain its office in Columbus, and may hold sessions at any place within the state; 6172
6173
- (3) Acquire facilities, equipment, and supplies necessary to house the council, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. For that purpose, the council shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the council and its staff in the discharge of any duty imposed upon the council by law. The council shall not delegate any authority to obligate funds. 6174
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- (4) Pay its own payroll and other operating expenses from line items designated by the general assembly; 6185
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- (5) Retain its fiduciary responsibility as appointing authority. Any transaction instructions shall be certified by the appointing authority or its designee. 6187
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- (6) Establish the overall policy and management of the council in accordance with this chapter; 6190
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- (7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state; 6192
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- (8) Assist the state board of education, school districts, the chancellor of the board of regents, and institutions of higher 6201
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education in coordinating community service education programs 6203
through cooperative efforts between institutions and organizations 6204
in the public and private sectors; 6205

(9) Assist the departments of natural resources, youth 6206
services, aging, and job and family services in coordinating 6207
community service programs through cooperative efforts between 6208
institutions and organizations in the public and private sectors; 6209

(10) Suggest individuals and organizations that are available 6210
to assist school districts, institutions of higher education, and 6211
the departments of natural resources, youth services, aging, and 6212
job and family services in the establishment of community service 6213
programs and assist in investigating sources of funding for 6214
implementing these programs; 6215

(11) Assist in evaluating the state's efforts in providing 6216
community service programs using standards and methods that are 6217
consistent with any statewide objectives for these programs and 6218
provide information to the state board of education, school 6219
districts, the chancellor of the board of regents, institutions of 6220
higher education, and the departments of natural resources, youth 6221
services, aging, and job and family services to guide them in 6222
making decisions about these programs; 6223

(12) Assist the state board of education in complying with 6224
section 3301.70 of the Revised Code and the chancellor of the 6225
board of regents in complying with division (B)(2) of section 6226
3333.043 of the Revised Code; 6227

(13) Advise, assist, consult with, and cooperate with, by 6228
contract or otherwise, agencies and political subdivisions of this 6229
state in establishing a statewide system for volunteers pursuant 6230
to section 121.404 of the Revised Code. 6231

(D) The department of aging council shall in writing enter 6232
into an agreement with another state agency to serve as the 6233

council's fiscal agent. ~~Beginning on July 1, 1997, whenever~~ 6234
~~reference is made in any law, contract, or document to the~~ 6235
~~functions of the department of youth services as fiscal agent to~~ 6236
~~the council, the reference shall be deemed to refer to the~~ 6237
~~department of aging. The department of aging shall have no~~ 6238
~~responsibility for or obligation to the council prior to July 1,~~ 6239
~~1997. Any validation, cure, right, privilege, remedy, obligation,~~ 6240
~~or liability shall be retained by the council.~~ 6241

~~As used in this section, "fiscal agent" means technical~~ 6242
~~support and includes the following technical support services: The~~ 6243
~~fiscal agent shall be responsible for all the council's fiscal~~ 6244
~~matters and financial transactions, as specified in the agreement.~~ 6245
~~Services to be provided by the fiscal agent include, but are not~~ 6246
~~limited to, the following:~~ 6247

(1) Preparing and processing payroll and other personnel 6248
documents that the council executes as the appointing authority. ~~i~~ 6249
~~The department of aging shall not approve any payroll or other~~ 6250
~~personnel related documents.~~ 6251

(2) Maintaining ledgers of accounts and reports of account 6252
balances, and monitoring budgets and allotment plans in 6253
consultation with the council. ~~;~~ and ~~The department shall not~~ 6254
~~approve any biennial budget, grant, expenditure, audit, or~~ 6255
~~fiscal related document.~~ 6256

(3) Performing other routine support services that the 6257
~~director of aging or the director's designee and the council or~~ 6258
~~its designee consider~~ fiscal agent considers appropriate to 6259
achieve efficiency. 6260

(E)(1) ~~The council or its designee, in conjunction and~~ 6261
consultation with the fiscal agent, has the following authority 6262
and responsibility relative to fiscal matters: 6263

(a) Sole authority to draw funds for any and all federal 6264

programs in which the council is authorized to participate; 6265

(b) Sole authority to expend funds from their accounts for 6266
programs and any other necessary expenses the council may incur 6267
and its subgrantees may incur; and 6268

(c) Responsibility to cooperate with and inform the 6269
~~department of aging as~~ fiscal agent ~~to ensure that the department~~ 6270
~~is~~ fully apprised of all financial transactions. 6271

(2) The council shall follow all state procurement, fiscal, 6272
human resources, statutory, and administrative rule requirements. 6273

(3) The ~~department of aging~~ fiscal agent shall determine fees 6274
to be charged to the council, which shall be in proportion to the 6275
services performed for the council. 6276

(4) The council shall pay fees owed to the ~~department of~~ 6277
~~aging~~ fiscal agent from a general revenue fund of the council or 6278
from any other fund from which the operating expenses of the 6279
council are paid. Any amounts set aside for a fiscal year for the 6280
payment of these fees shall be used only for the services 6281
performed for the council by the ~~department of aging~~ fiscal agent 6282
in that fiscal year. 6283

(F) The council may accept and administer grants from any 6284
source, public or private, to carry out any of the council's 6285
functions this section establishes. 6286

Sec. 121.401. (A) As used in this section and section 121.402 6287
of the Revised Code, "organization or entity" and "unsupervised 6288
access to a child" have the same meanings as in section 109.574 of 6289
the Revised Code. 6290

(B) The ~~governor's~~ Ohio community service council shall adopt 6291
a set of "recommended best practices" for organizations or 6292
entities to follow when one or more volunteers of the organization 6293
or entity have unsupervised access to one or more children or 6294

otherwise interact with one or more children. The "recommended 6295
best practices" shall focus on, but shall not be limited to, the 6296
issue of the safety of the children and, in addition, the 6297
screening and supervision of volunteers. The "recommended best 6298
practices" shall include as a recommended best practice that the 6299
organization or entity subject to a criminal records check 6300
performed by the bureau of criminal identification and 6301
investigation pursuant to section 109.57, section 109.572, or 6302
rules adopted under division (E) of section 109.57 of the Revised 6303
Code, all of the following: 6304

(1) All persons who apply to serve as a volunteer in a 6305
position in which the person will have unsupervised access to a 6306
child on a regular basis. 6307

(2) All volunteers who are in a position in which the person 6308
will have unsupervised access to a child on a regular basis and 6309
who the organization or entity has not previously subjected to a 6310
criminal records check performed by the bureau of criminal 6311
identification and investigation. 6312

(C) The set of "recommended best practices" required to be 6313
adopted by this section are in addition to the educational program 6314
required to be adopted under section 121.402 of the Revised Code. 6315

Sec. 121.402. (A) The ~~governor's~~ Ohio community service 6316
council shall establish and maintain an educational program that 6317
does all of the following: 6318

(1) Makes available to parents and guardians of children 6319
notice about the provisions of sections 109.574 to 109.577, 6320
section 121.401, and section 121.402 of the Revised Code and 6321
information about how to keep children safe when they are under 6322
the care, custody, or control of a person other than the parent or 6323
guardian; 6324

(2) Makes available to organizations and entities information 6325
regarding the best methods of screening and supervising 6326
volunteers, how to obtain a criminal records check of a volunteer, 6327
confidentiality issues relating to reports of criminal records 6328
checks, and record keeping regarding the reports; 6329

(3) Makes available to volunteers information regarding the 6330
possibility of being subjected to a criminal records check and 6331
displaying appropriate behavior to minors; 6332

(4) Makes available to children advice on personal safety and 6333
information on what action to take if someone takes inappropriate 6334
action towards a child. 6335

(B) The program shall begin making the materials described in 6336
this section available not later than ~~one year after the effective~~ 6337
~~date of this section~~ March 22, 2002. 6338

Sec. 122.05. (A) The director of development may, to carry 6339
out the purposes of division (E) of section 122.04 of the Revised 6340
Code: 6341

(1) Establish offices in foreign countries as the director 6342
considers appropriate and enter into leases of real property, 6343
buildings, and office space that are appropriate for these 6344
offices; 6345

(2) Appoint personnel, who shall be in the unclassified civil 6346
services, necessary to operate such offices and fix their 6347
compensation. The director may enter into contracts with foreign 6348
nationals to staff the foreign offices established under this 6349
section. 6350

(3) The director may establish United States dollar and 6351
foreign currency accounts for the payment of expenses related to 6352
the operation and maintenance of the offices established under 6353
this section. The director shall establish procedures acceptable 6354

to the director of budget and management for the conversion, 6355
transfer, and control of United States dollars and foreign 6356
currency. 6357

(4) Provide export promotion assistance to Ohio businesses 6358
and organize or support missions to foreign countries to promote 6359
export of Ohio products and services and to encourage foreign 6360
direct investment in Ohio. The director may charge fees to 6361
businesses receiving export assistance and to participants in 6362
foreign missions sufficient to recover the direct costs of those 6363
activities. The director shall adopt, as an internal management 6364
rule under section 111.15 of the Revised Code, a procedure for 6365
setting the fees and a schedule of fees for services commonly 6366
provided by the department. The procedure shall require the 6367
director to annually review the established fees. 6368

(5) Do all things necessary and appropriate for the operation 6369
of the state's foreign offices. 6370

(B) All contracts entered into under division (A)(2) of this 6371
section and any payments of expenses under division (A)(3) of this 6372
section related to the operation and maintenance of foreign 6373
offices established under this section may be paid in the 6374
appropriate foreign currency and are exempt from sections 127.16 6375
and 5147.07 and Chapters 124., 125., and 153. of the Revised Code. 6376

Sec. 122.051. There is hereby created in the state treasury 6377
the international trade cooperative projects fund. The fund shall 6378
consist of ~~moneys~~ all of the following: 6379

(A) Moneys received from private and nonprofit organizations 6380
involved in cooperative agreements related to import/export and 6381
direct foreign investment activities ~~and cash;~~ 6382

(B) Cash transfers from other state agencies or any state or 6383
local government to encourage, promote, and assist trade and 6384

commerce between this state and foreign nations, pursuant to 6385
section 122.05 and division (E) of section 122.04 of the Revised 6386
Code; and 6387

(C) Fees charged to businesses receiving export assistance 6388
and to participants in foreign missions to recover direct costs of 6389
those activities under division (A)(4) of section 122.05 of the 6390
Revised Code. 6391

Sec. 122.075. (A) As used in this section: 6392

(1) "Alternative fuel" means blended biodiesel ~~or~~, blended 6393
gasoline, or compressed air used in air-compression driven 6394
engines. 6395

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 6396
fuel that is derived from vegetable oils or animal fats, or any 6397
combination of those reagents, and that meets American society for 6398
testing and materials specification D6751-03a for biodiesel fuel 6399
(B100) blend stock distillate fuels. 6400

(3) "Diesel fuel" and "gasoline" have the same meanings as in 6401
section 5735.01 of the Revised Code. 6402

(4) "Ethanol" has the same meaning as in section 5733.46 of 6403
the Revised Code. 6404

(5) "Blended biodiesel" means diesel fuel containing at least 6405
twenty per cent biodiesel by volume. 6406

(6) "Blended gasoline" means gasoline containing at least 6407
eighty-five per cent ethanol by volume. 6408

(7) "Incremental cost" means either of the following: 6409

(a) The difference in cost between blended gasoline and 6410
gasoline containing ten per cent or less ethanol at the time that 6411
the blended gasoline is purchased; 6412

(b) The difference in cost between blended biodiesel and 6413

diesel fuel containing two per cent or less biodiesel at the time 6414
that the blended biodiesel is purchased. 6415

(B) For the purpose of improving the air quality in this 6416
state, the director of development shall establish an alternative 6417
fuel transportation grant program under which the director may 6418
make grants to businesses, nonprofit organizations, public school 6419
systems, or local governments for the purchase and installation of 6420
alternative fuel refueling or distribution facilities and 6421
terminals, for the purchase and use of alternative fuel, and to 6422
pay the costs of educational and promotional materials and 6423
activities intended for prospective alternative fuel consumers, 6424
fuel marketers, and others in order to increase the availability 6425
and use of alternative fuel. 6426

(C) The director, in consultation with the director of 6427
agriculture, shall adopt rules in accordance with Chapter 119. of 6428
the Revised Code that are necessary for the administration of the 6429
alternative fuel transportation grant program. The rules shall 6430
establish at least all of the following: 6431

(1) An application form and procedures governing the 6432
application process for a grant under the program; 6433

(2) A procedure for prioritizing the award of grants under 6434
the program. The procedures shall give preference to all of the 6435
following: 6436

(a) Publicly accessible refueling facilities; 6437

(b) Entities seeking grants that have secured funding from 6438
other sources, including, but not limited to, private or federal 6439
grants; 6440

(c) Entities that have presented compelling evidence of 6441
demand in the market in which the facilities or terminals will be 6442
located; 6443

(d) Entities that have committed to utilizing purchased or 6444
installed facilities or terminals for the greatest number of 6445
years; 6446

(e) Entities that will be purchasing or installing facilities 6447
or terminals for both blended biodiesel and blended gasoline. 6448

(3) A requirement that the maximum grant for the purchase and 6449
installation of an alternative fuel refueling or distribution 6450
facility or terminal be eighty per cent of the cost of the 6451
facility or terminal, except that at least twenty per cent of the 6452
total net cost of the facility or terminal shall be incurred by 6453
the grant recipient and not compensated for by any other source; 6454

(4) A requirement that the maximum grant for the purchase of 6455
alternative fuel be eighty per cent of the incremental cost of the 6456
fuel; 6457

(5) Any other criteria, procedures, or guidelines that the 6458
director determines are necessary to administer the program. 6459

(D) An applicant for a grant under this section that sells 6460
motor vehicle fuel at retail shall agree that if the applicant 6461
receives a grant, the applicant will report to the director the 6462
gallon amounts of blended gasoline and blended biodiesel the 6463
applicant sells at retail in this state for a period of three 6464
years after the grant is awarded. 6465

The director shall enter into a written confidentiality 6466
agreement with the applicant regarding the gallon amounts sold as 6467
described in this division, and upon execution of the agreement 6468
this information is not a public record. 6469

(E) There is hereby created in the state treasury the 6470
alternative fuel transportation grant fund. The fund shall consist 6471
of money transferred to the fund under division (C) of section 6472
125.836 of the Revised Code, money that is appropriated to it by 6473
the general assembly, and money as may be specified by the general 6474

assembly from the advanced energy fund created by section 4928.61 6475
of the Revised Code. Money in the fund shall be used to make 6476
grants under the alternative fuel transportation grant program and 6477
by the director in the administration of that program. 6478

Sec. 122.08. (A) There is hereby created within the 6479
department of development an office to be known as the office of 6480
small business. The office shall be under the supervision of a 6481
manager appointed by the director of development. The manager 6482
shall be known as the Ohio small business ombudsperson. 6483

(B) The office and ombudsperson shall do all of the 6484
following: 6485

(1) Act as liaison between the small business community and 6486
state governmental agencies; 6487

(2) Furnish information and technical assistance to persons 6488
and small businesses concerning the establishment and maintenance 6489
of a small business, and concerning state laws and rules relevant 6490
to the operation of a small business. In conjunction with these 6491
duties, the office shall keep a record of all state agency rules 6492
affecting ~~individuals~~, small businesses, ~~or small organizations~~, 6493
as defined in section ~~121.24~~ 121.25 of the Revised Code, and the 6494
ombudsperson may testify before the joint committee on agency rule 6495
review concerning any proposed rule affecting ~~individuals~~, small 6496
businesses, ~~or small organizations~~. 6497

(3) Prepare and publish the small business register under 6498
section 122.081 of the Revised Code; 6499

(4) Receive complaints from small businesses concerning 6500
governmental activity, compile and analyze those complaints, and 6501
periodically make recommendations to the governor and the general 6502
assembly on changes in state laws or agency rules needed to 6503
eliminate burdensome and unproductive governmental regulation to 6504

improve the economic climate within which small businesses 6505
operate; 6506

(5) Receive complaints or questions from small businesses and 6507
direct those businesses to the appropriate governmental agency. 6508
If, within a reasonable period of time, a complaint is not 6509
satisfactorily resolved or a question is not satisfactorily 6510
answered, the office shall, on behalf of the small business, make 6511
every effort to secure a satisfactory result. For this purpose, 6512
the office may consult with any state governmental agency and may 6513
make any suggestion or request that seems appropriate. 6514

(6) Utilize, to the maximum extent possible, the printed and 6515
electronic media to disseminate information of current concern and 6516
interest to the small business community and to make known to 6517
small businesses the services available through the office. The 6518
office shall publish such books, pamphlets, and other printed 6519
materials, and shall participate in such trade association 6520
meetings, conventions, fairs, and other meetings involving the 6521
small business community, as the ~~manager~~ ombudsperson considers 6522
appropriate. 6523

(7) Prepare for inclusion in the department of development's 6524
annual report to the governor and general assembly, a description 6525
of the activities of the office and a report of the number of 6526
rules affecting ~~individuals~~, small businesses, ~~and small~~ 6527
~~organizations~~ that were filed with the ~~office~~ ombudsperson under 6528
~~division (B)(2) of section 121.24~~ 121.253 of the Revised Code, 6529
during the preceding calendar year; 6530

(8) Operate the Ohio first-stop business connection to assist 6531
individuals in identifying and preparing applications for business 6532
licenses, permits, and certificates and to serve as the central 6533
public distributor for all forms, applications, and other 6534
information related to business licensing. Each state agency, 6535
board, and commission shall cooperate in providing assistance, 6536

information, and materials to enable the connection to perform its 6537
duties under this division. 6538

(9) Comply with section 121.255 of the Revised Code; 6539

(10) Maintain and publicize a toll-free telephone number Ohio 6540
small businesses may call to reach the ombudsperson, who shall 6541
assist those small businesses in complying with state regulatory 6542
requirements; 6543

(11) Interface with other agencies to facilitate the 6544
resolution of small business regulatory issues; 6545

(12) Provide all necessary staff and support for the small 6546
business regulatory review board; 6547

(13) Interface with small businesses in an effort to create 6548
and retain jobs in this state; 6549

(14) Conduct an annual regulatory compliance audit to 6550
determine which, if any, rules pertaining to small businesses 6551
require duplicative reporting or recordkeeping of the same or 6552
substantially similar information for multiple regulatory 6553
entities; 6554

(15) Conduct an annual assessment that identifies which rules 6555
have any adverse impact on small businesses; and 6556

(16) Prepare an annual report and submit it to the governor 6557
and the general assembly on or before the first day of January 6558
each year. 6559

The report shall contain the results of the audit conducted 6560
under division (B)(14) of this section, and shall make 6561
recommendations on how to minimize any adverse impact of rules 6562
identified under division (B)(15) of this section. 6563

(C) The office ~~may~~ shall, upon the request of a state agency, 6564
assist the agency with the preparation of any rule that will 6565
affect ~~individuals, small businesses, or small organizations.~~ The 6566

office shall train rule-making agency personnel on methods to be 6567
used under sections 121.252 and 121.253 of the Revised Code to 6568
conduct a cost-benefit analysis and prepare a cost-benefit report, 6569
and to conduct a regulatory flexibility analysis and prepare a 6570
regulatory flexibility report. 6571

(D) The director of development shall assign employees and 6572
furnish equipment and supplies to the office as the director 6573
considers necessary for the proper performance of the duties 6574
assigned to the office. 6575

Sec. 122.081. (A) The office of small business in the 6576
department of development shall prepare and publish a "small 6577
business register" or contract with any person as provided in this 6578
section to prepare and publish the register. The small business 6579
register shall contain the following information regarding each 6580
~~proposed~~ rule filed with the ~~office of small business~~ Ohio small 6581
business ombudsperson under ~~division (B)(2) of section 121.24~~ 6582
121.253 of the Revised Code: 6583

(1) The proposed title and administrative code rule number of 6584
the ~~proposed~~ rule; 6585

(2) A brief summary of the ~~proposed~~ rule; 6586

(3) The date on which the ~~proposed~~ rule was filed with the 6587
~~office of small business under division (B)(2) of section 121.24~~ 6588
~~of the Revised Code~~ ombudsperson; and 6589

(4) The name, address, and telephone number of the individual 6590
or office within the agency that ~~proposed~~ filed the rule ~~who has~~ 6591
~~been designated as being responsible for complying with division~~ 6592
~~(E) of section 121.24 of the Revised Code with regard to the~~ 6593
~~proposed~~ rule. 6594

(B) The small business register shall be published on a 6595
weekly basis. The information required under division (A) of this 6596

section shall be published in the register no later than two weeks 6597
after the ~~proposed~~ rule to which the information relates is filed 6598
with the ~~office of small business~~ ombudsperson under ~~division~~ 6599
~~(B)(2) of~~ section ~~121.24~~ 121.254 of the Revised Code. The office 6600
of small business shall furnish the small business register, on a 6601
single copy or subscription basis, to any person who requests it 6602
and pays a single copy price or subscription rate fixed by the 6603
office. ~~The office shall furnish the chairmen of the standing~~ 6604
~~committees of the senate and house of representatives having~~ 6605
~~jurisdiction over individuals, small businesses, and small~~ 6606
~~organizations with free subscriptions to the small business~~ 6607
~~register.~~ 6608

(C) Upon the request of the office of small business, the 6609
director of administrative services shall, in accordance with the 6610
competitive selection procedure of Chapter 125. of the Revised 6611
Code, let a contract for the compilation, printing, and 6612
distribution of the small business register. 6613

(D) The office of small business shall adopt, and may amend 6614
or rescind, in accordance with Chapter 119. of the Revised Code, 6615
such rules as are necessary to enable it to properly carry out 6616
this section. 6617

Sec. 122.151. (A) An investor who proposes to make an 6618
investment of money in an Ohio entity may apply to an Edison 6619
center for a tax credit under this section. The Edison center 6620
shall prescribe the form of the application and any information 6621
that the investor must submit with the application. The investor 6622
shall include with the application a fee of two hundred dollars. 6623
The center, within three weeks after receiving the application, 6624
shall review it, determine whether the investor should be 6625
recommended for the tax credit, and send written notice of its 6626
initial determination to the industrial technology and enterprise 6627

advisory council and to the investor. If the center determines the
investor should not be recommended for the tax credit, it shall
include in the notice the reasons for the determination. Subject
to divisions (C) and (D) of this section, an investor is eligible
for a tax credit if all of the following requirements are met:

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

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

(3) The investment takes the form of the purchase of common
or preferred stock, a membership interest, a partnership interest,
or any other ownership interest.

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

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

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

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

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

(9) The investor is not an insider.

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

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

(B) A group of two but not more than twenty investors, each of whom proposes to make an investment of money in the same Ohio entity, may submit an application for tax credits under division (A) of this section. The group shall include with the application a fee of eight hundred dollars. The application shall identify each investor in the group and the amount of money each investor proposes to invest in the Ohio entity, and shall name a contact person for the group. The Edison center, within three weeks after receiving the application, shall review it, determine whether each investor of the group should be recommended for a tax credit under the conditions set forth in division (A) of this section, and send

written notice of its determination to the industrial technology 6690
and enterprise advisory council and to the contact person. The 6691
center shall not recommend that a group of investors receive a tax 6692
credit unless each investor is eligible under those conditions. 6693
The center may disqualify from a group any investor who is not 6694
eligible under the conditions and recommend that the remaining 6695
group of investors receive the tax credit. If the center 6696
determines the group should not be recommended for the tax credit, 6697
it shall include in the notice the reasons for the determination. 6698

(C) The industrial technology and enterprise advisory council 6699
shall establish from among its members a three-person committee. 6700
Within four weeks after the council receives a notice of 6701
recommendation from an Edison center, the committee shall review 6702
the recommendation and issue a final determination of whether the 6703
investor or group is eligible for a tax credit under the 6704
conditions set forth in division (A) of this section. The 6705
committee may require the investor or group to submit additional 6706
information to support the application. The vote of at least two 6707
members of the committee is necessary for the issuance of a final 6708
determination or any other action of the committee. Upon making 6709
the final determination, the committee shall send written notice 6710
of approval or disapproval of the tax credit to the investor or 6711
group contact person, the director of development, and the Edison 6712
center. If the committee disapproves the tax credit, it shall 6713
include in the notice the reasons for the disapproval. 6714

(D)(1) The industrial technology and enterprise advisory 6715
council committee shall not approve more than one million five 6716
hundred thousand dollars of investments in any one Ohio entity. 6717
However, if a proposed investment of money in an Ohio entity has 6718
been approved but the investor does not actually make the 6719
investment, the committee may reassign the amount of that 6720
investment to another investor, as long as the total amount 6721

invested in the entity under this section does not exceed one 6722
million five hundred thousand dollars. 6723

If the one-million-five-hundred-thousand-dollar limit for an 6724
Ohio entity has not yet been reached and an application proposes 6725
an investment of money that would exceed the limit for that 6726
entity, the committee shall send written notice to the investor, 6727
or for a group, the contact person, that the investment cannot be 6728
approved as requested. Upon receipt of the notice, the investor or 6729
group may amend the application to propose an investment of money 6730
that does not exceed the limit. 6731

(2) Not more than ~~thirty~~ forty-five million dollars of tax 6732
credits shall be issued under sections 122.15 to 122.154 of the 6733
Revised Code. 6734

(E) If an investor makes an approved investment of less than 6735
two hundred fifty thousand dollars in any Ohio entity other than 6736
an EDGE business enterprise or in an Ohio entity located in a 6737
distressed area, the investor may apply for approval of another 6738
investment of money in that entity, as long as the total amount 6739
invested in that entity by the investor under this section does 6740
not exceed two hundred fifty thousand dollars. If an investor 6741
makes an approved investment of less than three hundred thousand 6742
dollars in an EDGE business enterprise or in an Ohio entity 6743
located in a distressed area, the investor may apply for approval 6744
of another investment of money in that entity, as long as the 6745
total amount invested in that entity by the investor under this 6746
section does not exceed three hundred thousand dollars. An 6747
investor who receives approval of an investment of money as part 6748
of a group may subsequently apply on an individual basis for 6749
approval of an additional investment of money in the Ohio entity. 6750

(F) The industrial technology and enterprise advisory council 6751
committee shall approve or disapprove tax credit applications 6752
under this section in the order in which they are received by the 6753

council. 6754

(G) The director of development may disapprove any 6755
application recommended by an Edison center and approved by the 6756
industrial technology and enterprise advisory council committee, 6757
or may disapprove a credit for which a tax credit certificate has 6758
been issued under section 122.152 of the Revised Code, if the 6759
director determines that the entity in which the applicant 6760
proposes to invest or has invested is not an Ohio entity eligible 6761
to receive investments that qualify for the credit. If the 6762
director disapproves an application, the director shall certify 6763
the action to the investor, the Edison center that recommended the 6764
application, the industrial technology and enterprise advisory 6765
council, and the tax commissioner, together with a written 6766
explanation of the reasons for the disapproval. If the director 6767
disapproves a tax credit after a tax credit certificate is issued, 6768
the investor shall not claim the credit for the taxable year that 6769
includes the day the director disapproves the credit, or for any 6770
subsequent taxable year. 6771

The director of development, in accordance with section 6772
111.15 of the Revised Code and with the advice of the industrial 6773
technology and enterprise advisory council, may adopt, amend, and 6774
rescind rules necessary to implement sections 122.15 to 122.154 of 6775
the Revised Code. 6776

(H) An Edison center shall use application fees received 6777
under this section only for the costs of administering sections 6778
122.15 to 122.154 of the Revised Code. 6779

Sec. 122.17. (A) As used in this section: 6780

(1) ~~"Full-time employee" means an individual who is employed 6781
for consideration for at least an average of thirty-five hours a 6782
week, who renders any other standard of service generally accepted 6783
by custom or specified by contract as full-time employment, or who 6784~~

~~is employed for consideration for such time or renders such 6785
service but is on family or medical leave under the federal Family 6786
and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as 6787
amended, or on active duty reserve or Ohio national guard service. 6788~~

6789

~~(2) "New employee" means one of the following: 6790~~

~~(a) A full time employee first employed by a taxpayer in the 6791
project that is the subject of the agreement after the taxpayer 6792
enters into a tax credit agreement with the tax credit authority 6793
under this section; 6794~~

~~(b) A full time employee first employed by a taxpayer in the 6795
project that is the subject of the tax credit after the tax credit 6796
authority approves a project for a tax credit under this section 6797
in a public meeting, as long as the taxpayer enters into the tax 6798
credit agreement prepared by the department of development after 6799
such meeting within sixty days after receiving the agreement from 6800
the department. If the taxpayer fails to enter into the agreement 6801
within sixty days, "new employee" has the same meaning as under 6802
division (A)(2)(a) of this section. A full time employee may be 6803
considered a "new employee" of a taxpayer, despite previously 6804
having been employed by a related member of the taxpayer, if all 6805
of the following apply: 6806~~

~~(i) The related member is a party to the tax credit agreement 6807
at the time the employee is first employed with the taxpayer; 6808~~

~~(ii) The related member will remain subject to the tax 6809
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 6810
under Chapter 5751. of the Revised Code for the remainder of the 6811
term of the tax credit, and the tax credit is taken against 6812
liability for that same tax through the remainder of the term of 6813
the tax credit; and 6814~~

~~(iii) The employee was considered a new employee of the 6815~~

~~related member prior to employment with the taxpayer.~~ 6816

~~Under division (A)(2)(a) or (b) of this section, if the tax credit authority determines it appropriate, "new employee" also may include an employee re-hired or called back from lay off to work in a new facility or on a new product or service established or produced by the taxpayer after entering into the agreement under this section or after the tax credit authority approves the tax credit in a public meeting. Except as otherwise provided in this paragraph, "new employee" does not include any employee of the taxpayer who was previously employed in this state by a related member of the taxpayer and whose employment was shifted to the taxpayer after the taxpayer entered into the tax credit agreement or after the tax credit authority approved the credit in a public meeting, or any employee of the taxpayer for which the taxpayer has been granted a certificate under division (B) of section 5709.66 of the Revised Code. However, if the taxpayer is engaged in the enrichment and commercialization of uranium or uranium products or is engaged in research and development activities related thereto and if the tax credit authority determines it appropriate, "new employee" may include an employee of the taxpayer who was previously employed in this state by a related member of the taxpayer and whose employment was shifted to the taxpayer after the taxpayer entered into the tax credit agreement or after the tax credit authority approved the credit in a public meeting. "New employee" does not include an employee of the taxpayer who is employed in an employment position that was relocated to a project from other operations of the taxpayer in this state or from operations of a related member of the taxpayer in this state. In addition, "new employee" does not include a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who is an employee of the taxpayer and who has a direct or indirect ownership interest of at least five per cent in the profits,~~ 6817
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~~capital, or value of the taxpayer. Such ownership interest shall 6849
be determined in accordance with section 1563 of the Internal 6850
Revenue Code and regulations prescribed thereunder. 6851~~

~~(3) "New income Income tax revenue" means the total amount 6852
withheld under section 5747.06 of the Revised Code by the taxpayer 6853
during the taxable year, or during the calendar year that includes 6854
the tax period, from the compensation of ~~new employees for the tax~~ 6855
~~levied under Chapter 5747. of the Revised Code. 6856~~
6857~~

~~(4) "Related member" has the same meaning as under division 6858
(A)(6) of section 5733.042 of the Revised Code without regard to 6859
division (B) of that section each employee employed in the project 6860
to the extent the employee's withholdings are not used to 6861
determine the credit under section 122.171 of the Revised Code. 6862
"Income tax revenue" excludes amounts withheld before the day the 6863
taxpayer becomes eligible for the credit. 6864~~

~~(2) "Baseline income tax revenue" means income tax revenue 6865
except that the applicable withholding period is the twelve months 6866
immediately preceding the date the tax credit authority approves 6867
the taxpayer's application multiplied by the sum of one plus an 6868
annual pay increase factor to be determined by the tax credit 6869
authority. If the taxpayer becomes eligible for the credit after 6870
the first day of the taxpayer's taxable year or after the first 6871
day of the calendar year that includes the tax period, the 6872
taxpayer's baseline income tax revenue for the first such taxable 6873
or calendar year of credit eligibility shall be reduced in 6874
proportion to the number of days during the taxable or calendar 6875
year for which the taxpayer was not eligible for the credit. For 6876
subsequent taxable or calendar years, "baseline income tax 6877
revenue" equals the unreduced baseline income tax revenue for the 6878
preceding taxable or calendar year multiplied by the sum of one 6879
plus the pay increase factor. 6880~~

(3) "Excess income tax revenue" means income tax revenue 6881
minus baseline income tax revenue. 6882

(B) The tax credit authority may make grants under this 6883
section to foster job creation in this state. Such a grant shall 6884
take the form of a refundable credit allowed against the tax 6885
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 6886
under Chapter 5751. of the Revised Code. The credit shall be 6887
claimed for the taxable years or tax periods specified in the 6888
taxpayer's agreement with the tax credit authority under division 6889
(D) of this section. With respect to taxes imposed under section 6890
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 6891
credit shall be claimed in the order required under section 6892
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 6893
the credit available for a taxable year or for a calendar year 6894
that includes a tax period equals the ~~new~~ excess income tax 6895
revenue for that year multiplied by the percentage specified in 6896
the agreement with the tax credit authority. Any credit granted 6897
under this section against the tax imposed by section 5733.06 or 6898
5747.02 of the Revised Code, to the extent not fully utilized 6899
against such tax for taxable years ending prior to 2008, shall 6900
automatically be converted without any action taken by the tax 6901
credit authority to a credit against the tax levied under Chapter 6902
5751. of the Revised Code for tax periods beginning on or after 6903
July 1, 2008, provided that the person to whom the credit was 6904
granted is subject to such tax. The converted credit shall apply 6905
to those calendar years in which the remaining taxable years 6906
specified in the agreement end. 6907

(C) A taxpayer or potential taxpayer who proposes a project 6908
to create new jobs in this state may apply to the tax credit 6909
authority to enter into an agreement for a tax credit under this 6910
section. The director of development shall prescribe the form of 6911
the application. After receipt of an application, the authority 6912

may enter into an agreement with the taxpayer for a credit under 6913
this section if it determines all of the following: 6914

(1) The taxpayer's project will ~~create new jobs in this state~~ 6915
increase payroll and income tax revenue; 6916

(2) The taxpayer's project is economically sound and will 6917
benefit the people of this state by increasing opportunities for 6918
employment and strengthening the economy of this state; 6919

(3) Receiving the tax credit is a major factor in the 6920
taxpayer's decision to go forward with the project. 6921

(D) An agreement under this section shall include all of the 6922
following: 6923

(1) A detailed description of the project that is the subject 6924
of the agreement; 6925

(2) The term of the tax credit, which shall not exceed 6926
fifteen years, and the first taxable year, or first calendar year 6927
that includes a tax period, for which the credit may be claimed; 6928

(3) A requirement that the taxpayer shall maintain operations 6929
at the project location for at least ~~twice the number of years as~~ 6930
~~the term of the tax credit~~ the greater of seven years or the term 6931
of the credit plus three years; 6932

(4) The percentage, as determined by the tax credit 6933
authority, of ~~new~~ excess income tax revenue that will be allowed 6934
as the amount of the credit for each taxable year or for each 6935
calendar year that includes a tax period; 6936

(5) ~~A specific method for determining how many new employees~~ 6937
~~are employed during a taxable year or during a calendar year that~~ 6938
~~includes a tax period~~ The pay increase factor to be applied to the 6939
taxpayer's baseline income tax revenue; 6940

(6) A requirement that the taxpayer annually shall report to 6941
the director of development ~~the number of new employees, the new~~ 6942

~~income tax revenue withheld in connection with the new employees,~~ 6943
~~and any employment, tax withholding, investment, and other~~ 6944
information the director needs to perform the director's duties 6945
under this section; 6946

(7) A requirement that the director of development annually 6947
~~shall verify the amounts~~ review the information reported under 6948
division (D)(6) of this section, ~~and after doing so shall issue a~~ 6949
~~certificate to the taxpayer stating that the amounts have been~~ 6950
verified and verify compliance with the agreement; if the taxpayer 6951
is in compliance, a requirement that the director issue a 6952
certificate to the taxpayer stating that the information has been 6953
verified and identifying the amount of the credit that may be 6954
claimed for the taxable or calendar year; 6955

~~(8)(a) A provision requiring that the taxpayer, except as~~ 6956
~~otherwise provided in division (D)(8)(b) of this section, shall~~ 6957
~~not relocate employment positions from elsewhere in this state to~~ 6958
~~the project site that is the subject of the agreement for the~~ 6959
~~lesser of five years from the date the agreement is entered into~~ 6960
~~or the number of years the taxpayer is entitled to claim the tax~~ 6961
~~credit.~~ 6962

~~(b) The taxpayer may relocate employment positions from~~ 6963
~~elsewhere in this state to the project site that is the subject of~~ 6964
~~the agreement if the director of development determines both of~~ 6965
~~the following:~~ 6966

~~(i) That the site from which the employment positions would~~ 6967
~~be relocated is inadequate to meet market and industry conditions,~~ 6968
~~expansion plans, consolidation plans, or other business~~ 6969
~~considerations affecting the taxpayer;~~ 6970

~~(ii) That~~ A provision providing that the taxpayer may not 6971
relocate a substantial number of employment positions from 6972
elsewhere in this state to the project location unless the 6973

director of development determines that the legislative authority 6974
of the county, township, or municipal corporation from which the 6975
employment positions would be relocated has been notified by the 6976
taxpayer of the relocation. 6977

For purposes of this section, the movement of an employment 6978
position from one political subdivision to another political 6979
subdivision shall be considered a relocation of an employment 6980
position, ~~but the transfer of an individual employee from one~~ 6981
~~political subdivision to another political subdivision shall not~~ 6982
~~be considered a relocation of an employment position as long as~~ 6983
~~the individual's employment position in the first political~~ 6984
~~subdivision is refilled unless the employment position in the~~ 6985
~~first political subdivision is replaced.~~ 6986

(E) If a taxpayer fails to meet or comply with any condition 6987
or requirement set forth in a tax credit agreement, the tax credit 6988
authority may amend the agreement to reduce the percentage or term 6989
of the tax credit. The reduction of the percentage or term ~~shall~~ 6990
~~take effect (1) in the taxable year immediately following the~~ 6991
~~taxable year in which the authority amends the agreement or the~~ 6992
~~director of development notifies the taxpayer in writing of such~~ 6993
~~failure, or (2) in the first tax period beginning in the calendar~~ 6994
~~year immediately following the calendar year in which the~~ 6995
~~authority amends the agreement or the director notifies the~~ 6996
~~taxpayer in writing of such failure. If the taxpayer fails to~~ 6997
~~annually report any of the information required by division (D)(6)~~ 6998
~~of this section within the time required by the director, the~~ 6999
~~reduction of the percentage or term may take effect in the current~~ 7000
~~taxable year. If the taxpayer relocates employment positions in~~ 7001
~~violation of the provision required under division (D)(8)(a) of~~ 7002
~~this section, the taxpayer shall not claim the tax credit under~~ 7003
~~section 5733.0610 of the Revised Code for any tax years following~~ 7004
~~the calendar year in which the relocation occurs, or shall not~~ 7005

~~claim the tax credit under section 5725.32, 5729.032, or 5747.058~~ 7006
~~of the Revised Code for the taxable year in which the relocation~~ 7007
~~occurs and any subsequent taxable years, and shall not claim the~~ 7008
~~tax credit under division (A) of section 5751.50 of the Revised~~ 7009
~~Code for any tax period in the calendar year in which the~~ 7010
~~relocation occurs and any subsequent tax periods~~ may take effect 7011
in the current taxable or calendar year. 7012

(F) Projects that consist solely of point-of-final-purchase 7013
retail facilities are not eligible for a tax credit under this 7014
section. If a project consists of both point-of-final-purchase 7015
retail facilities and nonretail facilities, only the portion of 7016
the project consisting of the nonretail facilities is eligible for 7017
a tax credit and only the ~~new~~ excess income tax revenue from ~~new~~ 7018
~~employees~~ of the nonretail facilities shall be considered when 7019
computing the amount of the tax credit. If a warehouse facility is 7020
part of a point-of-final-purchase retail facility and supplies 7021
only that facility, the warehouse facility is not eligible for a 7022
tax credit. Catalog distribution centers are not considered 7023
point-of-final-purchase retail facilities for the purposes of this 7024
division, and are eligible for tax credits under this section. 7025

(G) Financial statements and other information submitted to 7026
the department of development or the tax credit authority by an 7027
applicant or recipient of a tax credit under this section, and any 7028
information taken for any purpose from such statements or 7029
information, are not public records subject to section 149.43 of 7030
the Revised Code. However, the chairperson of the authority may 7031
make use of the statements and other information for purposes of 7032
issuing public reports or in connection with court proceedings 7033
concerning tax credit agreements under this section. Upon the 7034
request of the tax commissioner or, if the applicant or recipient 7035
is an insurance company, upon the request of the superintendent of 7036
insurance, the chairperson of the authority shall provide to the 7037

commissioner or superintendent any statement or information 7038
submitted by an applicant or recipient of a tax credit in 7039
connection with the credit. The commissioner or superintendent 7040
shall preserve the confidentiality of the statement or 7041
information. 7042

(H) A taxpayer claiming a credit under this section shall 7043
submit to the tax commissioner or, if the taxpayer is an insurance 7044
company, to the superintendent of insurance, a copy of the 7045
director of development's certificate of verification under 7046
division (D)(7) of this section with the taxpayer's tax report or 7047
return for the taxable year or for the calendar year that includes 7048
the tax period. Failure to submit a copy of the certificate with 7049
the report or return does not invalidate a claim for a credit if 7050
the taxpayer submits a copy of the certificate to the commissioner 7051
or superintendent within sixty days after the commissioner or 7052
superintendent requests it. 7053

(I) The director of development, after consultation with the 7054
tax commissioner and the superintendent of insurance and in 7055
accordance with Chapter 119. of the Revised Code, shall adopt 7056
rules necessary to implement this section. The rules may provide 7057
for recipients of tax credits under this section to be charged 7058
fees to cover administrative costs of the tax credit program. The 7059
fees collected shall be credited to the tax incentive programs 7060
operating fund created in section 122.174 of the Revised Code. At 7061
the time the director gives public notice under division (A) of 7062
section 119.03 of the Revised Code of the adoption of the rules, 7063
the director shall submit copies of the proposed rules to the 7064
chairpersons of the standing committees on economic development in 7065
the senate and the house of representatives. 7066

(J) For the purposes of this section, a taxpayer may include 7067
a partnership, a corporation that has made an election under 7068
subchapter S of chapter one of subtitle A of the Internal Revenue 7069

Code, or any other business entity through which income flows as a 7070
distributive share to its owners. A partnership, S-corporation, or 7071
other such business entity may elect to pass the credit received 7072
under this section through to the persons to whom the income or 7073
profit of the partnership, S-corporation, or other entity is 7074
distributed. The election shall be made on the annual report 7075
required under division (D)(6) of this section. The election 7076
applies to and is irrevocable for the credit for which the report 7077
is submitted. If the election is made, the credit shall be 7078
apportioned among those persons in the same proportions as those 7079
in which the income or profit is distributed. 7080

(K) If the director of development determines that a taxpayer 7081
who has received a credit under this section is not complying with 7082
the requirement under division (D)(3) of this section, the 7083
director shall notify the tax credit authority of the 7084
noncompliance. After receiving such a notice, and after giving the 7085
taxpayer an opportunity to explain the noncompliance, the tax 7086
credit authority may require the taxpayer to refund to this state 7087
a portion of the credit in accordance with the following: 7088

(1) If the taxpayer maintained operations at the project 7089
location for ~~at least one and one half times the number of years~~ 7090
~~of the term of the tax credit, an amount not exceeding twenty five~~ 7091
~~per cent of the sum of any previously allowed credits under this~~ 7092
~~section;~~ 7093

~~(2) If the taxpayer maintained operations at the project~~ 7094
~~location for at least the number of years of the term of the tax~~ 7095
~~credit, an amount not exceeding fifty per cent of the sum of any~~ 7096
~~previously allowed credits under this section;~~ 7097

~~(3) If the taxpayer maintained operations at the project~~ 7098
~~location for less than the number of years of the term of the tax~~ 7099
~~credit, an amount not exceeding one hundred per cent of the sum of~~ 7100
~~any previously allowed credits under this section a period less~~ 7101

than or equal to the term of the credit, an amount not exceeding 7102
one hundred per cent of the sum of any credits allowed and 7103
received under this section; 7104

(2) If the taxpayer maintained operations at the project 7105
location for a period longer than the term of the credit, but less 7106
than the greater of seven years or the term of the credit plus 7107
three years, an amount not exceeding seventy-five per cent of the 7108
sum of any credits allowed and received under this section. 7109

In determining the portion of the tax credit to be refunded 7110
to this state, the tax credit authority shall consider the effect 7111
of market conditions on the taxpayer's project and whether the 7112
taxpayer continues to maintain other operations in this state. 7113
After making the determination, the authority shall certify the 7114
amount to be refunded to the tax commissioner or superintendent of 7115
insurance, as appropriate. If the amount is certified to the 7116
commissioner, the commissioner shall make an assessment for that 7117
amount against the taxpayer under Chapter 5733., 5747., or 5751. 7118
of the Revised Code. If the amount is certified to the 7119
superintendent, the superintendent shall make an assessment for 7120
that amount against the taxpayer under Chapter 5725. or 5729. of 7121
the Revised Code. The time limitations on assessments under those 7122
chapters do not apply to an assessment under this division, but 7123
the commissioner or superintendent, as appropriate, shall make the 7124
assessment within one year after the date the authority certifies 7125
to the commissioner or superintendent the amount to be refunded. 7126

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 7127
each year, the director of development shall submit a report to 7128
the governor, the president of the senate, and the speaker of the 7129
house of representatives on the tax credit program under this 7130
section. The report shall include information on the number of 7131
agreements that were entered into under this section during the 7132
preceding calendar year, a description of the project that is the 7133

subject of each such agreement, and an update on the status of 7134
projects under agreements entered into before the preceding 7135
calendar year. 7136

(M) There is hereby created the tax credit authority, which 7137
consists of the director of development and four other members 7138
appointed as follows: the governor, the president of the senate, 7139
and the speaker of the house of representatives each shall appoint 7140
one member who shall be a specialist in economic development; the 7141
governor also shall appoint a member who is a specialist in 7142
taxation. Of the initial appointees, the members appointed by the 7143
governor shall serve a term of two years; the members appointed by 7144
the president of the senate and the speaker of the house of 7145
representatives shall serve a term of four years. Thereafter, 7146
terms of office shall be for four years. Initial appointments to 7147
the authority shall be made within thirty days after January 13, 7148
1993. Each member shall serve on the authority until the end of 7149
the term for which the member was appointed. Vacancies shall be 7150
filled in the same manner provided for original appointments. Any 7151
member appointed to fill a vacancy occurring prior to the 7152
expiration of the term for which the member's predecessor was 7153
appointed shall hold office for the remainder of that term. 7154
Members may be reappointed to the authority. Members of the 7155
authority shall receive their necessary and actual expenses while 7156
engaged in the business of the authority. The director of 7157
development shall serve as chairperson of the authority, and the 7158
members annually shall elect a vice-chairperson from among 7159
themselves. Three members of the authority constitute a quorum to 7160
transact and vote on the business of the authority. The majority 7161
vote of the membership of the authority is necessary to approve 7162
any such business, including the election of the vice-chairperson. 7163

The director of development may appoint a professional 7164
employee of the department of development to serve as the 7165

director's substitute at a meeting of the authority. The director 7166
shall make the appointment in writing. In the absence of the 7167
director from a meeting of the authority, the appointed substitute 7168
shall serve as chairperson. In the absence of both the director 7169
and the director's substitute from a meeting, the vice-chairperson 7170
shall serve as chairperson. 7171

(N) For purposes of the credits granted by this section 7172
against the taxes imposed under sections 5725.18 and 5729.03 of 7173
the Revised Code, "taxable year" means the period covered by the 7174
taxpayer's annual statement to the superintendent of insurance. 7175

Sec. 122.171. (A) As used in this section: 7176

(1) "Capital investment project" means a plan of investment 7177
at a project site for the acquisition, construction, renovation, 7178
or repair of buildings, machinery, or equipment, or for 7179
capitalized costs of basic research and new product development 7180
determined in accordance with generally accepted accounting 7181
principles, but does not include any of the following: 7182

(a) Payments made for the acquisition of personal property 7183
through operating leases; 7184

(b) Project costs paid before January 1, 2002; 7185

(c) Payments made to a related member as defined in section 7186
5733.042 of the Revised Code or to ~~an elected~~ a consolidated 7187
elected taxpayer or a combined taxpayer as defined in section 7188
5751.01 of the Revised Code. 7189

(2) "Eligible business" means a ~~business taxpayer and its~~ 7190
related members with Ohio operations satisfying all of the 7191
following: 7192

(a) ~~Employed an average of at least one thousand employees in~~ 7193
~~full-time employment positions at a project site during each of~~ 7194
~~the twelve months preceding the application for a tax credit under~~ 7195

~~this section; and~~ 7196

~~(b) On or after January 1, 2002, has made or has caused to be~~ 7197
~~made payments for the capital investment project, including~~ 7198
~~payments made by an unrelated third party entity as a result of a~~ 7199
~~lease of not less than twenty years in term, of either of the~~ 7200
~~following:~~ 7201

~~(i) At least two hundred~~ The taxpayer employs at least five 7202
hundred full-time equivalent employees at the time the tax credit 7203
authority grants the tax credit under this section; 7204

(b) The taxpayer makes or causes to be made payments for the 7205
capital investment project of either of the following: 7206

(i) If the taxpayer is engaged at the project site primarily 7207
as a manufacturer, at least fifty million dollars in the aggregate 7208
at the project site during a period of three consecutive calendar 7209
years, including the calendar year that includes a day of the 7210
taxpayer's taxable year or tax period with respect to which the 7211
credit is granted; 7212

~~(ii) If the average wage of all full-time employment~~ 7213
~~positions at the project site is greater than four hundred per~~ 7214
~~cent of the federal minimum wage, at least one hundred~~ taxpayer is 7215
engaged at the project site primarily in significant corporate 7216
administrative functions, as defined by the director of 7217
development by rule, at least twenty million dollars in the 7218
aggregate at the project site during a period of three consecutive 7219
calendar years including the calendar year that includes a day of 7220
the taxpayer's taxable year or tax period with respect to which 7221
the credit is granted. 7222

~~(c) Is engaged at the project site primarily as a~~ 7223
~~manufacturer or is providing significant corporate administrative~~ 7224
~~functions. If the investment under division (A)(2)(b) of this~~ 7225
~~section was made by a third party entity as a result of a lease of~~ 7226

~~not less than twenty years in term, the project must include~~ 7227
~~headquarters operations that are part of a mixed use development~~ 7228
~~that includes at least two of the following: office, hotel,~~ 7229
~~research and development, or retail facilities.~~ 7230

~~(d) Has~~ The taxpayer had a capital investment project 7231
reviewed and approved by the tax credit authority as provided in 7232
divisions (C), (D), and (E) of this section. 7233

~~(3) "Full-time employment position" means a position of~~ 7234
~~employment for consideration for at least an average of~~ 7235
~~thirty five hours a week that has been filled for at least one~~ 7236
~~hundred eighty days immediately preceding the filing of an~~ 7237
~~application under this section and for at least one hundred eighty~~ 7238
~~days during each taxable year or each calendar year that includes~~ 7239
~~a tax period with respect to which the credit is granted, or is~~ 7240
~~employed in such position for consideration for such time, but is~~ 7241
~~on active duty reserve or Ohio national guard service~~ equivalent 7242
employees" means the quotient obtained by dividing the total 7243
number of hours for which employees were compensated for 7244
employment in the project by two thousand eighty. "Full-time 7245
equivalent employees" shall exclude hours that are counted for a 7246
credit under section 122.17 of the Revised Code. 7247

(4) "Income tax revenue" means the total amount withheld 7248
under section 5747.06 of the Revised Code by the taxpayer during 7249
the taxable year, or during the calendar year that includes the 7250
tax period, from the compensation of all employees employed in the 7251
project whose hours of compensation are included in calculating 7252
the number of full-time equivalent employees. 7253

~~(4)(5)~~ "Manufacturer" has the same meaning as in section 7254
5739.011 of the Revised Code. 7255

~~(5)(6)~~ "Project site" means an integrated complex of 7256
facilities in this state, as specified by the tax credit authority 7257

under this section, within a fifteen-mile radius where a taxpayer 7258
is primarily operating as an eligible business. 7259

~~(6) "Applicable corporation" means a corporation satisfying 7260
all of the following: 7261~~

~~(a)(i) For the entire taxable year immediately preceding the 7262
tax year, the corporation develops software applications primarily 7263
to provide telecommunication billing and information services 7264
through outsourcing or licensing to domestic or international 7265
customers. 7266~~

~~(ii) Sales and licensing of software generated at least six 7267
hundred million dollars in revenue during the taxable year 7268
immediately preceding the tax year the corporation is first 7269
entitled to claim the credit provided under division (B) of this 7270
section. 7271~~

~~(b) For the entire taxable year immediately preceding the tax 7272
year, the corporation or one or more of its related members 7273
provides customer or employee care and technical support for 7274
clients through one or more contact centers within this state, and 7275
the corporation and its related members together have a daily 7276
average, based on a three hundred sixty five day year, of at least 7277
five hundred thousand successful customer contacts through one or 7278
more of their contact centers, wherever located. 7279~~

~~(c) The corporation is eligible for the credit under division 7280
(B) of this section for the tax year. 7281~~

(7) "Related member" has the same meaning as in section 7282
5733.042 of the Revised Code as that section existed on the 7283
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 7284
general assembly, September 29, 1997. 7285

(8) ~~"Successful customer contact" means a contact with an end 7286
user via telephone, including interactive voice recognition or 7287
similar means, where the contact culminates in a conversation or 7288~~

~~connection other than a busy signal or equipment busy.~~ 7289

~~(9) "Telecommunications" means all forms of 7290
telecommunications service as defined in section 5739.01 of the 7291
Revised Code, and includes services in wireless, wireline, cable, 7292
broadband, internet protocol, and satellite.~~ 7293

~~(10)(a) "Applicable difference" means the difference between 7294
the tax for the tax year under Chapter 5733. of the Revised Code 7295
applying the law in effect for that tax year, and the tax for that 7296
tax year if section 5733.042 of the Revised Code applied as that 7297
section existed on the effective date of its amendment by Am. Sub. 7298
H.B. 215 of the 122nd general assembly, September 29, 1997, 7299
subject to division (A)(10)(b) of this section.~~ 7300

~~(b) If the tax rate set forth in division (B) of section 7301
5733.06 of the Revised Code for the tax year is less than eight 7302
and one half per cent, the tax calculated under division 7303
(A)(10)(a) of this section shall be computed by substituting a tax 7304
rate of eight and one half per cent for the rate set forth in 7305
division (B) of section 5733.06 of the Revised Code for the tax 7306
year.~~ 7307

~~(c) If the resulting difference is negative, the applicable 7308
tax difference for the tax year shall be zero "Taxable year" 7309
includes, in the case of a domestic or foreign insurance company, 7310
the calendar year ending on the thirty-first day of December 7311
preceding the day the superintendent of insurance is required to 7312
certify to the treasurer of state under section 5725.20 or 5729.05 7313
of the Revised Code the amount of taxes due from insurance 7314
companies. 7315~~

~~(B) The tax credit authority created under section 122.17 of 7316
the Revised Code may grant tax credits under this section for the 7317
purpose of fostering job retention in this state. Upon application 7318
by an eligible business and upon consideration of the 7319~~

recommendation of the director of budget and management, tax 7320
commissioner, the superintendent of insurance in the case of an 7321
insurance company, and director of development under division (C) 7322
of this section, the tax credit authority may grant to an eligible 7323
business a nonrefundable credit against the tax imposed by section 7324
5725.18, 5729.03, 5733.06, or 5747.02 of the Revised Code for a 7325
period up to fifteen taxable years and against the tax levied by 7326
Chapter 5751. of the Revised Code for a period of up to fifteen 7327
calendar years ~~provided, however, that if the project site is~~ 7328
~~leased, the term of the tax credit cannot exceed the lesser of~~ 7329
~~fifteen years or one half the term of the lease, including any~~ 7330
~~permitted renewal periods. The credit shall be in an amount not~~ 7331
~~exceeding seventy five per cent of the Ohio income tax withheld~~ 7332
~~from the employees of the eligible business occupying full time~~ 7333
~~employment positions at the project site during the calendar year~~ 7334
~~that includes the last day of such business' taxable year or tax~~ 7335
~~period with respect to which the credit is granted. The amount of~~ 7336
~~the credit shall not be based on the Ohio income tax withheld from~~ 7337
~~full time employees for a calendar year prior to the calendar year~~ 7338
~~in which the minimum investment requirement referred to in~~ 7339
~~division (A)(2)(b) of this section is completed. The credit amount~~ 7340
~~for a taxable year or a calendar year that includes the tax period~~ 7341
~~for which a credit may be claimed equals the income tax revenue~~ 7342
~~for that year multiplied by the percentage specified in the~~ 7343
~~agreement with the tax credit authority. The percentage may not~~ 7344
~~exceed seventy-five per cent. The credit shall be claimed in the~~ 7345
~~order required under section 5725.98, 5729.98, 5733.98, or 5747.98~~ 7346
~~of the Revised Code. In determining the percentage and term of the~~ 7347
~~credit, the tax credit authority shall consider both the number of~~ 7348
~~full-time equivalent employees and the value of the capital~~ 7349
~~investment project. The credit amount may not be based on the~~ 7350
~~income tax revenue for a calendar year before the calendar year in~~ 7351
~~which the tax credit authority specifies the tax credit is to~~ 7352

begin, and the credit shall be claimed only for the taxable years 7353
or tax periods specified in the eligible business' agreement with 7354
the tax credit authority ~~under division (E) of this section, but~~ 7355
~~in.~~ In no event shall the credit be claimed for a taxable year or 7356
tax period terminating before the date specified in the agreement. 7357
Any credit granted under this section against the tax imposed by 7358
section 5733.06 or 5747.02 of the Revised Code, to the extent not 7359
fully utilized against such tax for taxable years ending prior to 7360
2008, shall automatically be converted without any action taken by 7361
the tax credit authority to a credit against the tax levied under 7362
Chapter 5751. of the Revised Code for tax periods beginning on or 7363
after July 1, 2008, provided that the person to whom the credit 7364
was granted is subject to such tax. The converted credit shall 7365
apply to those calendar years in which the remaining taxable years 7366
specified in the agreement end. 7367

~~The credit computed under this division is in addition to any~~ 7369
~~credit allowed under division (M) of this section, which the tax~~ 7370
~~credit authority may also include in the agreement.~~ 7371

Any unused portion of a tax credit may be carried forward for 7372
not more than three additional years after the year for which the 7373
credit is granted. 7374

(C) A taxpayer that proposes a capital investment project to 7375
retain jobs in this state may apply to the tax credit authority to 7376
enter into an agreement for a tax credit under this section. The 7377
director of development shall prescribe the form of the 7378
application. After receipt of an application, the authority shall 7379
forward copies of the application to the director of budget and 7380
management, the tax commissioner, the superintendent of insurance 7381
in the case of an insurance company, and the director of 7382
development, each of whom shall review the application to 7383
determine the economic impact the proposed project would have on 7384

the state and the affected political subdivisions and shall submit 7385
a summary of their determinations and recommendations to the 7386
authority. 7387

(D) Upon review of the determinations and recommendations 7388
described in division (C) of this section, the tax credit 7389
authority may enter into an agreement with the taxpayer for a 7390
credit under this section if the authority determines all of the 7391
following: 7392

(1) The taxpayer's capital investment project will result in 7393
the retention of ~~full-time~~ employment ~~positions~~ in this state. 7394

(2) The taxpayer is economically sound and has the ability to 7395
complete the proposed capital investment project. 7396

(3) The taxpayer intends to and has the ability to maintain 7397
operations at the project site for at least the greater of (a) the 7398
term of the credit plus three years, or (b) seven years. 7399

(4) Receiving the credit is a major factor in the taxpayer's 7400
decision to begin, continue with, or complete the project. 7401

~~(5) The political subdivisions in which the project is 7402
located have agreed to provide substantial financial support to 7403
the project. 7404~~

(E) An agreement under this section shall include all of the 7405
following: 7406

(1) A detailed description of the project that is the subject 7407
of the agreement, including the amount of the investment, the 7408
period over which the investment has been or is being made, ~~and~~ 7409
the number of full-time ~~employment positions~~ equivalent employees 7410
at the project site. 7411

~~(2) The method of calculating the number of full-time 7412
employment positions as specified in division (A)(3) of this 7413
section. 7414~~

~~(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.~~ 7415
7416

~~(4), and the anticipated income tax revenue to be generated.~~ 7417

(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed. 7418
7419
7420

(3) A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years. 7421
7422
7423

~~(5)(4) A requirement that the taxpayer retain a specified number of full-time employment positions full-time equivalent employees at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division (E)(7) of this section.~~ 7424
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~~(6) five hundred full-time equivalent employees during the entire term of the agreement.~~ 7431
7432

(5) A requirement that the taxpayer annually report to the director of development the number of full-time employment positions subject to the credit, the amount of tax withheld from employees in those positions, the amount of the payments made for the employment, tax withholding, capital investment project, and any other information the director needs to perform the director's duties under this section. 7433
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~~(7)(6) A requirement that the director of development annually review the annual reports of the taxpayer to verify the information reported under division (E)(6)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the~~ 7440
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credit for the taxable year or calendar year that includes the tax 7446
period. ~~Unless otherwise specified by the tax credit authority in~~ 7447
~~a resolution and included as part of the agreement, the director~~ 7448
~~shall not issue a certificate for any year in which the total~~ 7449
~~number of filled full time employment positions for each day of~~ 7450
~~the calendar year divided by three hundred sixty five is less than~~ 7451
~~ninety per cent of the full time employment positions specified in~~ 7452
~~division (E)(5) of this section. In determining the number of~~ 7453
~~full-time employment positions equivalent employees, no position~~ 7454
~~shall be counted that is filled by an employee who is included in~~ 7455
~~the calculation of a tax credit under section 122.17 of the~~ 7456
~~Revised Code.~~ 7457

~~(8)(a) A provision requiring that the taxpayer, except as~~ 7458
~~otherwise provided in division (E)(8)(b) of this section, shall~~ 7459
~~not relocate employment positions from elsewhere in this state to~~ 7460
~~the project site that is the subject of the agreement for the~~ 7461
~~lesser of five years from the date the agreement is entered into~~ 7462
~~or the number of years the taxpayer is entitled to claim the~~ 7463
~~credit.~~ 7464

~~(b) The taxpayer may relocate employment positions from~~ 7465
~~elsewhere in this state to the project site that is the subject of~~ 7466
~~the agreement if the director of development determines both of~~ 7467
~~the following:~~ 7468

~~(i) That the site from which the employment positions would~~ 7469
~~be relocated is inadequate to meet market and industry conditions,~~ 7470
~~expansion plans, consolidation plans, or other business~~ 7471
~~considerations affecting the taxpayer;~~ 7472

~~(ii) That (7) A provision providing that the taxpayer may not~~ 7473
~~relocate a substantial number of employment positions from~~ 7474
~~elsewhere in this state to the project site unless the director of~~ 7475
~~development determines that the taxpayer notified the legislative~~ 7476
~~authority of the county, township, or municipal corporation from~~ 7477

which the employment positions would be relocated ~~has been~~ 7478
~~notified of the relocation.~~ 7479

For purposes of this section, the movement of an employment 7480
position from one political subdivision to another political 7481
subdivision shall be considered a relocation of an employment 7482
position unless the movement is confined to the project site. The 7483
transfer of an ~~individual employee~~ employment position from one 7484
political subdivision to another political subdivision shall not 7485
be considered a relocation of an employment position ~~as long as~~ 7486
~~the individual's employment position in the first political~~ 7487
~~subdivision is refilled.~~ 7488

~~(9) if the employment position in the first political~~ 7489
~~subdivision is replaced by another employment position.~~ 7490

(8) A waiver by the taxpayer of any limitations periods 7491
relating to assessments or adjustments resulting from the 7492
taxpayer's failure to comply with the agreement. 7493

(F) If a taxpayer fails to meet or comply with any condition 7494
or requirement set forth in a tax credit agreement, the tax credit 7495
authority may amend the agreement to reduce the percentage or term 7496
of the credit. The reduction of the percentage or term ~~shall take~~ 7497
~~effect (1) in the taxable year immediately following the taxable~~ 7498
~~year in which the authority amends the agreement or the director~~ 7499
~~of development notifies the taxpayer in writing of such failure,~~ 7500
~~or (2) in the first tax period beginning in the calendar year~~ 7501
~~immediately following the calendar year in which the authority~~ 7502
~~amends the agreement or the director notifies the taxpayer in~~ 7503
~~writing of such failure. If the taxpayer fails to annually report~~ 7504
~~any of the information required by division (E)(6) of this section~~ 7505
~~within the time required by the director, the reduction of the~~ 7506
~~percentage or term may take effect in the current taxable year. If~~ 7507
~~the taxpayer relocates employment positions in violation of the~~ 7508
~~provision required under division (E)(8)(a) of this section, the~~ 7509

~~taxpayer shall not claim the tax credit under section 5733.0610 of 7510
the Revised Code for any tax years following the calendar year in 7511
which the relocation occurs, shall not claim the tax credit under 7512
section 5747.058 of the Revised Code for the taxable year in which 7513
the relocation occurs and any subsequent taxable years, and shall 7514
not claim the tax credit under division (A) of section 5751.50 of 7515
the Revised Code for the tax period in which the relocation occurs 7516
and any subsequent tax periods may take effect in the current 7517
taxable or calendar year. 7518~~

(G) Financial statements and other information submitted to 7519
the department of development or the tax credit authority by an 7520
applicant for or recipient of a tax credit under this section, and 7521
any information taken for any purpose from such statements or 7522
information, are not public records subject to section 149.43 of 7523
the Revised Code. However, the chairperson of the authority may 7524
make use of the statements and other information for purposes of 7525
issuing public reports or in connection with court proceedings 7526
concerning tax credit agreements under this section. Upon the 7527
request of the tax commissioner, or the superintendent of 7528
insurance in the case of an insurance company, the chairperson of 7529
the authority shall provide to the commissioner or superintendent 7530
any statement or other information submitted by an applicant for 7531
or recipient of a tax credit in connection with the credit. The 7532
commissioner or superintendent shall preserve the confidentiality 7533
of the statement or other information. 7534

(H) A taxpayer claiming a tax credit under this section shall 7535
submit to the tax commissioner or, in the case of an insurance 7536
company, to the superintendent of insurance, a copy of the 7537
director of development's certificate of verification under 7538
division (E)~~(7)~~(6) of this section with the taxpayer's tax report 7539
or return for the taxable year or for the calendar year that 7540
includes the tax period. Failure to submit a copy of the 7541

certificate with the report or return does not invalidate a claim 7542
for a credit if the taxpayer submits a copy of the certificate to 7543
the commissioner or superintendent within sixty days after the 7544
commissioner or superintendent requests it. 7545

(I) For the purposes of this section, a taxpayer may include 7546
a partnership, a corporation that has made an election under 7547
subchapter S of chapter one of subtitle A of the Internal Revenue 7548
Code, or any other business entity through which income flows as a 7549
distributive share to its owners. A partnership, S-corporation, or 7550
other such business entity may elect to pass the credit received 7551
under this section through to the persons to whom the income or 7552
profit of the partnership, S-corporation, or other entity is 7553
distributed. The election shall be made on the annual report 7554
required under division (E)~~(6)~~(5) of this section. The election 7555
applies to and is irrevocable for the credit for which the report 7556
is submitted. If the election is made, the credit shall be 7557
apportioned among those persons in the same proportions as those 7558
in which the income or profit is distributed. 7559

(J) If the director of development determines that a taxpayer 7560
that received a tax credit under this section is not complying 7561
with the requirement under division (E)~~(4)~~(3) of this section, the 7562
director shall notify the tax credit authority of the 7563
noncompliance. After receiving such a notice, and after giving the 7564
taxpayer an opportunity to explain the noncompliance, the 7565
authority may terminate the agreement and require the taxpayer to 7566
refund to the state all or a portion of the credit claimed in 7567
previous years, as follows: 7568

(1) If the taxpayer maintained operations at the project site 7569
for less than or equal to the term of the credit, ~~the amount~~ 7570
~~required to be refunded shall not exceed the amount~~ an amount not 7571
to exceed one hundred per cent of the sum of any tax credits 7572
~~previously~~ allowed and received under this section. 7573

(2) If the taxpayer maintained operations at the project site 7574
longer than the term of the credit, but less than the greater of 7575
(a) the term of the credit plus three years, or (b) seven years, 7576
the amount required to be refunded shall not exceed ~~fifty~~ 7577
seventy-five per cent of the sum of any tax credits ~~previously~~ 7578
allowed and received under this section. 7579

In determining the portion of the credit to be refunded to 7580
this state, the authority shall consider the effect of market 7581
conditions on the taxpayer's project and whether the taxpayer 7582
continues to maintain other operations in this state. After making 7583
the determination, the authority shall certify the amount to be 7584
refunded to the tax commissioner. ~~The~~ or the superintendent of 7585
insurance. If the taxpayer is not an insurance company, the 7586
commissioner shall make an assessment for that amount against the 7587
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 7588
If the taxpayer is an insurance company, the superintendent of 7589
insurance shall make an assessment under section 5725.222 or 7590
5729.102 of the Revised Code. The time limitations on assessments 7591
under those chapters and sections do not apply to an assessment 7592
under this division, but the commissioner or superintendent shall 7593
make the assessment within one year after the date the authority 7594
certifies to the commissioner or superintendent the amount to be 7595
refunded. 7596

~~If the director of development determines that a taxpayer~~ 7597
~~that received a tax credit under this section has reduced the~~ 7598
~~number of employees agreed to under division (E)(5) of this~~ 7599
~~section by more than ten per cent, the director shall notify the~~ 7600
~~tax credit authority of the noncompliance. After receiving such~~ 7601
~~notice, and after providing the taxpayer an opportunity to explain~~ 7602
~~the noncompliance, the authority may amend the agreement to reduce~~ 7603
~~the percentage or term of the tax credit. The reduction in the~~ 7604
~~percentage or term shall take effect in the taxable year, or in~~ 7605

~~the calendar year that includes the tax period, in which the~~ 7606
~~authority amends the agreement.~~ 7607

(K) The director of development, after consultation with the 7608
tax commissioner and the superintendent of insurance and in 7609
accordance with Chapter 119. of the Revised Code, shall adopt 7610
rules necessary to implement this section. The rules may provide 7611
for recipients of tax credits under this section to be charged 7612
fees to cover administrative costs of the tax credit program. The 7613
fees collected shall be credited to the tax incentive programs 7614
operating fund created in section 122.174 of the Revised Code. At 7615
the time the director gives public notice under division (A) of 7616
section 119.03 of the Revised Code of the adoption of the rules, 7617
the director shall submit copies of the proposed rules to the 7618
chairpersons of the standing committees on economic development in 7619
the senate and the house of representatives. 7620

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 7621
of each year, the director of development shall submit a report to 7622
the governor, the president of the senate, and the speaker of the 7623
house of representatives on the tax credit program under this 7624
section. The report shall include information on the number of 7625
agreements that were entered into under this section during the 7626
preceding calendar year, a description of the project that is the 7627
subject of each such agreement, and an update on the status of 7628
projects under agreements entered into before the preceding 7629
calendar year. 7630

~~(M)(1) A nonrefundable credit shall be allowed to an~~ 7631
~~applicable corporation and its related members in an amount equal~~ 7632
~~to the applicable difference. The credit is in addition to the~~ 7633
~~credit granted to the corporation or related members under~~ 7634
~~division (B) of this section. The credit is subject to divisions~~ 7635
~~(B) to (E) and division (J) of this section.~~ 7636

~~(2) A person qualifying as an applicable corporation under~~ 7637

~~this section for a tax year does not necessarily qualify as an applicable corporation for any other tax year. No person is entitled to the credit allowed under division (M) of this section for the tax year immediately following the taxable year during which the person fails to meet the requirements in divisions (A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled to the credit allowed under division (M) of this section for any tax year for which the person is not eligible for the credit provided under division (B) of this section. The aggregate amount of tax credits issued under this section during any calendar year for capital investment projects reviewed and approved by the tax credit authority may not exceed the following amounts:~~

(1) For 2010, thirteen million dollars;

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

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

The foregoing annual limitations do not apply to credits for capital investment projects approved by the tax credit authority before July 1, 2009.

Sec. 122.40. (A) There is hereby created the development financing advisory council to assist in carrying out the programs created pursuant to sections 122.39 to 122.62 and Chapter 166. of the Revised Code.

(B) The council shall consist of ~~seven~~ eight members appointed by the governor, with the advice and consent of the senate, who are selected for their knowledge of and experience in economic development financing, one member of the senate appointed by the president of the senate, one member of the house of representatives appointed by the speaker of the house of

representatives, and the director of development or the director's 7668
designee. With respect to the council: 7669

(1) No more than four members of the council appointed by the 7670
governor shall be members of the same political party. 7671

(2) Each member shall hold office from the date of the 7672
member's appointment until the end of the term for which the 7673
member was appointed. 7674

(3) The terms of office for the ~~seven~~ eight members appointed 7675
by the governor shall be for five years commencing on the first 7676
day of January and ending on the thirty-first day of December. The 7677
~~seven~~ members appointed by the governor who are serving terms of 7678
office of seven years on December 30, 2004, shall continue to 7679
serve those terms, but their successors in office, including the 7680
filling of a vacancy occurring prior to the expiration of those 7681
terms, shall be appointed for terms of five years in accordance 7682
with this division. 7683

(4) Any member of the council is eligible for reappointment. 7684

(5) As a term of a member of the council appointed by the 7685
governor expires, the governor shall appoint a successor with the 7686
advice and consent of the senate. 7687

(6) Except as otherwise provided in division (B)(3) of this 7688
section, any member appointed to fill a vacancy occurring prior to 7689
the expiration of the term for which the member's predecessor was 7690
appointed shall hold office for the remainder of the predecessor's 7691
term. 7692

(7) Any member shall continue in office subsequent to the 7693
expiration date of the member's term until the member's successor 7694
takes office, or until a period of sixty days has elapsed, 7695
whichever occurs first. 7696

(8) Before entering upon duties as a member of the council, 7697

each member shall take an oath provided by Section 7 of Article 7698
XV, Ohio Constitution. 7699

(9) The governor may, at any time, remove any nonlegislative 7700
member pursuant to section 3.04 of the Revised Code. 7701

(10) Members of the council, notwithstanding section 101.26 7702
of the Revised Code with respect to members who are members of the 7703
general assembly, shall receive their necessary and actual 7704
expenses while engaged in the business of the council and shall be 7705
paid at the per diem rate of step 1, pay range 31, of section 7706
124.15 of the Revised Code. 7707

(11) Six members of the council constitute a quorum and the 7708
affirmative vote of six members is necessary for any action taken 7709
by the council. 7710

(12) In the event of the absence of a member appointed by the 7711
president of the senate or by the speaker of the house of 7712
representatives, the following persons may serve in the member's 7713
absence: the president of the senate or the speaker of the house, 7714
as the case may be, or a member of the senate or of the house of 7715
representatives, of the same political party as the development 7716
financing advisory council member, designated by the president of 7717
the senate or the speaker of the house. 7718

Sec. 122.603. (A)(1) Upon approval by the director of 7719
development and after entering into a participation agreement with 7720
the department of development, a participating financial 7721
institution making a capital access loan shall establish a program 7722
reserve account. The account shall be an interest-bearing account 7723
and shall contain only moneys deposited into it under the program 7724
and the interest payable on the moneys in the account. 7725

(2) All interest payable on the moneys in the program reserve 7726
account shall be added to the moneys and held as an additional 7727

loss reserve. The director may require that a portion or all of 7728
the accrued interest so held in the account be released to the 7729
department. If the director causes a release of accrued interest, 7730
the director shall deposit the released amount into the capital 7731
access loan program fund created in section 122.601 of the Revised 7732
Code. The director shall not require the release of that accrued 7733
interest more than twice in a fiscal year. 7734

(B) When a participating financial institution makes a 7735
capital access loan, it shall require the eligible business to pay 7736
to the participating financial institution a fee in an amount that 7737
is not less than one and one-half per cent, and not more than 7738
three per cent, of the principal amount of the loan. The 7739
participating financial institution shall deposit the fee into its 7740
program reserve account, and it also shall deposit into the 7741
account an amount of its own funds equal to the amount of the fee. 7742
The participating financial institution may recover from the 7743
eligible business all or part of the amount that the participating 7744
financial institution is required to deposit into the account 7745
under this division in any manner agreed to by the participating 7746
financial institution and the eligible business. 7747

(C) For each capital access loan made by a participating 7748
financial institution, the participating financial institution 7749
shall certify to the director, within a period specified by the 7750
director, that the participating financial institution has made 7751
the loan. The certification shall include the amount of the loan, 7752
the amount of the fee received from the eligible business, the 7753
amount of its own funds that the participating financial 7754
institution deposited into its program reserve account to reflect 7755
that fee, and any other information specified by the director. The 7756
certification also shall indicate if the eligible business 7757
receiving the capital access loan is a minority business 7758
enterprise as defined in section 122.71 of the Revised Code. 7759

(D)(1)(a) Upon receipt of each of the first three 7760
certifications from a participating financial institution made 7761
under division (C) of this section and subject to section 122.602 7762
of the Revised Code, the director shall disburse to the 7763
participating financial institution from the capital access loan 7764
program fund an amount equal to fifty per cent of the principal 7765
amount of the particular capital access loan for deposit into the 7766
participating financial institution's program reserve account. 7767
Thereafter, upon receipt of a certification from that 7768
participating financial institution made under division (C) of 7769
this section and subject to section 122.602 of the Revised Code, 7770
the director shall disburse to the participating financial 7771
institution from the capital access loan program fund an amount 7772
equal to ten per cent of the principal amount of the particular 7773
capital access loan for deposit into the participating financial 7774
institution's program reserve account. The 7775

(b) Notwithstanding division (D)(1)(a) of this section, and 7776
subject to section 122.602 of the Revised Code, upon receipt of 7777
any certification from a participating financial institution made 7778
under division (C) of this section with respect to a capital 7779
access loan made to an eligible business that is a minority 7780
business enterprise, the director shall disburse to the 7781
participating financial institution from the capital access loan 7782
program fund an amount equal to eighty per cent of the principal 7783
amount of the particular capital access loan for deposit into the 7784
participating financial institution's program reserve account. 7785

(2) The disbursement of moneys from the fund to a 7786
participating financial institution does not require approval from 7787
the controlling board. 7788

(E) If the amount in a program reserve account exceeds an 7789
amount equal to thirty-three per cent of a participating financial 7790
institution's outstanding capital access loans, the department may 7791

cause the withdrawal of the excess amount and the deposit of the 7792
withdrawn amount into the capital access loan program fund. 7793

(F)(1) The department may cause the withdrawal of the total 7794
amount in a participating financial institution's program reserve 7795
account if any of the following applies: 7796

(a) The financial institution is no longer eligible to 7797
participate in the program. 7798

(b) The participation agreement expires without renewal by 7799
the department or the financial institution. 7800

(c) The financial institution has no outstanding capital 7801
access loans. 7802

(d) The financial institution has not made a capital access 7803
loan within the preceding twenty-four months. 7804

(2) If the department causes a withdrawal under division 7805
(F)(1) of this section, the department shall deposit the withdrawn 7806
amount into the capital access loan program fund. 7807

Sec. 122.71. As used in sections 122.71 to 122.83 of the 7808
Revised Code: 7809

(A) "Financial institution" means any banking corporation, 7810
trust company, insurance company, savings and loan association, 7811
building and loan association, or corporation, partnership, 7812
federal lending agency, foundation, or other institution engaged 7813
in lending or investing funds for industrial or business purposes. 7814

(B) "Project" means any real or personal property connected 7815
with or being a part of an industrial, distribution, commercial, 7816
or research facility to be acquired, constructed, reconstructed, 7817
enlarged, improved, furnished, or equipped, or any combination 7818
thereof, with the aid provided under sections 122.71 to 122.83 of 7819
the Revised Code, for industrial, commercial, distribution, and 7820
research development of the state. 7821

(C) "Mortgage" means the lien imposed on a project by a mortgage on real property, or by financing statements on personal property, or a combination of a mortgage and financing statements when a project consists of both real and personal property.

(D) "Mortgagor" means the principal user of a project or the person, corporation, partnership, or association unconditionally guaranteeing performance by the principal user of its obligations under the mortgage.

(E)(1) "Minority business enterprise" means an individual who is a United States citizen and owns and controls a business, or a partnership, corporation, or joint venture of any kind that is owned and controlled by United States citizens, which citizen or citizens are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians.

(2) "Owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in division (E)(1) of this section, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership. In order to qualify as a minority business enterprise, a business shall have been owned and controlled by those persons at least one year prior to being awarded a contract pursuant to this section.

(F) "Community improvement corporation" means a corporation organized under Chapter 1724. of the Revised Code.

(G) "Ohio development corporation" means a corporation organized under Chapter 1726. of the Revised Code.

(H) "Minority contractors business assistance organization"

means an entity engaged in the provision of management and 7853
technical business assistance to minority business enterprise 7854
entrepreneurs. 7855

(I) "Minority business supplier development council" means a 7856
nonprofit organization established as an affiliate of the national 7857
minority supplier development council. 7858

(J) "Regional economic development entity" means an entity 7859
that is under contract with the director of development to 7860
administer a loan program under this chapter in a particular area 7861
of the state. 7862

(K) "Community development corporation" means a corporation 7863
organized under Chapter 1702. of the Revised Code that consists of 7864
residents of the community and business and civic leaders and that 7865
has as a principal purpose one or more of the following: the 7866
revitalization and development of a low- to moderate-income 7867
neighborhood or community; the creation of jobs for low- to 7868
moderate-income residents; the development of commercial 7869
facilities and services; providing training, technical assistance, 7870
and financial assistance to small businesses; and planning, 7871
developing, or managing low-income housing or other community 7872
development activities. 7873

Sec. 122.751. The minority development financing advisory 7874
board or a regional economic development entity shall only 7875
consider an application for a loan from any applicant after a 7876
determination that the applicant is a community development 7877
corporation, or after a certification by the equal employment 7878
opportunity coordinator of the department of administrative 7879
services under division (B)(1) of section 123.151 of the Revised 7880
Code that the applicant is a minority business enterprise, or 7881
after a certification by the minority business supplier 7882
development council that the applicant is a minority business, and 7883

that the applicant satisfies all criteria regarding eligibility 7884
for assistance pursuant to section 122.76 of the Revised Code. 7885

Sec. 122.76. (A) The director of development, with 7886
controlling board approval, may lend funds to minority business 7887
enterprises and to community improvement corporations, Ohio 7888
development corporations, minority contractors business assistance 7889
organizations, and minority business supplier development councils 7890
for the purpose of loaning funds to minority business enterprises 7891
and for the purpose of procuring or improving real or personal 7892
property, or both, for the establishment, location, or expansion 7893
of industrial, distribution, commercial, or research facilities in 7894
the state, and to community development corporations that 7895
predominantly benefit minority business enterprises or are located 7896
in a census tract that has a population that is sixty per cent or 7897
more minority if the director determines, in the director's sole 7898
discretion, that all of the following apply: 7899

(1) The project is economically sound and will benefit the 7900
people of the state by increasing opportunities for employment, by 7901
strengthening the economy of the state, or expanding minority 7902
business enterprises. 7903

(2) The proposed minority business enterprise borrower is 7904
unable to finance the proposed project through ordinary financial 7905
channels at comparable terms. 7906

(3) The value of the project is or, upon completion, will be 7907
at least equal to the total amount of the money expended in the 7908
procurement or improvement of the project, and one or more 7909
financial institutions or other governmental entities have loaned 7910
not less than thirty per cent of that amount. 7911

(4) The amount to be loaned by the director will not exceed 7912
sixty per cent of the total amount expended in the procurement or 7913
improvement of the project. 7914

(5) The amount to be loaned by the director will be 7915
adequately secured by a first or second mortgage upon the project 7916
or by mortgages, leases, liens, assignments, or pledges on or of 7917
other property or contracts as the director requires, and such 7918
mortgage will not be subordinate to any other liens or mortgages 7919
except the liens securing loans or investments made by financial 7920
institutions referred to in division (A)(3) of this section, and 7921
the liens securing loans previously made by any financial 7922
institution in connection with the procurement or expansion of all 7923
or part of a project. 7924

(B) Any proposed minority business enterprise borrower 7925
submitting an application for assistance under this section shall 7926
not have defaulted on a previous loan from the director, and no 7927
full or limited partner, major shareholder, or holder of an equity 7928
interest of the proposed minority business enterprise borrower 7929
shall have defaulted on a loan from the director. 7930

(C) The proposed minority business enterprise borrower shall 7931
demonstrate to the satisfaction of the director that it is able to 7932
successfully compete in the private sector if it obtains the 7933
necessary financial, technical, or managerial support and that 7934
support is available through the director, the minority business 7935
development office of the department of development, or other 7936
identified and acceptable sources. In determining whether a 7937
minority business enterprise borrower will be able to successfully 7938
compete, the director may give consideration to such factors as 7939
the successful completion of or participation in courses of study, 7940
recognized by the board of regents as providing financial, 7941
technical, or managerial skills related to the operation of the 7942
business, by the economically disadvantaged individual, owner, or 7943
partner, and the prior success of the individual, owner, or 7944
partner in personal, career, or business activities, as well as to 7945
other factors identified by the director. 7946

(D) The director shall not lend funds for the purpose of 7947
procuring or improving motor vehicles or accounts receivable. 7948

Sec. 122.85. (A) As used in this section and in section 7949
5747.66 of the Revised Code: 7950

(1) "Allocated share" means the share of a qualifying 7951
investor's credit amount allocated as described in division (E) of 7952
this section. 7953

(2) "Base investment" means the amount of money invested by a 7954
qualifying investor in a tax credit-eligible production multiplied 7955
by the percentage that anticipated eligible production 7956
expenditures are of the total production budget that is expended, 7957
as determined under division (H) of this section. If the amount 7958
invested is three hundred thousand dollars or less, the base 7959
investment equals zero. 7960

(3) "Certificate owner" means a qualifying investor to which 7961
a tax credit certificate is issued or any other person to which a 7962
credit amount is allocated or transferred under this section. 7963

(4) "Company" means a corporation, partnership, limited 7964
liability company, or other form of business association. 7965

(5) "Eligible production expenditures" means expenditures 7966
made in or after 2009 for goods or services consumed in this 7967
state, by a motion picture production company directly for the 7968
production of a tax credit-eligible production. "Eligible 7969
production expenditures" includes, but is not limited to, 7970
expenditures for resident and nonresident cast and crew wages and 7971
fringe benefits, accommodations, travel, costs of set construction 7972
and operations, editing and related services, photography, sound 7973
synchronization, lighting, wardrobe, makeup and accessories, film 7974
processing, transfer, sound mixing, special and visual effects, 7975
music, location fees, the purchase or rental of facilities and 7976

equipment, and out-of-state goods purchased or leased and 7977
ultimately consumed in full or on a pro rata basis in this state. 7978

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(6) "Qualifying investor" means an individual or a 7980
partnership or other pass-through entity, as defined in section 7981
5733.04 of the Revised Code, that invests money in a tax 7982
credit-eligible production. 7983

(7) "Motion picture" means entertainment content created in 7984
whole or in part within this state, including feature-length 7985
films; documentaries; long-form, specials, miniseries, series, and 7986
interstitial television programming; sound recordings, videos, and 7987
music videos; interactive television; interactive games; 7988
videogames; commercials; infomercials; any format of digital 7989
media, including an interactive web site, created for distribution 7990
or exhibition to the general public; and any trailer, pilot, video 7991
teaser, or demo created primarily to stimulate the sale, 7992
marketing, promotion, or exploitation of future investment in 7993
either a product or a motion picture by any means and media in any 7994
digital media format, film or videotape, provided the motion 7995
picture qualifies as a motion picture. "Motion picture" does not 7996
include any television program created primarily as news, weather, 7997
or financial market reports, a production featuring current events 7998
or sporting events, an awards show or other gala event, a 7999
production whose sole purpose is fundraising, a long-form 8000
production that primarily markets a product or service, a 8001
production used for corporate training or in-house corporate 8002
advertising or other similar productions, any production for 8003
purposes of political advocacy, or any production for which 8004
records are required to be maintained under 18 U.S.C. 2257 with 8005
respect to sexually explicit content. 8006

(8) "Motion picture production company" means a company 8007
engaged in the business of producing motion pictures, but does not 8008

include any company that is in default on a loan made by the state 8009
or guaranteed by the state or that is owned, affiliated, or 8010
controlled, in whole or in part, by any company or person that is 8011
in default on a loan made by the state or a loan guaranteed by the 8012
state. 8013

(9) "Tax credit-eligible production" means a motion picture 8014
production, investment in which qualifies for tax credits under 8015
section 5747.66 of the Revised Code as certified by the director 8016
of development under division (B) of this section. 8017

(10) "Transfer agent" means a motion picture production 8018
company or another person designated by such a company under 8019
division (G) of this section. 8020

(B) For the purpose of encouraging the development of a 8021
strong capital base for motion picture productions in this state, 8022
the director of development, on or after January 1, 2009, but 8023
before January 1, 2014, may certify a motion picture produced by a 8024
motion picture production company as a tax credit-eligible 8025
production. In the case of a television series, the director may 8026
certify the production of each episode of the series as a separate 8027
tax credit-eligible production. If the director determines that 8028
the production of two or more commercials or videos are related 8029
parts of a distinct advertising, promotional, informational, or 8030
entertainment series or undertaking, the director may certify the 8031
productions as a single tax credit-eligible production for the 8032
purpose of computing the credit amounts under division (D) of this 8033
section. 8034

The director of development shall not certify a motion 8035
picture production as a tax credit-eligible production unless the 8036
motion picture production company and a financially responsible 8037
affiliate of the company formally agree to reimburse this state 8038
for the amount of tax credits allowed and claimed under section 8039
5747.66 of the Revised Code on the basis of expenditures that are 8040

certified under division (H) of this section but thereafter are 8041
determined not to qualify as eligible production expenditures. The 8042
reimbursement shall be in a form and amount acceptable to the 8043
director of development. For the purposes of this division, a 8044
financially responsible affiliate of a motion picture production 8045
company is a person related to the motion picture production 8046
company by direct or indirect ownership or control of a majority 8047
of the capital stock or other equity interests and that the 8048
director of development determines to be financially capable of 8049
reimbursing this state as required by this division. 8050

(C) A motion picture production company shall apply for 8051
certification of a motion picture as a tax credit-eligible 8052
production on a form and in the manner prescribed by the director. 8053
Every application shall include, at a minimum, all of the 8054
following information: 8055

(1) The name, address, and telephone number of the motion 8056
picture production company; 8057

(2) The name and telephone number of the company's contact 8058
person; 8059

(3) A list of the scheduled first preproduction date through 8060
the scheduled last production date in Ohio; 8061

(4) The total production budget of the motion picture; 8062

(5) The amount expended in this state by the company directly 8063
for the production and the percentage that amount is of the total 8064
production budget of the motion picture; 8065

(6) The total percentage of principal photography of the 8066
motion picture being shot in Ohio; 8067

(7) The level of employment of cast and crew who reside in 8068
Ohio; 8069

(8) A synopsis of the script; 8070

(9) A creative elements list that includes the names of the principal cast and crew, and the producer and director. 8071
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(D) Upon application by a qualifying investor, the director of development shall determine the qualifying investor's base investment, and shall issue a tax credit certificate to the qualifying investor. The director shall prescribe the form and manner of the application; the information or documentation required to be submitted with the application; and the form and manner of issuing the certificate. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the qualifying investor's base investment and the total amount of the credit allowed, which shall equal twenty-five per cent of the qualifying investor's base investment. Not more than one hundred million dollars in tax credit certificates may be issued per year, and not more than twenty-five million dollars in tax credit certificates may be issued per tax credit-eligible production. 8073
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The credit amount shall be determined under this division on the basis of the base investment and on the basis of the eligible production expenditures as finally determined under division (H) of this section. Once the eligible production expenditures are finally determined under that division, the credit amount is not subject to adjustment unless the base investment amount is adjusted or unless an error was committed in the computation of the credit amount. 8090
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(E) If a qualifying investor is a pass-through entity as defined in section 5733.04 of the Revised Code, the pass-through entity may allocate the credit amount among persons with an equity interest in the entity in any proportion or manner provided in the partnership agreement or other governing instrument of the entity, 8098
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notwithstanding any application of the principles of section 704 8103
of the Internal Revenue Code. Upon allocation, the persons to 8104
which the credit is allocated become the certificate owners of 8105
their respective allocated shares of the credit. The pass-through 8106
entity shall certify to the transfer agent the allocated share 8107
allocated to each such person and provide such information as is 8108
necessary to allow the transfer agent to provide the statements 8109
and certifications required under division (G) of this section. 8110

(F) Any certificate owner may transfer to any other person 8111
all or a portion of the credit amount owned by the certificate 8112
owner. Upon transfer, the transferee becomes the certificate owner 8113
of the credit amount transferred. The transferor shall notify the 8114
transfer agent of each transfer made by the transferor in 8115
accordance with rules prescribed by the director of development. 8116
The rules shall require the transferor to provide to the transfer 8117
agent the identity of the transferee and the unique identifying 8118
number assigned to the tax credit certificate that corresponds 8119
with the credit amount transferred. 8120

(G) Each motion picture production company that has a motion 8121
picture production certified as a tax credit-eligible production 8122
shall designate itself or another person as the transfer agent for 8123
the purpose of providing the statements and certifications 8124
required under this division. Upon making the designation, the 8125
motion picture production company shall provide notice of the 8126
designation to each certificate owner of a certificate issued with 8127
respect to investments made in the company's motion picture 8128
production. Before claiming a credit under section 5747.66 of the 8129
Revised Code, a certificate owner shall request from the transfer 8130
agent a statement certifying the certificate owner's share of the 8131
credit amount, and the transfer agent shall provide the statement 8132
to the certificate owner. The statement shall be in a form 8133
prescribed by the director of development. The transfer agent also 8134

shall provide a statement to the tax commissioner showing the 8135
identity of the certificate owner and the certificate owner's 8136
share of the credit amount. The statement shall be in a form 8137
prescribed by the tax commissioner. A tax credit may not be 8138
claimed by a certificate owner unless the transfer agent issues 8139
the statement to the certificate owner. 8140

(H) Each motion picture production company that has a motion 8141
picture production certified as a tax credit-eligible production 8142
shall engage, at the company's expense, an independent certified 8143
public accountant to examine the company's production expenditures 8144
to identify the expenditures that qualify as eligible production 8145
expenditures. The certified public accountant shall issue a report 8146
to the company and to the director of development certifying the 8147
company's eligible production expenditures and any other 8148
information required by the director. Upon receiving and examining 8149
the report, the director may disallow any expenditure the director 8150
determines is not an eligible production expense. If the director 8151
disallows an expenditure, the director, not later than thirty days 8152
after receiving the report, shall issue a written notice to the 8153
motion picture production company stating that the expenditure is 8154
disallowed, the reason for the disallowance, and the manner in 8155
which an appeal of the disallowance may be made. If the director 8156
does not issue the notice within the prescribed time, the eligible 8157
production expenditures certified by the certified public 8158
accountant's report are conclusively determined to be the eligible 8159
production expenditures on the basis of which base investments are 8160
determined and the credit is allowed under section 5747.66 of the 8161
Revised Code. 8162

The company, not later than thirty days after issuance of the 8163
notice, may appeal the disallowance by filing a notice of appeal 8164
with the director. If a notice of appeal is properly and timely 8165
filed, the director shall schedule a hearing on the appeal. The 8166

company shall be given the opportunity to present evidence and 8167
testimony at the hearing regarding the disallowed expenditures. 8168
The hearing may be continued from time to time as necessary. On 8169
the basis of evidence or testimony presented by the company, the 8170
director, within thirty days after the conclusion of the hearing, 8171
may revise or affirm the initial notice of disallowance of 8172
expenditures and issue a final notice to the company stating the 8173
revision or affirmation. The director's final notice is not 8174
appealable. 8175

(I)(1) No credit shall be allowed under section 5747.66 of 8176
the Revised Code on the basis of any expenditure unless the 8177
expenditure has been certified by a certified public accountant 8178
under division (H) of this section and has not been disallowed by 8179
the director of development under that division. 8180

(2) A credit shall not be disallowed under section 5747.66 of 8181
the Revised Code if, after the director of development issues the 8182
final notice under division (H) of this section, it is discovered 8183
that the credit is claimed on the basis of expenditures that do 8184
not qualify as eligible production expenditures but that were 8185
certified as eligible production expenditures by the certified 8186
public accountant and not disallowed by the director. 8187

(J) This state reserves the right to refuse the use of this 8188
state's name in the credits of any tax credit-eligible motion 8189
picture production. 8190

(K) The director of development shall adopt rules for the 8191
administration of this section, including rules governing the 8192
criteria for determining whether a motion picture production is a 8193
tax credit eligible production, which criteria shall be developed 8194
by the director in consultation with the tax commissioner; 8195
expenditures that qualify as eligible production expenditures; the 8196
form and manner of certifications by transfer agents; 8197
reimbursement requirements under division (B) of this section; and 8198

the appeal procedure under division (H) of this section. The rules 8199
shall be adopted under Chapter 119. of the Revised Code. 8200

Sec. 122.89. (A) The director of development may execute 8201
bonds as surety for minority businesses as principals, on 8202
contracts with the state, any political subdivision or 8203
instrumentality thereof, or any person as the obligee. The 8204
director as surety may exercise all the rights and powers of a 8205
company authorized by the department of insurance to execute bonds 8206
as surety but shall not be subject to any requirements of a surety 8207
company under Title XXXIX of the Revised Code nor to any rules of 8208
the department of insurance. 8209

(B) The director, with the advice of the minority development 8210
financing advisory board, shall adopt rules under Chapter 119. of 8211
the Revised Code establishing procedures for application for 8212
surety bonds by minority businesses and for review and approval of 8213
applications. The board shall review each application in 8214
accordance with the rules and, based on the bond worthiness of 8215
each applicant, shall refer all qualified applicants to the 8216
director. Based on the recommendation of the board, the director 8217
shall determine whether or not the applicant shall receive 8218
bonding. 8219

~~(C) The rules of the board shall provide that the minority 8220
business, in order to make an application for a bond to the 8221
director, shall submit documentation, as the director requires, to 8222
demonstrate either that a minority business shall have been denied 8223
a bond by two surety companies or that the minority business has 8224
applied to two surety companies for a bond and, at the expiration 8225
of sixty days after making the application, has neither received 8226
nor been denied a bond.~~ 8227

~~(D)~~ The rules of the board shall require the minority 8228
business to pay a premium in advance for the bond to be 8229

established by the director, with the advice of the board after 8230
the director receives advice from the superintendent of insurance 8231
regarding the standard market rates for premiums for similar 8232
bonds. All premiums paid by minority businesses shall be paid into 8233
the minority business bonding program administrative and loss 8234
reserve fund. 8235

~~(E)~~(D) The penal sum amounts of all outstanding bonds issued 8236
by the director shall not exceed the amount of moneys in the 8237
minority business bonding fund and available to the fund under 8238
division (B) of section 169.05 of the Revised Code. 8239

~~(F)~~(E) The superintendent of insurance shall provide such 8240
technical and professional assistance as is considered necessary 8241
by the director, including providing advice regarding the standard 8242
market rates for bond premiums as described under division ~~(D)~~(C) 8243
of this section. 8244

Sec. 122.94. The director of the department of development 8245
shall: 8246

(A) Promulgate rules in accordance with Chapter 119. of the 8247
Revised Code for the conduct of the minority business development 8248
division's business and for carrying out the purposes of sections 8249
122.92 to 122.94 of the Revised Code; 8250

(B) Prepare an annual report to the governor and the general 8251
assembly on or before the first day of February of its activities 8252
for the preceding calendar year. ~~In addition to the submissions~~ 8253
~~required by section 101.68 of the Revised Code, the director shall~~ 8254
~~submit copies of the annual report to the chairmen of the standing~~ 8255
~~committees of the senate and house of representatives having~~ 8256
~~jurisdiction over individuals, small businesses, and small~~ 8257
~~organizations, as those terms are defined in section 121.24 of the~~ 8258
~~Revised Code.~~ 8259

Sec. 123.01. (A) The department of administrative services, 8260
in addition to those powers enumerated in Chapters 124. and 125. 8261
of the Revised Code and provided elsewhere by law, shall exercise 8262
the following powers: 8263

(1) To prepare, or contract to be prepared, by licensed 8264
engineers or architects, surveys, general and detailed plans, 8265
specifications, bills of materials, and estimates of cost for any 8266
projects, improvements, or public buildings to be constructed by 8267
state agencies that may be authorized by legislative 8268
appropriations or any other funds made available therefor, 8269
provided that the construction of the projects, improvements, or 8270
public buildings is a statutory duty of the department. This 8271
section does not require the independent employment of an 8272
architect or engineer as provided by section 153.01 of the Revised 8273
Code in the cases to which that section applies nor affect or 8274
alter the existing powers of the director of transportation. 8275

(2) To have general supervision over the construction of any 8276
projects, improvements, or public buildings constructed for a 8277
state agency and over the inspection of materials previous to 8278
their incorporation into those projects, improvements, or 8279
buildings; 8280

(3) To make contracts for and supervise the construction of 8281
any projects and improvements or the construction and repair of 8282
buildings under the control of a state agency, except contracts 8283
for the repair of buildings under the management and control of 8284
the departments of public safety, job and family services, mental 8285
health, mental retardation and developmental disabilities, 8286
rehabilitation and correction, and youth services, the bureau of 8287
workers' compensation, the rehabilitation services commission, and 8288
boards of trustees of educational and benevolent institutions and 8289
except contracts for the construction of projects that do not 8290

require the issuance of a building permit or the issuance of a certificate of occupancy and that are necessary to remediate conditions at a hazardous waste facility, solid waste facility, or other location at which the director of environmental protection has reason to believe there is a substantial threat to public health or safety or the environment. These contracts shall be made and entered into by the directors of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the administrator of workers' compensation, the rehabilitation services commission, the boards of trustees of such institutions, and the director of environmental protection, respectively. All such contracts may be in whole or in part on unit price basis of maximum estimated cost, with payment computed and made upon actual quantities or units.

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

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

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

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

(8) To procure, by lease, storage accommodations for a state

agency; 8322

(9) To lease or grant easements or licenses for unproductive 8323
and unused lands or other property under the control of a state 8324
agency. Such leases, easements, or licenses shall be granted for a 8325
period not to exceed fifteen years and shall be executed for the 8326
state by the director of administrative services and the governor 8327
and shall be approved as to form by the attorney general, provided 8328
that leases, easements, or licenses may be granted to any county, 8329
township, municipal corporation, port authority, water or sewer 8330
district, school district, library district, health district, park 8331
district, soil and water conservation district, conservancy 8332
district, or other political subdivision or taxing district, or 8333
any agency of the United States government, for the exclusive use 8334
of that agency, political subdivision, or taxing district, without 8335
any right of sublease or assignment, for a period not to exceed 8336
fifteen years, and provided that the director shall grant leases, 8337
easements, or licenses of university land for periods not to 8338
exceed twenty-five years for purposes approved by the respective 8339
university's board of trustees wherein the uses are compatible 8340
with the uses and needs of the university and may grant leases of 8341
university land for periods not to exceed forty years for purposes 8342
approved by the respective university's board of trustees pursuant 8343
to section 123.77 of the Revised Code. 8344

(10) To lease ~~office space in buildings~~ for the use of a 8345
state agency; 8346

(11) To have general supervision and care of the storerooms, 8347
offices, and buildings leased for the use of a state agency; 8348

(12) To exercise general custodial care of all real property 8349
of the state; 8350

(13) To assign and group together state offices in any city 8351
in the state and to establish, in cooperation with the state 8352

agencies involved, rules governing space requirements for office 8353
or storage use; 8354

(14) To lease for a period not to exceed forty years, 8355
pursuant to a contract providing for the construction thereof 8356
under a lease-purchase plan, buildings, structures, and other 8357
improvements for any public purpose, and, in conjunction 8358
therewith, to grant leases, easements, or licenses for lands under 8359
the control of a state agency for a period not to exceed forty 8360
years. The lease-purchase plan shall provide that at the end of 8361
the lease period, the buildings, structures, and related 8362
improvements, together with the land on which they are situated, 8363
shall become the property of the state without cost. 8364

(a) Whenever any building, structure, or other improvement is 8365
to be so leased by a state agency, the department shall retain 8366
either basic plans, specifications, bills of materials, and 8367
estimates of cost with sufficient detail to afford bidders all 8368
needed information or, alternatively, all of the following plans, 8369
details, bills of materials, and specifications: 8370

(i) Full and accurate plans suitable for the use of mechanics 8371
and other builders in the improvement; 8372

(ii) Details to scale and full sized, so drawn and 8373
represented as to be easily understood; 8374

(iii) Accurate bills showing the exact quantity of different 8375
kinds of material necessary to the construction; 8376

(iv) Definite and complete specifications of the work to be 8377
performed, together with such directions as will enable a 8378
competent mechanic or other builder to carry them out and afford 8379
bidders all needed information; 8380

(v) A full and accurate estimate of each item of expense and 8381
of the aggregate cost thereof. 8382

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

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the

bureau and the secretary of state have made the certifications 8416
required by this section of the builder who has submitted the 8417
lowest and best bid. Within ten days of the completion of the 8418
investigation of the bids, the department shall award the lease 8419
agreement to the builder who has submitted the lowest and best bid 8420
and who has been certified by the bureau and secretary of state as 8421
required by this section. If bidding for the lease agreement has 8422
been conducted upon the basis of basic plans, specifications, 8423
bills of materials, and estimates of costs, upon the award to the 8424
builder the department, or the builder with the approval of the 8425
department, shall appoint an architect or engineer licensed in 8426
this state to prepare such further detailed plans, specifications, 8427
and bills of materials as are required to construct the building, 8428
structure, or improvement. The department shall adopt such rules 8429
as are necessary to give effect to this section. The department 8430
may reject any bid. Where there is reason to believe there is 8431
collusion or combination among bidders, the bids of those 8432
concerned therein shall be rejected. 8433

(15) To acquire by purchase, gift, devise, or grant and to 8434
transfer, lease, or otherwise dispose of all real property 8435
required to assist in the development of a conversion facility as 8436
defined in section 5709.30 of the Revised Code as that section 8437
existed before its repeal by Amended Substitute House Bill 95 of 8438
the 125th general assembly; 8439

(16) To lease for a period not to exceed forty years, 8440
notwithstanding any other division of this section, the 8441
state-owned property located at 408-450 East Town Street, 8442
Columbus, Ohio, formerly the state school for the deaf, to a 8443
developer in accordance with this section. "Developer," as used in 8444
this section, has the same meaning as in section 123.77 of the 8445
Revised Code. 8446

Such a lease shall be for the purpose of development of the 8447

land for use by senior citizens by constructing, altering, 8448
renovating, repairing, expanding, and improving the site as it 8449
existed on June 25, 1982. A developer desiring to lease the land 8450
shall prepare for submission to the department a plan for 8451
development. Plans shall include provisions for roads, sewers, 8452
water lines, waste disposal, water supply, and similar matters to 8453
meet the requirements of state and local laws. The plans shall 8454
also include provision for protection of the property by insurance 8455
or otherwise, and plans for financing the development, and shall 8456
set forth details of the developer's financial responsibility. 8457

The department may employ, as employees or consultants, 8458
persons needed to assist in reviewing the development plans. Those 8459
persons may include attorneys, financial experts, engineers, and 8460
other necessary experts. The department shall review the 8461
development plans and may enter into a lease if it finds all of 8462
the following: 8463

(a) The best interests of the state will be promoted by 8464
entering into a lease with the developer; 8465

(b) The development plans are satisfactory; 8466

(c) The developer has established the developer's financial 8467
responsibility and satisfactory plans for financing the 8468
development. 8469

The lease shall contain a provision that construction or 8470
renovation of the buildings, roads, structures, and other 8471
necessary facilities shall begin within one year after the date of 8472
the lease and shall proceed according to a schedule agreed to 8473
between the department and the developer or the lease will be 8474
terminated. The lease shall contain such conditions and 8475
stipulations as the director considers necessary to preserve the 8476
best interest of the state. Moneys received by the state pursuant 8477
to this lease shall be paid into the general revenue fund. The 8478

lease shall provide that at the end of the lease period the 8479
buildings, structures, and related improvements shall become the 8480
property of the state without cost. 8481

(17) To lease to any person any tract of land owned by the 8482
state and under the control of the department, or any part of such 8483
a tract, for the purpose of drilling for or the pooling of oil or 8484
gas. Such a lease shall be granted for a period not exceeding 8485
forty years, with the full power to contract for, determine the 8486
conditions governing, and specify the amount the state shall 8487
receive for the purposes specified in the lease, and shall be 8488
prepared as in other cases. 8489

(18) To manage the use of space owned and controlled by the 8490
department, including space in property under the jurisdiction of 8491
the Ohio building authority, by doing all of the following: 8492

(a) Biennially implementing, by state agency location, a 8493
census of agency employees assigned space; 8494

(b) Periodically in the discretion of the director of 8495
administrative services: 8496

(i) Requiring each state agency to categorize the use of 8497
space allotted to the agency between office space, common areas, 8498
storage space, and other uses, and to report its findings to the 8499
department; 8500

(ii) Creating and updating a master space utilization plan 8501
for all space allotted to state agencies. The plan shall 8502
incorporate space utilization metrics. 8503

(iii) Conducting a cost-benefit analysis to determine the 8504
effectiveness of state-owned buildings; 8505

(iv) Assessing the alternatives associated with consolidating 8506
the commercial leases for buildings located in Columbus. 8507

(c) Commissioning a comprehensive space utilization and 8508

capacity study in order to determine the feasibility of 8509
consolidating existing commercially leased space used by state 8510
agencies into a new state-owned facility. 8511

(B) This section and section 125.02 of the Revised Code shall 8512
not interfere with any of the following: 8513

(1) The power of the adjutant general to purchase military 8514
supplies, or with the custody of the adjutant general of property 8515
leased, purchased, or constructed by the state and used for 8516
military purposes, or with the functions of the adjutant general 8517
as director of state armories; 8518

(2) The power of the director of transportation in acquiring 8519
rights-of-way for the state highway system, or the leasing of 8520
lands for division or resident district offices, or the leasing of 8521
lands or buildings required in the maintenance operations of the 8522
department of transportation, or the purchase of real property for 8523
garage sites or division or resident district offices, or in 8524
preparing plans and specifications for and constructing such 8525
buildings as the director may require in the administration of the 8526
department; 8527

(3) The power of the director of public safety and the 8528
registrar of motor vehicles to purchase or lease real property and 8529
buildings to be used solely as locations to which a deputy 8530
registrar is assigned pursuant to division (B) of section 4507.011 8531
of the Revised Code and from which the deputy registrar is to 8532
conduct the deputy registrar's business, the power of the director 8533
of public safety to purchase or lease real property and buildings 8534
to be used as locations for division or district offices as 8535
required in the maintenance of operations of the department of 8536
public safety, and the power of the superintendent of the state 8537
highway patrol in the purchase or leasing of real property and 8538
buildings needed by the patrol, to negotiate the sale of real 8539
property owned by the patrol, to rent or lease real property owned 8540

or leased by the patrol, and to make or cause to be made repairs 8541
to all property owned or under the control of the patrol; 8542

(4) The power of the division of liquor control in the 8543
leasing or purchasing of retail outlets and warehouse facilities 8544
for the use of the division; 8545

(5) The power of the director of development to enter into 8546
leases of real property, buildings, and office space to be used 8547
solely as locations for the state's foreign offices to carry out 8548
the purposes of section 122.05 of the Revised Code; 8549

(6) The power of the director of environmental protection to 8550
enter into environmental covenants, to grant and accept easements, 8551
or to sell property pursuant to division (G) of section 3745.01 of 8552
the Revised Code. 8553

(C) Purchases for, and the custody and repair of, buildings 8554
under the management and control of the capitol square review and 8555
advisory board, the rehabilitation services commission, the bureau 8556
of workers' compensation, or the departments of public safety, job 8557
and family services, mental health, mental retardation and 8558
developmental disabilities, and rehabilitation and correction, and 8559
buildings of educational and benevolent institutions under the 8560
management and control of boards of trustees, are not subject to 8561
the control and jurisdiction of the department of administrative 8562
services. 8563

(D) Any instrument by which real property is acquired 8564
pursuant to this section shall identify the agency of the state 8565
that has the use and benefit of the real property as specified in 8566
section 5301.012 of the Revised Code. 8567

Sec. 124.03. (A) The state personnel board of review shall 8568
exercise the following powers and perform the following duties: 8569

(1) Hear appeals, as provided by law, of employees in the 8570

classified state service from final decisions of appointing 8571
authorities or the director of administrative services relative to 8572
reduction in pay or position, job abolishments, layoff, 8573
suspension, discharge, assignment or reassignment to a new or 8574
different position classification, or refusal of the director, or 8575
anybody authorized to perform the director's functions, to 8576
reassign an employee to another classification or to reclassify 8577
the employee's position with or without a job audit under division 8578
(D) of section 124.14 of the Revised Code. As used in this 8579
division, "discharge" includes disability separations. 8580

The state personnel board of review may affirm, disaffirm, or 8581
modify the decisions of the appointing authorities or the 8582
director, as the case may be, and its decision is final. The 8583
~~board's~~ decisions of the state personnel board of review shall be 8584
consistent with the applicable classification specifications. 8585

The state personnel board of review shall not be deprived of 8586
jurisdiction to hear any appeal due to the failure of an 8587
appointing authority to file its decision with the board. Any 8588
final decision of an appointing authority or of the director not 8589
filed in the manner provided in this chapter shall be disaffirmed. 8590

The state personnel board of review may place an exempt 8591
employee, as defined in section 124.152 of the Revised Code, into 8592
a bargaining unit classification, if the state personnel board of 8593
review determines that the bargaining unit classification is the 8594
proper classification for that employee. Notwithstanding Chapter 8595
4117. of the Revised Code or instruments and contracts negotiated 8596
under it, such placements are at the ~~board's~~ discretion of the 8597
state personnel board of review. 8598

The mere failure of an employee's appointing authority to 8599
file a statement with the department of administrative services 8600
indicating that the employee is in the unclassified civil service, 8601
or the mere late filing of such a statement, does not prevent the 8602

state personnel board of review from determining that the employee 8603
is in the unclassified civil service. In determining whether an 8604
employee is in the unclassified civil service, the state personnel 8605
board of review shall consider the inherent nature of the duties 8606
of the employee's classification during the two-year period 8607
immediately preceding the appointing authority's appealable action 8608
relating to the employee. 8609

In any hearing before the state personnel board of review, 8610
including any hearing at which a record is taken that may be the 8611
basis of an appeal to a court, an employee may be represented by a 8612
person permitted to practice before the state personnel board of 8613
review who is not an attorney at law as long as the person does 8614
not receive any compensation from the employee for the 8615
representation. 8616

(2) Hear appeals, as provided by law, of appointing 8617
authorities from final decisions of the director relative to the 8618
classification or reclassification of any position in the 8619
classified state service under the jurisdiction of that appointing 8620
authority. The state personnel board of review may affirm, 8621
disaffirm, or modify the decisions of the director, and its 8622
decision is final. The ~~board's~~ decisions of the state personnel 8623
board of review shall be consistent with the applicable 8624
classification specifications. 8625

(3) Exercise the authority provided by section 124.40 of the 8626
Revised Code, for appointment, removal, and supervision of 8627
municipal and civil service township civil service commissions; 8628

(4) ~~Appoint a secretary, referees, examiners, and whatever~~ 8629
~~other~~ Utilize employees ~~are necessary~~ provided by the state 8630
employment relations board in the exercise of ~~its~~ the powers and 8631
performance of ~~its~~ the duties and functions. ~~The~~ of the state 8632
personnel board ~~shall determine appropriate education and~~ 8633
~~experience requirements for its secretary, referees, examiners,~~ 8634

~~and other employees and shall prescribe their duties. A referee or
examiner does not need to have been admitted to the practice of
law. of review under this chapter;~~ 8635
8636
8637

(5) Maintain a journal that shall be open to public 8638
inspection, in which it shall keep a record of all of its 8639
proceedings and of the vote of each of its members upon every 8640
action taken by it; 8641

(6) Adopt rules in accordance with Chapter 119. of the 8642
Revised Code relating to the procedure of the state personnel 8643
board of review in administering the laws it has the authority or 8644
duty to administer and for the purpose of invoking the 8645
jurisdiction of the state personnel board of review in hearing 8646
appeals of appointing authorities and employees in matters set 8647
forth in divisions (A)(1) and (2) of this section; 8648

(7) Subpoena and require the attendance and testimony of 8649
witnesses and the production of books, papers, public records, and 8650
other documentary evidence pertinent to any matter it has 8651
authority to investigate, inquire into, or hear in the same manner 8652
and to the same extent as provided by division (G) of section 8653
124.09 of the Revised Code. All witness fees shall be paid in the 8654
manner set forth in that division. 8655

(B) The state personnel board of review shall exist as a 8656
separate entity within the administrative structure of the state 8657
employment relations board. 8658

(C) The state personnel board of review shall be funded by 8659
general revenue fund appropriations. All moneys received by the 8660
state personnel board of review for copies of documents, rule 8661
books, and transcriptions shall be paid into the state treasury to 8662
the credit of the ~~transcript and other documents~~ training, 8663
publications, and grants fund, ~~which is hereby created to defray~~ 8664
~~the cost of producing an administrative record~~ in section 4117.24 8665

of the Revised Code. 8666

Sec. 124.04. In addition to those powers enumerated in 8667
Chapters 123. and 125. of the Revised Code and as provided 8668
elsewhere by law, the powers, duties, and functions of the 8669
department of administrative services not specifically vested in 8670
and assigned to, or to be performed by, the state personnel board 8671
of review are hereby vested in and assigned to, and shall be 8672
performed by, the director of administrative services. These 8673
powers, duties, and functions shall include, but shall not be 8674
limited to, the following powers, duties, and functions: 8675

(A) To prepare, conduct, and grade all competitive 8676
examinations for positions in the classified state service; 8677

(B) To prepare, conduct, and grade all noncompetitive 8678
examinations for positions in the classified state service; 8679

(C) To prepare eligible lists containing the names of persons 8680
qualified for appointment to positions in the classified state 8681
service; 8682

(D) To prepare or amend, in accordance with section 124.14 of 8683
the Revised Code, specifications descriptive of duties, 8684
responsibilities, requirements, and desirable qualifications of 8685
the various classifications of positions in the state service; 8686

(E) To allocate and reallocate, upon the motion of the 8687
director or upon request of an appointing authority and in 8688
accordance with section 124.14 of the Revised Code, any position, 8689
office, or employment in the state service to the appropriate 8690
classification on the basis of the duties, responsibilities, 8691
requirements, and qualifications of that position, office, or 8692
employment; 8693

(F) To develop and conduct personnel recruitment services for 8694
positions in the state service; 8695

(G) To conduct research on specifications, classifications, and salaries of positions in the state service;	8696 8697
(H) To develop and conduct personnel training programs, including supervisory training programs and best practices plans, and to develop merit hiring processes, in cooperation with appointing authorities;	8698 8699 8700 8701
(I) To include periodically in communications sent to state employees both of the following:	8702 8703
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	8704 8705 8706
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	8707 8708 8709
(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants;	8710 8711 8712 8713
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	8714 8715 8716 8717 8718
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications;	8719 8720 8721 8722 8723 8724 8725

(M) To delegate any of the powers, functions, or duties 8726
granted or assigned to the director under this chapter to any 8727
other state agency of this state as the director considers 8728
necessary; 8729

(N) To delegate any of the powers, functions, or duties 8730
granted or assigned to the director under this chapter to any 8731
political subdivision with the concurrence of the legislative 8732
authority of the political subdivision. 8733

(O) To administer a state equal employment opportunity 8734
program. 8735

(P) To develop customer service performance standards for 8736
officers and employees of state agencies under section 124.95 of 8737
the Revised Code. 8738

Sec. 124.07. (A) The director of administrative services 8739
shall appoint examiners, inspectors, clerks, and other assistants 8740
as necessary to carry out sections 124.01 to 124.64 of the Revised 8741
Code. The director may designate persons in or out of the service 8742
of the state to serve as examiners or assistants under the 8743
director's direction. An examiner or assistant shall receive the 8744
compensation for each day actually and necessarily spent in the 8745
discharge of duties as an examiner or assistant that the director 8746
determines; provided that, if the examiner or assistant is in the 8747
service of the state or any political subdivision of the state, it 8748
shall be a part of the examiner's or assistant's official duties 8749
to render those services in connection with an examination without 8750
extra compensation. 8751

(B) Each state agency shall pay the cost of the services and 8752
facilities furnished to it by the department of administrative 8753
services that are necessary to provide and maintain payroll 8754
services as prescribed in section 125.21 of the Revised Code and 8755
state merit standards as prescribed in sections 124.01 to 124.64 8756

of the Revised Code for the agency. If a state-supported college 8757
or university or a municipal corporation chooses to use the 8758
services and facilities furnished by the department that are 8759
necessary to provide and maintain the services and standards so 8760
prescribed, the state-supported college or university or municipal 8761
corporation shall pay the cost of the services and facilities that 8762
the department furnishes to it. The charges against a state 8763
agency, a state-supported college or university, or a municipal 8764
corporation shall be computed on a reasonable cost basis in 8765
accordance with procedures prescribed by the director of budget 8766
and management. Any moneys the department receives from a state 8767
agency, a state-supported college or university, or a municipal 8768
corporation under this division that are in excess of the amount 8769
necessary to pay the cost of furnishing the department's services 8770
and facilities during any fiscal year shall be either refunded to 8771
or credited for the ensuing fiscal year to the state agency, the 8772
state-supported college or university, or the municipal 8773
corporation. 8774

(C) The director of administrative services may enter into an 8775
agreement with any county, municipal corporation, or other 8776
political subdivision to furnish services and facilities of the 8777
department in the administration of a merit program or other 8778
functions related to human resources that include, but are not 8779
limited to, providing competitive examinations for positions in 8780
the classified service. The agreement shall provide that the 8781
department shall be reimbursed for the reasonable costs of those 8782
services and facilities as determined by the director. 8783

(D) All moneys received by the department as reimbursement 8784
for ~~payroll~~, a merit program, or other human resources services 8785
performed and facilities furnished under this section, such as 8786
competitive examinations administered, shall be paid into the 8787
state treasury to the credit of the human resources services fund, 8788

which is hereby created. 8789

(E) In counties of the state in which are located cities 8790
having municipal civil service commissions, the director of 8791
administrative services may designate the municipal civil service 8792
commission of the largest city within the county as the director's 8793
agent for the purpose of carrying out the provisions of sections 8794
124.01 to 124.64 of the Revised Code, within the county, that the 8795
director designates. Each municipal civil service commission 8796
designated as an agent of the director shall render to the 8797
director, at the end of each month, an itemized statement of the 8798
cost incurred by the commission for work done as the agent of the 8799
director, and the director, after approving that statement, shall 8800
pay the total amount of it to the treasurer of the municipal 8801
corporation in the same manner as other expenses of the department 8802
of administrative services. 8803

(F) The director of administrative services and the 8804
examiners, inspectors, clerks, and assistants referred to in this 8805
section shall receive, in addition to their salaries, 8806
reimbursement for necessary traveling and other expenses incurred 8807
in the actual discharge of their official duties. The director may 8808
also incur the necessary expenses for stationery, printing, and 8809
other supplies incident to the business of the department. 8810

Sec. 124.11. The civil service of the state and the several 8811
counties, cities, civil service townships, city health districts, 8812
general health districts, and city school districts of the state 8813
shall be divided into the unclassified service and the classified 8814
service. 8815

(A) The unclassified service shall comprise the following 8816
positions, which shall not be included in the classified service, 8817
and which shall be exempt from all examinations required by this 8818
chapter: 8819

(1) All officers elected by popular vote or persons appointed to fill vacancies in those offices;	8820 8821
(2) All election officers as defined in section 3501.01 of the Revised Code;	8822 8823
(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	8824 8825 8826
(b) The heads of all departments appointed by a board of county commissioners;	8827 8828
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	8829 8830 8831 8832
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	8833 8834 8835 8836
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	8837 8838 8839
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	8840 8841 8842
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	8843 8844 8845
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with	8846 8847 8848 8849

the public school system, colleges, and universities, as 8850
determined by the governing body of the public school system, 8851
colleges, and universities; 8852

(b) The library staff of any library in the state supported 8853
wholly or in part at public expense. 8854

(8) Four clerical and administrative support employees for 8855
each of the elective state officers, four clerical and 8856
administrative support employees for each board of county 8857
commissioners and one such employee for each county commissioner, 8858
and four clerical and administrative support employees for other 8859
elective officers and each of the principal appointive executive 8860
officers, boards, or commissions, except for civil service 8861
commissions, that are authorized to appoint such clerical and 8862
administrative support employees; 8863

(9) The deputies and assistants of state agencies authorized 8864
to act for and on behalf of the agency, or holding a fiduciary or 8865
administrative relation to that agency and those persons employed 8866
by and directly responsible to elected county officials or a 8867
county administrator and holding a fiduciary or administrative 8868
relationship to such elected county officials or county 8869
administrator, and the employees of such county officials whose 8870
fitness would be impracticable to determine by competitive 8871
examination, provided that division (A)(9) of this section shall 8872
not affect those persons in county employment in the classified 8873
service as of September 19, 1961. Nothing in division (A)(9) of 8874
this section applies to any position in a county department of job 8875
and family services created pursuant to Chapter 329. of the 8876
Revised Code. 8877

(10) Bailiffs, constables, official stenographers, and 8878
commissioners of courts of record, deputies of clerks of the 8879
courts of common pleas who supervise or who handle public moneys 8880
or secured documents, and such officers and employees of courts of 8881

record and such deputies of clerks of the courts of common pleas 8882
as the director of administrative services finds it impracticable 8883
to determine their fitness by competitive examination; 8884

(11) Assistants to the attorney general, special counsel 8885
appointed or employed by the attorney general, assistants to 8886
county prosecuting attorneys, and assistants to city directors of 8887
law; 8888

(12) Such teachers and employees in the agricultural 8889
experiment stations; such students in normal schools, colleges, 8890
and universities of the state who are employed by the state or a 8891
political subdivision of the state in student or intern 8892
classifications; and such unskilled labor positions as the 8893
director of administrative services or any municipal civil service 8894
commission may find it impracticable to include in the competitive 8895
classified service; provided such exemptions shall be by order of 8896
the commission or the director, duly entered on the record of the 8897
commission or the director with the reasons for each such 8898
exemption; 8899

(13) Any physician or dentist who is a full-time employee of 8900
the department of mental health, the department of mental 8901
retardation and developmental disabilities, or an institution 8902
under the jurisdiction of either department; and physicians who 8903
are in residency programs at the institutions; 8904

(14) Up to twenty positions at each institution under the 8905
jurisdiction of the department of mental health or the department 8906
of mental retardation and developmental disabilities that the 8907
department director determines to be primarily administrative or 8908
managerial; and up to fifteen positions in any division of either 8909
department, excluding administrative assistants to the director 8910
and division chiefs, which are within the immediate staff of a 8911
division chief and which the director determines to be primarily 8912
and distinctively administrative and managerial; 8913

(15) Noncitizens of the United States employed by the state,	8914
or its counties or cities, as physicians or nurses who are duly	8915
licensed to practice their respective professions under the laws	8916
of this state, or medical assistants, in mental or chronic disease	8917
hospitals, or institutions;	8918
(16) Employees of the governor's office;	8919
(17) Fire chiefs and chiefs of police in civil service	8920
townships appointed by boards of township trustees under section	8921
505.38 or 505.49 of the Revised Code;	8922
(18) Executive directors, deputy directors, and program	8923
directors employed by boards of alcohol, drug addiction, and	8924
mental health services under Chapter 340. of the Revised Code, and	8925
secretaries of the executive directors, deputy directors, and	8926
program directors;	8927
(19) Superintendents, and management employees as defined in	8928
section 5126.20 of the Revised Code, of county boards of mental	8929
retardation and developmental disabilities;	8930
(20) Physicians, nurses, and other employees of a county	8931
hospital who are appointed pursuant to sections 339.03 and 339.06	8932
of the Revised Code;	8933
(21) The executive director of the state medical board, who	8934
is appointed pursuant to division (B) of section 4731.05 of the	8935
Revised Code;	8936
(22) County directors of job and family services as provided	8937
in section 329.02 of the Revised Code and administrators appointed	8938
under section 329.021 of the Revised Code;	8939
(23) A director of economic development who is hired pursuant	8940
to division (A) of section 307.07 of the Revised Code;	8941
(24) Chiefs of construction and compliance, of operations and	8942
maintenance, and of licensing and certification in the division of	8943

industrial compliance in the department of commerce; 8944

(25) The executive director of a county transit system 8945
appointed under division (A) of section 306.04 of the Revised 8946
Code; 8947

(26) Up to five positions at each of the administrative 8948
departments listed in section 121.02 of the Revised Code and at 8949
the department of taxation, department of the adjutant general, 8950
department of education, Ohio board of regents, bureau of workers' 8951
compensation, industrial commission, state lottery commission, and 8952
public utilities commission of Ohio that the head of that 8953
administrative department or of that other state agency determines 8954
to be involved in policy development and implementation. The head 8955
of the administrative department or other state agency shall set 8956
the compensation for employees in these positions at a rate that 8957
is not less than the minimum compensation specified in pay range 8958
41 but not more than the maximum compensation specified in pay 8959
range 44 of salary schedule E-2 in section 124.152 of the Revised 8960
Code. The authority to establish positions in the unclassified 8961
service under division (A)(26) of this section is in addition to 8962
and does not limit any other authority that an administrative 8963
department or state agency has under the Revised Code to establish 8964
positions, appoint employees, or set compensation. 8965

(27) Employees of the department of agriculture employed 8966
under section 901.09 of the Revised Code; 8967

(28) For cities, counties, civil service townships, city 8968
health districts, general health districts, and city school 8969
districts, the deputies and assistants of elective or principal 8970
executive officers authorized to act for and in the place of their 8971
principals or holding a fiduciary relation to their principals; 8972

(29) Employees who receive intermittent or temporary 8973
appointments under division (B) of section 124.30 of the Revised 8974

Code;	8975
(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;	8976 8977 8978
(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;	8979 8980
(32) Employees placed in the unclassified service by another section of the Revised Code.	8981 8982
(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.	8983 8984 8985 8986 8987 8988 8989 8990 8991 8992 8993 8994
(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer,	8995 8996 8997 8998 8999 9000 9001 9002 9003 9004 9005

or reduction, as provided in this chapter, and the rules of the 9006
director of administrative services, by appointment from those 9007
certified to the appointing officer in accordance with this 9008
chapter. 9009

(2) The unskilled labor class shall include ordinary 9010
unskilled laborers. Vacancies in the labor class for positions in 9011
service of the state shall be filled by appointment from lists of 9012
applicants registered by the director. Vacancies in the labor 9013
class for all other positions shall be filled by appointment from 9014
lists of applicants registered by a commission. The director or 9015
the commission, as applicable, by rule, shall require an applicant 9016
for registration in the labor class to furnish evidence or take 9017
tests as the director or commission considers proper with respect 9018
to age, residence, physical condition, ability to labor, honesty, 9019
sobriety, industry, capacity, and experience in the work or 9020
employment for which application is made. Laborers who fulfill the 9021
requirements shall be placed on the eligible list for the kind of 9022
labor or employment sought, and preference shall be given in 9023
employment in accordance with the rating received from that 9024
evidence or in those tests. Upon the request of an appointing 9025
officer, stating the kind of labor needed, the pay and probable 9026
length of employment, and the number to be employed, the director 9027
or commission, as applicable, shall certify from the highest on 9028
the list double the number to be employed; from this number, the 9029
appointing officer shall appoint the number actually needed for 9030
the particular work. If more than one applicant receives the same 9031
rating, priority in time of application shall determine the order 9032
in which their names shall be certified for appointment. 9033

(C) A municipal or civil service township civil service 9034
commission may place volunteer firefighters who are paid on a 9035
fee-for-service basis in either the classified or the unclassified 9036
civil service. 9037

(D) This division does not apply to persons in the unclassified service who have the right to resume positions in the classified service under sections 4121.121, 5119.071, 5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised Code.

An appointing authority whose employees are paid directly by warrant of the director of budget and management may appoint a person who holds a certified position in the classified service within the appointing authority's agency to a position in the unclassified service within that agency. A person appointed pursuant to this division to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service. An employee forfeits the right to resume a position in the classified service when the employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. An employee also forfeits the right to resume a position in the classified service upon transfer to a different agency.

Reinstatement to a position in the classified service shall be to a position substantially equal to that position in the

classified service held previously, as certified by the director 9070
of administrative services. If the position the person previously 9071
held in the classified service has been placed in the unclassified 9072
service or is otherwise unavailable, the person shall be appointed 9073
to a position in the classified service within the appointing 9074
authority's agency that the director of administrative services 9075
certifies is comparable in compensation to the position the person 9076
previously held in the classified service. Service in the position 9077
in the unclassified service shall be counted as service in the 9078
position in the classified service held by the person immediately 9079
prior to the person's appointment to the position in the 9080
unclassified service. When a person is reinstated to a position in 9081
the classified service as provided in this division, the person is 9082
entitled to all rights, status, and benefits accruing to the 9083
position in the classified service during the person's time of 9084
service in the position in the unclassified service. 9085

Sec. 124.134. (A) Each full-time permanent state employee 9086
paid in accordance with section 124.152 of the Revised Code and 9087
those employees listed in divisions (B)(2) and (4) of section 9088
124.14 of the Revised Code, ~~after service of one year, shall have~~ 9089
~~earned and will be due upon the attainment of the first year of~~ 9090
~~employment, and annually thereafter, eighty hours of vacation~~ 9091
~~leave with full pay. One year of service shall be computed on the~~ 9092
~~basis of twenty six biweekly pay periods. A full time permanent~~ 9093
~~state employee with five or more years of service shall have~~ 9094
~~earned and is entitled to one hundred twenty hours of vacation~~ 9095
~~leave with full pay. A full time permanent state employee with ten~~ 9096
~~or more years of service shall have earned and is entitled to one~~ 9097
~~hundred sixty hours of vacation leave with full pay. A full time~~ 9098
~~permanent state employee with fifteen or more years of service~~ 9099
~~shall have earned and is entitled to one hundred eighty hours of~~ 9100
~~vacation leave with full pay. A full time permanent state employee~~ 9101

~~with twenty or more years of service shall have earned and is~~ 9102
~~entitled to two hundred hours of vacation leave with full pay. A~~ 9103
~~full-time permanent state employee with twenty-five or more years~~ 9104
~~of service shall have earned and is entitled to two hundred forty~~ 9105
~~hours of vacation leave with full pay. Such vacation leave shall~~ 9106
~~accrue to the employee at the rate of three and one-tenth hours~~ 9107
~~each biweekly period for those entitled to eighty hours per year;~~ 9108
~~four and six-tenths hours each biweekly period for those entitled~~ 9109
~~to one hundred twenty hours per year; six and two-tenths hours~~ 9110
~~each biweekly period for those entitled to one hundred sixty hours~~ 9111
~~per year; six and nine-tenths hours each biweekly period for those~~ 9112
~~entitled to one hundred eighty hours per year; seven and~~ 9113
~~seven-tenths hours each biweekly period for those entitled to two~~ 9114
~~hundred hours per year; and nine and two-tenths hours each~~ 9115
~~biweekly period for those entitled to two hundred forty hours per~~ 9116
~~year shall be credited with vacation leave with full pay according~~ 9117
~~to length of service and accruing at a corresponding rate per~~ 9118
~~biweekly pay period, as follows:~~ 9119

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	
<u>Less than 4 years</u>	<u>3.1 hours</u>	9121
<u>4 but less than 9 years</u>	<u>4.6 hours</u>	9122
<u>9 but less than 14 years</u>	<u>6.2 hours</u>	9123
<u>14 but less than 19 years</u>	<u>6.9 hours</u>	9124
<u>19 but less than 24 years</u>	<u>7.7 hours</u>	9125
<u>24 years or more</u>	<u>9.2 hours</u>	9126

Fifty-two weeks equal one year of service. 9127

The amount of an employee's service shall be determined in 9128
accordance with the standard specified in section 9.44 of the 9129
Revised Code. Credit for prior service, including an increased 9130
vacation accrual rate and longevity supplement, shall take effect 9131
during the first pay period that begins immediately following the 9132
date the director of administrative services approves granting 9133

credit for that prior service. No employee, other than an employee 9134
who submits proof of prior service within ninety days after the 9135
date of the employee's hiring, shall receive any amount of 9136
vacation leave for the period prior to the date of the director's 9137
approval of the grant of credit for prior service. 9138

Part-time permanent employees who are paid in accordance with 9139
section 124.152 of the Revised Code and full-time permanent 9140
employees subject to this section who are in active pay status for 9141
less than eighty hours in a pay period shall earn vacation leave 9142
on a prorated basis. The ratio between the hours worked and the 9143
vacation hours earned by these classes of employees shall be the 9144
same as the ratio between the hours worked and the vacation hours 9145
earned by a full-time permanent employee with the same amount of 9146
service as provided for in this section. 9147

Vacation leave is not available for use until it appears on 9148
the employee's earning statement and the compensation described in 9149
the earning statement is available to the employee. An employee 9150
may begin using accrued vacation leave upon completion of the 9151
employee's initial probation period. 9152

(B) Employees granted leave under this section shall forfeit 9153
their right to take or to be paid for any vacation leave to their 9154
credit which is in excess of the accrual for three years. Any 9155
excess leave shall be eliminated from the employees' leave 9156
balance. If an employee's vacation leave credit is at, or will 9157
reach in the immediately following pay period, the maximum of the 9158
accrual for three years and the employee has been denied the use 9159
of vacation leave during the immediately preceding twelve months, 9160
the employee, at the employee's request, shall be paid in a pay 9161
period for the vacation leave the employee was denied, up to the 9162
maximum amount the employee would be entitled to be paid for in 9163
any pay period. An employee is not entitled to receive payment for 9164
vacation leave denied in any pay period in which the employee's 9165

vacation leave credit is not at, or will not reach in the 9166
immediately following pay period, the maximum of accrual for three 9167
years. Any vacation leave for which an employee receives payment 9168
shall be deducted from the employee's vacation leave balance. 9169
Payment shall not be made for any leave accrued in the same 9170
calendar year in which the payment is made. 9171

(C) Upon separation from state service, an employee granted 9172
leave under this section is entitled to compensation at the 9173
employee's current rate of pay for all unused vacation leave 9174
accrued under this section or section 124.13 of the Revised Code 9175
to the employee's credit. In case of transfer of an employee from 9176
one state agency to another, the employee shall retain the accrued 9177
and unused vacation leave. In case of the death of an employee, 9178
the unused vacation leave shall be paid in accordance with section 9179
2113.04 of the Revised Code, or to the employee's estate. An 9180
employee serving in a temporary work level who is eligible to 9181
receive compensation under this division shall be compensated at 9182
the base rate of pay of the employee's normal classification. 9183

Sec. 124.14. (A)(1) The director of administrative services 9184
shall establish, and may modify or rescind, by rule, a job 9185
classification plan for all positions, offices, and employments 9186
the salaries of which are paid in whole or in part by the state. 9187
The director shall group jobs within a classification so that the 9188
positions are similar enough in duties and responsibilities to be 9189
described by the same title, to have the same pay assigned with 9190
equity, and to have the same qualifications for selection applied. 9191
The director shall, by rule, assign a classification title to each 9192
classification within the classification plan. However, the 9193
director shall consider in establishing classifications, including 9194
classifications with parenthetical titles, and assigning pay 9195
ranges such factors as duties performed only on one shift, special 9196
skills in short supply in the labor market, recruitment problems, 9197

separation rates, comparative salary rates, the amount of training 9198
required, and other conditions affecting employment. The director 9199
shall describe the duties and responsibilities of the class, 9200
establish the qualifications for being employed in each position 9201
in the class, and file with the secretary of state a copy of 9202
specifications for all of the classifications. The director shall 9203
file new, additional, or revised specifications with the secretary 9204
of state before they are used. 9205

The director shall, by rule, assign each classification, 9206
either on a statewide basis or in particular counties or state 9207
institutions, to a pay range established under section 124.15 or 9208
section 124.152 of the Revised Code. The director may assign a 9209
classification to a pay range on a temporary basis for a period of 9210
six months. The director may establish, by rule adopted under 9211
Chapter 119. of the Revised Code, experimental classification 9212
plans for some or all employees paid directly by warrant of the 9213
director of budget and management. The rule shall include 9214
specifications for each classification within the plan and shall 9215
specifically address compensation ranges, and methods for 9216
advancing within the ranges, for the classifications, which may be 9217
assigned to pay ranges other than the pay ranges established under 9218
section 124.15 or 124.152 of the Revised Code. 9219

(2) The director of administrative services may reassign to a 9220
proper classification those positions that have been assigned to 9221
an improper classification. If the compensation of an employee in 9222
such a reassigned position exceeds the maximum rate of pay for the 9223
employee's new classification, the employee shall be placed in pay 9224
step X and shall not receive an increase in compensation until the 9225
maximum rate of pay for that classification exceeds the employee's 9226
compensation. 9227

(3) The director may reassign an exempt employee, as defined 9228
in section 124.152 of the Revised Code, to a bargaining unit 9229

classification if the director determines that the bargaining unit 9230
classification is the proper classification for that employee. 9231
Notwithstanding Chapter 4117. of the Revised Code or instruments 9232
and contracts negotiated under it, these placements are at the 9233
director's discretion. 9234

(4) The director shall, by rule, assign related 9235
classifications, which form a career progression, to a 9236
classification series. The director shall, by rule, assign each 9237
classification in the classification plan a five-digit number, the 9238
first four digits of which shall denote the classification series 9239
to which the classification is assigned. When a career progression 9240
encompasses more than ten classifications, the director shall, by 9241
rule, identify the additional classifications belonging to a 9242
classification series. The additional classifications shall be 9243
part of the classification series, notwithstanding the fact that 9244
the first four digits of the number assigned to the additional 9245
classifications do not correspond to the first four digits of the 9246
numbers assigned to other classifications in the classification 9247
series. 9248

(5) The director, ~~in accordance with rules adopted under~~ 9249
~~Chapter 119. of the Revised Code, shall establish, and may~~ 9250
establish, modify, or rescind, a classification plan for county 9251
agencies that elect not to use the services and facilities of a 9252
county personnel department. The director shall establish any such 9253
classification plan by means of rules adopted under Chapter 119. 9254
of the Revised Code. The rules shall include a methodology for the 9255
establishment of titles unique to county agencies, the use of 9256
state classification titles and classification specifications for 9257
common positions, the criteria for a county to meet in 9258
establishing its own classification plan, and the establishment of 9259
what constitutes a classification series for county agencies. The 9260
director may assess a county agency that chooses to use the 9261

classification plan a usage fee the director determines. All usage 9262
fees the department of administrative services receives shall be 9263
paid into the state treasury to the credit of the human resources 9264
fund created in section 124.07 of the Revised Code. 9265

(B) Division (A) of this section and sections 124.15 and 9266
124.152 of the Revised Code do not apply to the following persons, 9267
positions, offices, and employments: 9268

(1) Elected officials; 9269

(2) Legislative employees, employees of the legislative 9270
service commission, employees in the office of the governor, 9271
employees who are in the unclassified civil service and exempt 9272
from collective bargaining coverage in the office of the secretary 9273
of state, auditor of state, treasurer of state, and attorney 9274
general, and employees of the supreme court; 9275

(3) Employees of a county children services board that 9276
establishes compensation rates under section 5153.12 of the 9277
Revised Code; 9278

(4) Any position for which the authority to determine 9279
compensation is given by law to another individual or entity; 9280

(5) Employees of the bureau of workers' compensation whose 9281
compensation the administrator of workers' compensation 9282
establishes under division (B) of section 4121.121 of the Revised 9283
Code. 9284

(C) The director may employ a consulting agency to aid and 9285
assist the director in carrying out this section. 9286

(D)(1) When the director proposes to modify a classification 9287
or the assignment of classes to appropriate pay ranges, the 9288
director shall send written notice of the proposed rule to the 9289
appointing authorities of the affected employees thirty days 9290
before a hearing on the proposed rule. The appointing authorities 9291

shall notify the affected employees regarding the proposed rule. 9292
The director also shall send those appointing authorities notice 9293
of any final rule that is adopted within ten days after adoption. 9294

(2) When the director proposes to reclassify any employee so 9295
that the employee is adversely affected, the director shall give 9296
to the employee affected and to the employee's appointing 9297
authority a written notice setting forth the proposed new 9298
classification, pay range, and salary. Upon the request of any 9299
classified employee who is not serving in a probationary period, 9300
the director shall perform a job audit to review the 9301
classification of the employee's position to determine whether the 9302
position is properly classified. The director shall give to the 9303
employee affected and to the employee's appointing authority a 9304
written notice of the director's determination whether or not to 9305
reclassify the position or to reassign the employee to another 9306
classification. An employee or appointing authority desiring a 9307
hearing shall file a written request for the hearing with the 9308
state personnel board of review within thirty days after receiving 9309
the notice. The board shall set the matter for a hearing and 9310
notify the employee and appointing authority of the time and place 9311
of the hearing. The employee, the appointing authority, or any 9312
authorized representative of the employee who wishes to submit 9313
facts for the consideration of the board shall be afforded 9314
reasonable opportunity to do so. After the hearing, the board 9315
shall consider anew the reclassification and may order the 9316
reclassification of the employee and require the director to 9317
assign the employee to such appropriate classification as the 9318
facts and evidence warrant. As provided in division (A)(1) of 9319
section 124.03 of the Revised Code, the board may determine the 9320
most appropriate classification for the position of any employee 9321
coming before the board, with or without a job audit. The board 9322
shall disallow any reclassification or reassignment classification 9323
of any employee when it finds that changes have been made in the 9324

duties and responsibilities of any particular employee for 9325
political, religious, or other unjust reasons. 9326

(E)(1) Employees of each county department of job and family 9327
services shall be paid a salary or wage established by the board 9328
of county commissioners. The provisions of section 124.18 of the 9329
Revised Code concerning the standard work week apply to employees 9330
of county departments of job and family services. A board of 9331
county commissioners may do either of the following: 9332

(a) Notwithstanding any other section of the Revised Code, 9333
supplement the sick leave, vacation leave, personal leave, and 9334
other benefits of any employee of the county department of job and 9335
family services of that county, if the employee is eligible for 9336
the supplement under a written policy providing for the 9337
supplement; 9338

(b) Notwithstanding any other section of the Revised Code, 9339
establish alternative schedules of sick leave, vacation leave, 9340
personal leave, or other benefits for employees not inconsistent 9341
with the provisions of a collective bargaining agreement covering 9342
the affected employees. 9343

(2) Division (E)(1) of this section does not apply to 9344
employees for whom the state employment relations board 9345
establishes appropriate bargaining units pursuant to section 9346
4117.06 of the Revised Code, except in either of the following 9347
situations: 9348

(a) The employees for whom the state employment relations 9349
board establishes appropriate bargaining units elect no 9350
representative in a board-conducted representation election. 9351

(b) After the state employment relations board establishes 9352
appropriate bargaining units for such employees, all employee 9353
organizations withdraw from a representation election. 9354

(F)(1) Notwithstanding any contrary provision of sections 9355

124.01 to 124.64 of the Revised Code, the board of trustees of 9356
each state university or college, as defined in section 3345.12 of 9357
the Revised Code, shall carry out all matters of governance 9358
involving the officers and employees of the university or college, 9359
including, but not limited to, the powers, duties, and functions 9360
of the department of administrative services and the director of 9361
administrative services specified in this chapter. Officers and 9362
employees of a state university or college shall have the right of 9363
appeal to the state personnel board of review as provided in this 9364
chapter. 9365

(2) Each board of trustees shall adopt rules under section 9366
111.15 of the Revised Code to carry out the matters of governance 9367
described in division (F)(1) of this section. Until the board of 9368
trustees adopts those rules, a state university or college shall 9369
continue to operate pursuant to the applicable rules adopted by 9370
the director of administrative services under this chapter. 9371

(G)(1) Each board of county commissioners may, by a 9372
resolution adopted by a majority of its members, establish a 9373
county personnel department to exercise the powers, duties, and 9374
functions specified in division (G) of this section. As used in 9375
division (G) of this section, "county personnel department" means 9376
a county personnel department established by a board of county 9377
commissioners under division (G)(1) of this section. 9378

(2)(a) Each board of county commissioners, by a resolution 9379
adopted by a majority of its members, may designate the county 9380
personnel department of the county to exercise the powers, duties, 9381
and functions ~~of the department of administrative services and the~~ 9382
~~director of administrative services~~ specified in sections 124.01 9383
to 124.64 and Chapter 325. of the Revised Code with regard to 9384
employees in the service of the county, except for the powers and 9385
duties of the state personnel board of review, which powers and 9386
duties shall not be construed as having been modified or 9387

diminished in any manner by division (G)(2) of this section, with 9388
respect to the employees for whom the board of county 9389
commissioners is the appointing authority or co-appointing 9390
authority. ~~The board of county commissioners shall deliver a~~ 9391
~~certified copy of the resolution to the director of administrative~~ 9392
~~services not later than ten working days after the resolution is~~ 9393
~~adopted, and the director shall inform the board in a writing sent~~ 9394
~~by certified mail of the date of receipt of the copy of the~~ 9395
~~resolution.~~ 9396

(b) ~~Upon the director's receipt of the copy of the~~ 9397
~~resolution, the powers, duties, and functions referred to in~~ 9398
~~division (G)(2)(a) of this section that may be exercised shall be~~ 9399
~~vested in and assigned to the county personnel department with~~ 9400
~~respect to the employees for whom the board of county~~ 9401
~~commissioners is the appointing authority or co-appointing~~ 9402
~~authority.~~ 9403

~~(e)~~ Nothing in division (G)(2) of this section shall be 9404
construed to limit the right of any employee who possesses the 9405
right of appeal to the state personnel board of review to continue 9406
to possess that right of appeal. 9407

~~(d)~~(c) Any board of county commissioners that has established 9408
a county personnel department may contract with the department of 9409
administrative services, another political subdivision, or an 9410
appropriate public or private entity to provide competitive 9411
testing services or other appropriate services. 9412

(3) After the county personnel department of a county has 9413
~~assumed the powers, duties, and functions of the department of~~ 9414
~~administrative services and the director of administrative~~ 9415
~~services been established as described in division (G)(2) of this~~ 9416
section, any elected official, board, agency, or other appointing 9417
authority of that county, upon written notification to the 9418
~~director~~ county personnel department, may elect to use the 9419

services and facilities of the county personnel department. Upon 9420
~~the acceptance by the director of that written notification~~ 9421
receipt of the notification by the county personnel department, 9422
the county personnel department shall exercise the powers, duties, 9423
and functions ~~of the department of administrative services and the~~ 9424
~~director~~ as described in division (G)(2) of this section with 9425
respect to the employees of that elected official, board, agency, 9426
or other appointing authority. ~~The director shall inform the~~ 9427
~~elected official, board, agency, or other appointing authority in~~ 9428
~~a writing sent by certified mail of the date of acceptance of that~~ 9429
~~written notification. Except for those employees under the~~ 9430
~~jurisdiction of the county personnel department, the director~~ 9431
~~shall continue to exercise these powers, duties, and functions~~ 9432
~~with respect to employees of the county.~~ 9433

(4) ~~When at least two years have passed since the creation of~~ 9434
~~a county personnel department, a~~ Each board of county 9435
commissioners, by a resolution adopted by a majority of its 9436
members, may disband the county personnel department ~~and return to~~ 9437
~~the department of administrative services for the administration~~ 9438
~~of sections 124.01 to 124.64 and Chapter 325. of the Revised Code.~~ 9439
~~The board shall deliver a certified copy of the resolution to the~~ 9440
~~director of administrative services not later than ten working~~ 9441
~~days after the resolution is adopted, and the director shall~~ 9442
~~inform the board in a writing sent by certified mail of the date~~ 9443
~~of receipt of the copy of the resolution. Upon the director's~~ 9444
~~receipt of the copy of the resolution, all powers, duties, and~~ 9445
~~functions previously vested in and assigned to the county~~ 9446
~~personnel department shall return to the director.~~ 9447

(5) ~~When at least two years have passed since electing to use~~ 9448
~~the services and facilities of a county personnel department, an~~ 9449
Any elected official, board, agency, or appointing authority of a 9450
county may ~~return to the department of administrative services for~~ 9451

~~the administration of sections 124.01 to 124.64 and Chapter 325. 9452
of the Revised Code. The elected official, board, agency, or 9453
appointing authority shall send the director of administrative 9454
services a certified copy of the resolution that states its 9455
decision to return to the department of administrative services' 9456
jurisdiction, and the director shall inform the elected official, 9457
board, agency, or appointing authority in a writing sent by 9458
certified mail of the date of receipt of the copy of the 9459
resolution. Upon the director's receipt of the copy of the 9460
resolution, all powers, duties, and functions previously vested in 9461
and assigned to the county personnel department with respect to 9462
the employees of that elected official, board, agency, or 9463
appointing authority shall return to the director and its 9464
involvement with a county personnel department upon actual receipt 9465
by the department of a certified copy of the notification that 9466
contains the decision to no longer participate. 9467~~

(6) The director of administrative services may, by rule 9468
adopted in accordance with Chapter 119. of the Revised Code, ~~shall 9469
prescribe criteria and procedures for granting to each county 9470
personnel department the powers, duties, and functions of the 9471
department of administrative services and the director as 9472
described in division (G)(2) of this section with respect to the 9473
employees of an elected official, board, agency, or other 9474
appointing authority or co appointing authority. The rules shall 9475
cover the following criteria and procedures:~~ 9476

~~(a) The notification to the department of administrative 9477
services that an elected official, board, agency, or other 9478
appointing authority of a county has elected to use the services 9479
and facilities of the county personnel department; the following: 9480~~

~~(b)(a) A requirement that each county personnel department, 9481
in carrying out its duties, adhere to merit system principles with 9482
regard to employees of county departments of job and family 9483~~

services, child support enforcement agencies, and public child 9484
welfare agencies so that there is no threatened loss of federal 9485
funding for these agencies, and a requirement that the county be 9486
financially liable to the state for any loss of federal funds due 9487
to the action or inaction of the county personnel department. The 9488
costs associated with audits conducted to monitor compliance with 9489
division (G)(6)(~~b~~)(a) of this section shall be ~~borne equally by~~ 9490
reimbursed to the department of administrative services ~~and the~~ 9491
county as determined by the director. All money the department 9492
receives for these audits shall be paid into the state treasury to 9493
the credit of the human resources fund created in section 124.07 9494
of the Revised Code. 9495

~~(c) The termination of services and facilities rendered by 9496
the department of administrative services, to include rate 9497
adjustments, time periods for termination, and other related 9498
matters;~~ 9499

~~(d)(b)~~ Authorization for the director of administrative 9500
services to conduct periodic audits and reviews of county 9501
personnel departments to guarantee the uniform application of ~~this~~ 9502
~~granting of the director's powers, duties, and functions exercised~~ 9503
pursuant to division (G)(2)(a) of this section. The costs of the 9504
audits and reviews shall be ~~borne equally by~~ reimbursed to the 9505
department of administrative services ~~and~~ as determined by the 9506
director by the county for which the services are performed. All 9507
money the department receives shall be paid into the state 9508
treasury to the credit of the human resources fund created in 9509
section 124.07 of the Revised Code. 9510

~~(e) The dissemination of audit findings under division 9511
(G)(6)(d) of this section, any appeals process relating to adverse 9512
findings by the department, and the methods whereby the county 9513
personnel program will revert to the authority of the director of 9514
administrative services due to misuse or nonuniform application of 9515~~

~~the authority granted to the county under division (C)(2) or (3)~~ 9516
~~of this section.~~ 9517

(H) The director of administrative services shall establish 9518
the rate and method of compensation for all employees who are paid 9519
directly by warrant of the director of budget and management and 9520
who are serving in positions that the director of administrative 9521
services has determined impracticable to include in the state job 9522
classification plan. This division does not apply to elected 9523
officials, legislative employees, employees of the legislative 9524
service commission, employees who are in the unclassified civil 9525
service and exempt from collective bargaining coverage in the 9526
office of the secretary of state, auditor of state, treasurer of 9527
state, and attorney general, employees of the courts, employees of 9528
the bureau of workers' compensation whose compensation the 9529
administrator of workers' compensation establishes under division 9530
(B) of section 4121.121 of the Revised Code, or employees of an 9531
appointing authority authorized by law to fix the compensation of 9532
those employees. 9533

(I) The director shall set the rate of compensation for all 9534
intermittent, seasonal, temporary, emergency, and casual employees 9535
in the service of the state who are not considered public 9536
employees under section 4117.01 of the Revised Code. Those 9537
employees are not entitled to receive employee benefits. This rate 9538
of compensation shall be equitable in terms of the rate of 9539
employees serving in the same or similar classifications. This 9540
division does not apply to elected officials, legislative 9541
employees, employees of the legislative service commission, 9542
employees who are in the unclassified civil service and exempt 9543
from collective bargaining coverage in the office of the secretary 9544
of state, auditor of state, treasurer of state, and attorney 9545
general, employees of the courts, employees of the bureau of 9546
workers' compensation whose compensation the administrator 9547

establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

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

Schedule B

		Pay Ranges and Step Values				
Range		Step 1	Step 2	Step 3	Step 4	
23	Hourly	5.72	5.91	6.10	6.31	9557
	Annually	11897.60	12292.80	12688.00	13124.80	9558
		Step 5	Step 6			9559
	Hourly	6.52	6.75			9560
	Annually	13561.60	14040.00			9561
		Step 1	Step 2	Step 3	Step 4	9562
24	Hourly	6.00	6.20	6.41	6.63	9563
	Annually	12480.00	12896.00	13332.80	13790.40	9564
		Step 5	Step 6			9565
	Hourly	6.87	7.10			9566
	Annually	14289.60	14768.00			9567
		Step 1	Step 2	Step 3	Step 4	9568
25	Hourly	6.31	6.52	6.75	6.99	9569
	Annually	13124.80	13561.60	14040.00	14539.20	9570
		Step 5	Step 6			9571
	Hourly	7.23	7.41			9572
	Annually	15038.40	15412.80			9573
		Step 1	Step 2	Step 3	Step 4	9574
26	Hourly	6.63	6.87	7.10	7.32	9575
	Annually	13790.40	14289.60	14768.00	15225.60	9576
		Step 5	Step 6			9577
	Hourly	7.53	7.77			9578

	Annually	15662.40	16161.60			9579
		Step 1	Step 2	Step 3	Step 4	9580
27	Hourly	6.99	7.23	7.41	7.64	9581
	Annually	14534.20	15038.40	15412.80	15891.20	9582
		Step 5	Step 6	Step 7		9583
	Hourly	7.88	8.15	8.46		9584
	Annually	16390.40	16952.00	17596.80		9585
		Step 1	Step 2	Step 3	Step 4	9586
28	Hourly	7.41	7.64	7.88	8.15	9587
	Annually	15412.80	15891.20	16390.40	16952.00	9588
		Step 5	Step 6	Step 7		9589
	Hourly	8.46	8.79	9.15		9590
	Annually	17596.80	18283.20	19032.00		9591
		Step 1	Step 2	Step 3	Step 4	9592
29	Hourly	7.88	8.15	8.46	8.79	9593
	Annually	16390.40	16952.00	17596.80	18283.20	9594
		Step 5	Step 6	Step 7		9595
	Hourly	9.15	9.58	10.01		9596
	Annually	19032.00	19926.40	20820.80		9597
		Step 1	Step 2	Step 3	Step 4	9598
30	Hourly	8.46	8.79	9.15	9.58	9599
	Annually	17596.80	18283.20	19032.00	19926.40	9600
		Step 5	Step 6	Step 7		9601
	Hourly	10.01	10.46	10.99		9602
	Annually	20820.80	21756.80	22859.20		9603
		Step 1	Step 2	Step 3	Step 4	9604
31	Hourly	9.15	9.58	10.01	10.46	9605
	Annually	19032.00	19962.40	20820.80	21756.80	9606
		Step 5	Step 6	Step 7		9607
	Hourly	10.99	11.52	12.09		9608
	Annually	22859.20	23961.60	25147.20		9609
		Step 1	Step 2	Step 3	Step 4	9610
32	Hourly	10.01	10.46	10.99	11.52	9611

	Annually	20820.80	21756.80	22859.20	23961.60	9612
		Step 5	Step 6	Step 7	Step 8	9613
	Hourly	12.09	12.68	13.29	13.94	9614
	Annually	25147.20	26374.40	27643.20	28995.20	9615
		Step 1	Step 2	Step 3	Step 4	9616
33	Hourly	10.99	11.52	12.09	12.68	9617
	Annually	22859.20	23961.60	25147.20	26374.40	9618
		Step 5	Step 6	Step 7	Step 8	9619
	Hourly	13.29	13.94	14.63	15.35	9620
	Annually	27643.20	28995.20	30430.40	31928.00	9621
		Step 1	Step 2	Step 3	Step 4	9622
34	Hourly	12.09	12.68	13.29	13.94	9623
	Annually	25147.20	26374.40	27643.20	28995.20	9624
		Step 5	Step 6	Step 7	Step 8	9625
	Hourly	14.63	15.35	16.11	16.91	9626
	Annually	30430.40	31928.00	33508.80	35172.80	9627
		Step 1	Step 2	Step 3	Step 4	9628
35	Hourly	13.29	13.94	14.63	15.35	9629
	Annually	27643.20	28995.20	30430.40	31928.00	9630
		Step 5	Step 6	Step 7	Step 8	9631
	Hourly	16.11	16.91	17.73	18.62	9632
	Annually	33508.80	35172.80	36878.40	38729.60	9633
		Step 1	Step 2	Step 3	Step 4	9634
36	Hourly	14.63	15.35	16.11	16.91	9635
	Annually	30430.40	31928.00	33508.80	35172.80	9636
		Step 5	Step 6	Step 7	Step 8	9637
	Hourly	17.73	18.62	19.54	20.51	9638
	Annually	36878.40	38729.60	40643.20	42660.80	9639
	Schedule C					9640
		Pay Range and Values				9641
	Range	Minimum		Maximum		9642
41	Hourly	10.44		15.72		9643
	Annually	21715.20		32697.60		9644

42 Hourly	11.51	17.35	9645
Annually	23940.80	36088.00	9646
43 Hourly	12.68	19.12	9647
Annually	26374.40	39769.60	9648
44 Hourly	13.99	20.87	9649
Annually	29099.20	43409.60	9650
45 Hourly	15.44	22.80	9651
Annually	32115.20	47424.00	9652
46 Hourly	17.01	24.90	9653
Annually	35380.80	51792.00	9654
47 Hourly	18.75	27.18	9655
Annually	39000.00	56534.40	9656
48 Hourly	20.67	29.69	9657
Annually	42993.60	61755.20	9658
49 Hourly	22.80	32.06	9659
Annually	47424.00	66684.80	9660

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 9661
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 9663
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints 9666
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employees in the service of the state, with the approval of the 9677
director of administrative services and the director of budget and 9678
management, may establish payments to employees for uniforms, 9679
tools, equipment, and other requirements of the department and 9680
payments for the maintenance of them. 9681

The director of administrative services may review collective 9682
bargaining agreements entered into under Chapter 4117. of the 9683
Revised Code that cover employees in the service of the state and 9684
determine whether certain benefits or payments provided to the 9685
employees covered by those agreements should also be provided to 9686
employees in the service of the state who are exempt from 9687
collective bargaining coverage and are paid in accordance with 9688
section 124.152 of the Revised Code or are listed in division 9689
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 9690
the review, the director of administrative services, with the 9691
approval of the director of budget and management, may provide to 9692
some or all of these employees any payment or benefit, except for 9693
salary, contained in such a collective bargaining agreement even 9694
if it is similar to a payment or benefit already provided by law 9695
to some or all of these employees. Any payment or benefit so 9696
provided shall not exceed the highest level for that payment or 9697
benefit specified in such a collective bargaining agreement. The 9698
director of administrative services shall not provide, and the 9699
director of budget and management shall not approve, any payment 9700
or benefit to such an employee under this division unless the 9701
payment or benefit is provided pursuant to a collective bargaining 9702
agreement to a state employee who is in a position with similar 9703
duties as, is supervised by, or is employed by the same appointing 9704
authority as, the employee to whom the benefit or payment is to be 9705
provided. 9706

As used in this division, "payment or benefit already 9707
provided by law" includes, but is not limited to, bereavement, 9708

personal, vacation, administrative, and sick leave, disability 9709
benefits, holiday pay, and pay supplements provided under the 9710
Revised Code, but does not include wages or salary. 9711

(E) New employees paid in accordance with schedule B of 9712
division (A) of this section or schedule E-1 of section 124.152 of 9713
the Revised Code shall be employed at the minimum rate established 9714
for the range unless otherwise provided. Employees with 9715
qualifications that are beyond the minimum normally required for 9716
the position and that are determined by the director to be 9717
exceptional may be employed in, or may be transferred or promoted 9718
to, a position at an advanced step of the range. Further, in time 9719
of a serious labor market condition when it is relatively 9720
impossible to recruit employees at the minimum rate for a 9721
particular classification, the entrance rate may be set at an 9722
advanced step in the range by the director of administrative 9723
services. This rate may be limited to geographical regions of the 9724
state. Appointments made to an advanced step under the provision 9725
regarding exceptional qualifications shall not affect the step 9726
assignment of employees already serving. However, anytime the 9727
hiring rate of an entire classification is advanced to a higher 9728
step, all incumbents of that classification being paid at a step 9729
lower than that being used for hiring, shall be advanced beginning 9730
at the start of the first pay period thereafter to the new hiring 9731
rate, and any time accrued at the lower step will be used to 9732
calculate advancement to a succeeding step. If the hiring rate of 9733
a classification is increased for only a geographical region of 9734
the state, only incumbents who work in that geographical region 9735
shall be advanced to a higher step. When an employee in the 9736
unclassified service changes from one state position to another or 9737
is appointed to a position in the classified service, or if an 9738
employee in the classified service is appointed to a position in 9739
the unclassified service, the employee's salary or wage in the new 9740
position shall be determined in the same manner as if the employee 9741

were an employee in the classified service. When an employee in 9742
the unclassified service who is not eligible for step increases is 9743
appointed to a classification in the classified service under 9744
which step increases are provided, future step increases shall be 9745
based on the date on which the employee last received a pay 9746
increase. If the employee has not received an increase during the 9747
previous year, the date of the appointment to the classified 9748
service shall be used to determine the employee's annual step 9749
advancement eligibility date. In reassigning any employee to a 9750
classification resulting in a pay range increase or to a new pay 9751
range as a result of a promotion, an increase pay range 9752
adjustment, or other classification change resulting in a pay 9753
range increase, the director shall assign such employee to the 9754
step in the new pay range that will provide an increase of 9755
approximately four per cent if the new pay range can accommodate 9756
the increase. When an employee is being assigned to a 9757
classification or new pay range as the result of a class plan 9758
change, if the employee has completed a probationary period, the 9759
employee shall be placed in a step no lower than step two of the 9760
new pay range. If the employee has not completed a probationary 9761
period, the employee may be placed in step one of the new pay 9762
range. Such new salary or wage shall become effective on such date 9763
as the director determines. 9764

(F) If employment conditions and the urgency of the work 9765
require such action, the director of administrative services may, 9766
upon the application of a department head, authorize payment at 9767
any rate established within the range for the class of work, for 9768
work of a casual or intermittent nature or on a project basis. 9769
Payment at such rates shall not be made to the same individual for 9770
more than three calendar months in any one calendar year. Any such 9771
action shall be subject to the approval of the director of budget 9772
and management as to the availability of funds. This section and 9773
sections 124.14 and 124.152 of the Revised Code do not repeal any 9774

authority of any department or public official to contract with or 9775
fix the compensation of professional persons who may be employed 9776
temporarily for work of a casual nature or for work on a project 9777
basis. 9778

(G)(1) Except as provided in ~~division~~ divisions (G)(2) and 9779
(3) of this section, each state employee paid in accordance with 9780
schedule B of this section or schedule E-1 of section 124.152 of 9781
the Revised Code shall be eligible for advancement to succeeding 9782
steps in the range for the employee's class or grade according to 9783
the schedule established in this division. Beginning on the first 9784
day of the pay period within which the employee completes the 9785
prescribed probationary period in the employee's classification 9786
with the state, each employee shall receive an automatic salary 9787
adjustment equivalent to the next higher step within the pay range 9788
for the employee's class or grade. 9789

~~Each~~ Except as provided in divisions (G)(2) and (3) of this 9790
section, each employee paid in accordance with schedule E-1 of 9791
section 124.152 of the Revised Code shall be eligible to advance 9792
to the next higher step until the employee reaches the top step in 9793
the range for the employee's class or grade, if the employee has 9794
maintained satisfactory performance in accordance with criteria 9795
established by the employee's appointing authority. Those step 9796
advancements shall not occur more frequently than once in any 9797
twelve-month period. 9798

~~When an employee is promoted or reassigned to a higher pay~~ 9799
~~range, the employee's step indicator shall return to "0" or be~~ 9800
~~adjusted to account for a probationary period, as appropriate.~~ 9801
When an employee is promoted, the step entry date shall be set to 9802
account for a probationary period. When an employee is reassigned 9803
to a higher pay range, the step entry date shall be set to allow 9804
an employee who is not at the highest step of the range to receive 9805
a step advancement one year from the reassignment date. Step 9806

advancement shall not be affected by demotion. A promoted employee 9807
shall advance to the next higher step of the pay range on the 9808
first day of the pay period in which the required probationary 9809
period is completed. Step advancement shall become effective at 9810
the beginning of the pay period within which the employee attains 9811
the necessary length of service. Time spent on authorized leave of 9812
absence shall be counted for this purpose. 9813

If determined to be in the best interest of the state 9814
service, the director of administrative services may, either 9815
statewide or in selected agencies, adjust the dates on which 9816
annual step advancements are received by employees paid in 9817
accordance with schedule E-1 of section 124.152 of the Revised 9818
Code. 9819

~~(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of~~ 9820
~~this section, there~~ There shall be a moratorium on annual step 9821
advancements under division (G)(1) of this section ~~from the pay~~ 9822
~~period beginning June 29, 2003~~ June 21, 2009, through ~~the pay~~ 9823
~~period ending June 25, 2005~~ June 20, 2011. Step advancements shall 9824
resume with the pay period beginning ~~June 26, 2005~~ June 21, 2011. 9825
Upon the resumption of step advancements, there shall be no 9826
retroactive step advancements for the period the moratorium was in 9827
effect. The moratorium shall not affect an employee's performance 9828
evaluation schedule. 9829

~~(ii) During the moratorium under division (G)(2)(a)(i) of~~ 9830
~~this section, an employee who is hired or promoted and serves a~~ 9831
~~probationary period in the employee's new position shall advance~~ 9832
~~to the next step in the employee's pay range upon successful~~ 9833
~~completion of the employee's probationary period. Thereafter, the~~ 9834
~~employee is subject to the moratorium. An employee who begins a~~ 9835
probationary period before June 21, 2009, shall advance to the 9836
next step in the employee's pay range at the end of probation, and 9837
then become subject to the moratorium. An employee who is hired, 9838

promoted, or reassigned to a higher pay range between June 21, 9839
2009, through June 20, 2011, shall not advance to the next step in 9840
the employee's pay range until the next anniversary of the 9841
employee's date of hire, promotion, or reassignment that occurs on 9842
or after June 21, 2011. 9843

(b) The moratorium under division (G)(2)(a)(~~i~~) of this 9844
section shall apply to the employees of the secretary of state, 9845
the auditor of state, the treasurer of state, and the attorney 9846
general, who are subject to this section unless the secretary of 9847
state, the auditor of state, the treasurer of state, or the 9848
attorney general decides to exempt the office's employees from the 9849
moratorium and so notifies the director of administrative services 9850
in writing on or before ~~July 1, 2003~~ July 1, 2009. 9851

(3) Employees in intermittent positions shall be employed at 9852
the minimum rate established for the pay range for their 9853
classification and are not eligible for step advancements. 9854

(H) Employees in appointive managerial or professional 9855
positions paid in accordance with schedule C of this section or 9856
schedule E-2 of section 124.152 of the Revised Code may be 9857
appointed at any rate within the appropriate pay range. This rate 9858
of pay may be adjusted higher or lower within the respective pay 9859
range at any time the appointing authority so desires as long as 9860
the adjustment is based on the employee's ability to successfully 9861
administer those duties assigned to the employee. Salary 9862
adjustments shall not be made more frequently than once in any 9863
six-month period under this provision to incumbents holding the 9864
same position and classification. 9865

(I) When an employee is assigned to duty outside this state, 9866
the employee may be compensated, upon request of the department 9867
head and with the approval of the director of administrative 9868
services, at a rate not to exceed fifty per cent in excess of the 9869
employee's current base rate for the period of time spent on that 9870

duty. 9871

(J) Unless compensation for members of a board or commission 9872
is otherwise specifically provided by law, the director of 9873
administrative services shall establish the rate and method of 9874
payment for members of boards and commissions pursuant to the pay 9875
schedules listed in section 124.152 of the Revised Code. 9876

(K) Regular full-time employees in positions assigned to 9877
classes within the instruction and education administration series 9878
under the rules of the director of administrative services, except 9879
certificated employees on the instructional staff of the state 9880
school for the blind or the state school for the deaf, whose 9881
positions are scheduled to work on the basis of an academic year 9882
rather than a full calendar year, shall be paid according to the 9883
pay range assigned by such rules but only during those pay periods 9884
included in the academic year of the school where the employee is 9885
located. 9886

(1) Part-time or substitute teachers or those whose period of 9887
employment is other than the full academic year shall be 9888
compensated for the actual time worked at the rate established by 9889
this section. 9890

(2) Employees governed by this division are exempt from 9891
sections 124.13 and 124.19 of the Revised Code. 9892

(3) Length of service for the purpose of determining 9893
eligibility for step advancements as provided by division (G) of 9894
this section and for the purpose of determining eligibility for 9895
longevity pay supplements as provided by division (E) of section 9896
124.181 of the Revised Code shall be computed on the basis of one 9897
full year of service for the completion of each academic year. 9898

(L) The superintendent of the state school for the deaf and 9899
the superintendent of the state school for the blind shall, 9900
subject to the approval of the superintendent of public 9901

instruction, carry out both of the following: 9902

(1) Annually, between the first day of April and the last day 9903
of June, establish for the ensuing fiscal year a schedule of 9904
hourly rates for the compensation of each certificated employee on 9905
the instructional staff of that superintendent's respective school 9906
constructed as follows: 9907

(a) Determine for each level of training, experience, and 9908
other professional qualification for which an hourly rate is set 9909
forth in the current schedule, the per cent that rate is of the 9910
rate set forth in such schedule for a teacher with a bachelor's 9911
degree and no experience. If there is more than one such rate for 9912
such a teacher, the lowest rate shall be used to make the 9913
computation. 9914

(b) Determine which six city, local, and exempted village 9915
school districts with territory in Franklin county have in effect 9916
on, or have adopted by, the first day of April for the school year 9917
that begins on the ensuing first day of July, teacher salary 9918
schedules with the highest minimum salaries for a teacher with a 9919
bachelor's degree and no experience; 9920

(c) Divide the sum of such six highest minimum salaries by 9921
ten thousand five hundred sixty; 9922

(d) Multiply each per cent determined in division (L)(1)(a) 9923
of this section by the quotient obtained in division (L)(1)(c) of 9924
this section; 9925

(e) One hundred five per cent of each product thus obtained 9926
shall be the hourly rate for the corresponding level of training, 9927
experience, or other professional qualification in the schedule 9928
for the ensuing fiscal year. 9929

(2) Annually, assign each certificated employee on the 9930
instructional staff of the superintendent's respective school to 9931
an hourly rate on the schedule that is commensurate with the 9932

employee's training, experience, and other professional 9933
qualifications. 9934

If an employee is employed on the basis of an academic year, 9935
the employee's annual salary shall be calculated by multiplying 9936
the employee's assigned hourly rate times one thousand seven 9937
hundred sixty. If an employee is not employed on the basis of an 9938
academic year, the employee's annual salary shall be calculated in 9939
accordance with the following formula: 9940

(a) Multiply the number of days the employee is required to 9941
work pursuant to the employee's contract by eight; 9942

(b) Multiply the product of division (L)(2)(a) of this 9943
section by the employee's assigned hourly rate. 9944

Each employee shall be paid an annual salary in biweekly 9945
installments. The amount of each installment shall be calculated 9946
by dividing the employee's annual salary by the number of biweekly 9947
installments to be paid during the year. 9948

Sections 124.13 and 124.19 of the Revised Code do not apply 9949
to an employee who is paid under this division. 9950

As used in this division, "academic year" means the number of 9951
days in each school year that the schools are required to be open 9952
for instruction with pupils in attendance. Upon completing an 9953
academic year, an employee paid under this division shall be 9954
deemed to have completed one year of service. An employee paid 9955
under this division is eligible to receive a pay supplement under 9956
division (L)(1), (2), or (3) of section 124.181 of the Revised 9957
Code for which the employee qualifies, but is not eligible to 9958
receive a pay supplement under division (L)(4) or (5) of that 9959
section. An employee paid under this division is eligible to 9960
receive a pay supplement under division (L)(6) of section 124.181 9961
of the Revised Code for which the employee qualifies, except that 9962
the supplement is not limited to a maximum of five per cent of the 9963

employee's regular base salary in a calendar year. 9964

(M) Division (A) of this section does not apply to "exempt 9965
employees," as defined in section 124.152 of the Revised Code, who 9966
are paid under that section. 9967

Notwithstanding any other provisions of this chapter, when an 9968
employee transfers between bargaining units or transfers out of or 9969
into a bargaining unit, the director of administrative services 9970
shall establish the employee's compensation and adjust the maximum 9971
leave accrual schedule as the director deems equitable. 9972

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 9973
and (3) of this section, each exempt employee shall be paid a 9974
salary or wage in accordance with schedule E-1 or schedule E-2 of 9975
division (B), ~~(C), or (D)~~ of this section, ~~as applicable.~~ 9976

(2) Each exempt employee who holds a position in the 9977
unclassified civil service pursuant to division (A)(26) or (30) of 9978
section 124.11 of the Revised Code may be paid a salary or wage in 9979
accordance with schedule E-1, schedule E-1 for step seven only, or 9980
schedule E-2 of division (B), or (C), ~~(D), (E), (F), or (G)~~ of 9981
this section, as applicable. 9982

(3)(a) Except as provided in division (A)(3)(b) of this 9983
section, each exempt employee who was paid a salary or wage at 9984
step 7 in the employee's pay range on June 28, 2003, in accordance 9985
with the applicable schedule E-1 of former section 124.152 of the 9986
Revised Code and who continued to be so paid on June 29, 2003, 9987
shall be paid a salary or wage in the corresponding pay range in 9988
schedule E-1 for step seven only of division ~~(E), (F), or (G)~~ (C) 9989
of this section, ~~as applicable,~~ for as long as the employee 9990
remains in the position the employee held as of July 1, 2003. 9991

(b) Except as provided in division (A)(3)(c) of this section, 9992
if an exempt employee who is being paid a salary or wage in 9993

accordance with schedule E-1 for step seven only of division ~~(E)~~, 9994
~~(F)~~, or ~~(G)~~ (C) of this section, ~~as applicable~~, moves to another 9995
 position, the employee shall not receive a salary or wage for that 9996
 position or any other position in the future in accordance with 9997
 that schedule. 9998

(c) If an exempt employee who is being paid a salary or wage 9999
 in accordance with schedule E-1 for step seven only of division 10000
~~(E)~~, ~~(F)~~, or ~~(G)~~ (C) of this section, ~~as applicable~~, moves to 10001
 another position assigned to pay range 12 or above, the appointing 10002
 authority may assign the employee to be paid a salary or wage in 10003
 the appropriate pay range for that position in accordance with the 10004
~~applicable~~ schedule E-1 for step seven only of division (C) of 10005
this section, provided that the appointing authority so notifies 10006
 the director of administrative services in writing at the time the 10007
 employee is appointed to that position. 10008

~~(B) Beginning on the first day of the pay period that 10009
 includes July 1, 2006, each exempt employee who must be paid in 10010
 accordance with schedule E-1 or schedule E-2 of this section shall 10011
 be paid a salary or wage in accordance with the following schedule 10012
 of rates: 10013~~

~~Schedule E-1 10014~~

~~Pay Ranges and Step Values 10015~~

		Step	Step	Step	Step	Step	Step
	Range	1	2	3	4	5	6
1	Hourly	9.40	9.82	10.24	10.68		
	Annually	19552	20426	21299	22214		
2	Hourly	11.40	11.88	12.40	12.94		
	Annually	23712	24710	25792	26915		
3	Hourly	11.94	12.48	13.03	13.60		
	Annually	24835	25958	27102	28288		
4	Hourly	12.54	13.10	13.72	14.34		
	Annually	26083	27248	28538	29827		

5	Hourly	13.15	13.75	14.34	14.97			10026
	Annually	27352	28600	29827	31138			10027
6	Hourly	13.86	14.43	15.07	15.69			10028
	Annually	28829	30014	31346	32635			10029
7	Hourly	14.72	15.27	15.88	16.44	17.08		10030
	Annually	30618	31762	33030	34195	35526		10031
8	Hourly	15.56	16.24	16.95	17.71	18.46		10032
	Annually	32365	33779	35256	36837	38397		10033
9	Hourly	16.60	17.46	18.32	19.23	20.21		10034
	Annually	34528	36317	38106	39998	42037		10035
10	Hourly	17.91	18.89	19.90	21.05	22.18		10036
	Annually	37253	39291	41392	43784	46134		10037
11	Hourly	19.50	20.64	21.84	23.06	24.38		10038
	Annually	40560	42931	45427	47965	50710		10039
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	10040
	Annually	44741	47258	49795	52562	55494	58510	10041
13	Hourly	23.71	25.01	26.39	27.80	29.36	30.96	10042
	Annually	49317	52021	54891	57824	61069	64397	10043
14	Hourly	26.08	27.55	29.03	30.62	32.35	34.15	10044
	Annually	54246	57304	60382	63690	67288	71032	10045
15	Hourly	28.64	30.25	31.96	33.72	35.59	37.55	10046
	Annually	59571	62920	66477	70138	74027	78104	10047
16	Hourly	31.58	33.33	35.17	37.14	39.19	41.43	10048
	Annually	65686	69326	73154	77251	81515	86174	10049
17	Hourly	34.80	36.72	38.78	40.92	43.20	45.61	10050
	Annually	72384	76378	80662	85114	89856	94869	10051
18	Hourly	38.35	40.47	42.75	45.10	47.60	50.26	10052
	Annually	79768	84178	88920	93808	99008	104541	10053
	Schedule E-2							10054
	Range			Minimum		Maximum		10055
41	Hourly			16.23		34.77		10056
	Annually			33758		72322		10057
42	Hourly			17.89		38.41		10058

	Annually	37211	79893	10059
43	Hourly	19.70	42.30	10060
	Annually	40976	87984	10061
44	Hourly	21.73	46.21	10062
	Annually	45198	96117	10063
45	Hourly	24.01	50.44	10064
	Annually	49941	104915	10065
46	Hourly	26.43	55.13	10066
	Annually	54974	114670	10067
47	Hourly	29.14	60.16	10068
	Annually	60611	125133	10069
48	Hourly	32.14	65.65	10070
	Annually	66851	136552	10071
49	Hourly	35.44	70.89	10072
	Annually	73715	147451	10073

~~(C) Beginning on the first day of the pay period that includes July 1, 2007, each exempt employee who must be paid in accordance with schedule E 1 or schedule E 2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E 1~~ 10079

~~Pay Ranges and Step Values~~ 10080

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
	Range	1	2	3	4	5	6	10081
1	Hourly	9.73	10.16	10.60	11.05			10082
	Annually	20238	21133	22048	22984			10083
2	Hourly	11.80	12.30	12.83	13.39			10084
	Annually	24544	25584	26686	27851			10085
3	Hourly	12.36	12.92	13.49	14.08			10086
	Annually	25709	26874	28059	29286			10087
4	Hourly	12.98	13.56	14.20	14.84			10088
	Annually	26998	28205	29536	30867			10089

5	Hourly	13.61	14.23	14.84	15.49			10091
	Annually	28309	29598	30867	32219			10092
6	Hourly	14.35	14.94	15.60	16.24			10093
	Annually	29848	31075	32448	33779			10094
7	Hourly	15.24	15.80	16.44	17.02	17.68		10095
	Annually	31699	32864	34195	35402	36774		10096
8	Hourly	16.10	16.81	17.54	18.33	19.11		10097
	Annually	33488	34965	36483	38126	39749		10098
9	Hourly	17.18	18.07	18.96	19.90	20.92		10099
	Annually	35734	37586	39437	41392	43514		10100
10	Hourly	18.54	19.55	20.60	21.79	22.96		10101
	Annually	38563	40664	42848	45323	47757		10102
11	Hourly	20.18	21.36	22.60	23.87	25.23		10103
	Annually	41974	44429	47008	49650	52478		10104
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	10105
	Annually	46301	48922	51542	54392	57429	60549	10106
13	Hourly	24.54	25.89	27.31	28.77	30.39	32.04	10107
	Annually	51043	53851	56805	59842	63211	66643	10108
14	Hourly	26.99	28.51	30.05	31.69	33.48	35.35	10109
	Annually	56139	59301	62504	65915	69638	73528	10110
15	Hourly	29.64	31.31	33.08	34.90	36.84	38.86	10111
	Annually	61651	65125	68806	72592	76627	80829	10112
16	Hourly	32.69	34.50	36.40	38.44	40.56	42.88	10113
	Annually	67995	71760	75712	79955	84365	89190	10114
17	Hourly	36.02	38.01	40.14	42.35	44.71	47.21	10115
	Annually	74922	79061	83491	88088	92997	98197	10116
18	Hourly	39.69	41.89	44.25	46.68	49.27	52.02	10117
	Annually	82555	87131	92040	97094	102482	108202	10118
	Schedule E-2							10119
	Range			Minimum		Maximum		10120
41	Hourly			16.23		35.99		10121
	Annually			33758		74859		10122
42	Hourly			17.89		39.75		10123

	Annually	37211	82680	10124
43	Hourly	19.70	43.78	10125
	Annually	40976	91062	10126
44	Hourly	21.73	47.83	10127
	Annually	45198	99486	10128
45	Hourly	24.01	52.21	10129
	Annually	49941	108597	10130
46	Hourly	26.43	57.06	10131
	Annually	54974	118685	10132
47	Hourly	29.14	62.27	10133
	Annually	60611	129522	10134
48	Hourly	32.14	67.95	10135
	Annually	66851	141336	10136
49	Hourly	35.44	73.37	10137
	Annually	73715	152610	10138

(D) Beginning on the first day of the pay period that 10139
includes July 1, 2008, each exempt employee who must be paid in 10140
accordance with schedule E-1 or schedule E-2 of this section shall 10141
be paid a salary or wage in accordance with the following schedule 10142
of rates: 10143

Schedule E-1 10144

Pay Ranges and Step Values 10145

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	10147
1	Hourly	10.07	10.52	10.97	11.44			10148
	Annually	20946	21882	22818	23795			10149
2	Hourly	12.21	12.73	13.28	13.86			10150
	Annually	25397	26478	27622	28829			10151
3	Hourly	12.79	13.37	13.96	14.57			10152
	Annually	26603	27810	29037	30306			10153
4	Hourly	13.43	14.03	14.70	15.36			10154
	Annually	27934	29182	30576	31949			10155

5	Hourly	14.09	14.73	15.36	16.03			10156
	Annually	29307	30638	31949	33342			10157
6	Hourly	14.85	15.46	16.15	16.81			10158
	Annually	30888	32157	33592	34965			10159
7	Hourly	15.77	16.35	17.02	17.62	18.30		10160
	Annually	32802	34008	35402	36650	38064		10161
8	Hourly	16.66	17.40	18.15	18.97	19.78		10162
	Annually	34653	36192	37752	39458	41142		10163
9	Hourly	17.78	18.70	19.62	20.60	21.65		10164
	Annually	36982	38896	40810	42848	45032		10165
10	Hourly	19.19	20.23	21.32	22.55	23.76		10166
	Annually	39915	42078	44346	46904	49421		10167
11	Hourly	20.89	22.11	23.39	24.71	26.11		10168
	Annually	43451	45989	48651	51397	54309		10169
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	10170
	Annually	47923	50627	53352	56306	59446	62670	10171
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	10172
	Annually	52832	55744	58802	61942	65416	68973	10173
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	10174
	Annually	58094	61381	64688	68224	72072	76107	10175
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	10176
	Annually	63814	67413	71219	75130	79310	83658	10177
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	10178
	Annually	70366	74277	78354	82763	87318	92310	10179
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	10180
	Annually	77542	81827	86403	91166	96242	101629	10181
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	10182
	Annually	85446	90189	95264	100485	106059	111987	10183
	Schedule E-2							10184
	Range			Minimum		Maximum		10185
41	Hourly			16.23		37.25		10186
	Annually			33758		77480		10187
42	Hourly			17.89		41.14		10188

	Annually		37211	85571	10189
43	Hourly		19.70	45.31	10190
	Annually		40976	94245	10191
44	Hourly		21.73	49.50	10192
	Annually		45198	102960	10193
45	Hourly		24.01	54.04	10194
	Annually		49941	112403	10195
46	Hourly		26.43	59.06	10196
	Annually		54974	122845	10197
47	Hourly		29.14	64.45	10198
	Annually		60611	134056	10199
48	Hourly		32.14	70.33	10200
	Annually		66851	146286	10201
49	Hourly		35.44	75.94	10202
	Annually		73715	157955	10203
	(E) Beginning on the first day of the pay period that				10204
	includes July 1, 2006, each exempt employee who must be paid in				10205
	accordance with schedule E 1 for step seven only shall be paid a				10206
	salary or wage in accordance with the following schedule of rates:				10207
	Schedule E 1 for Step Seven Only				10208
	Pay Ranges and Step Seven Values				10209
	Range				10210
12	Hourly	29.68			10211
	Annually	61734			10212
13	Hourly	32.66			10213
	Annually	67933			10214
14	Hourly	36.01			10215
	Annually	74901			10216
15	Hourly	39.61			10217
	Annually	82389			10218
16	Hourly	43.70			10219
	Annually	90896			10220

17	Hourly	48.13	10221
	Annually	100110	10222
18	Hourly	53.02	10223
	Annually	110282	10224

~~(F) Beginning on the first day of the pay period that~~ 10225
~~includes July 1, 2007, each exempt employee who must be paid in~~ 10226
~~accordance with schedule E-1 for step seven only shall be paid a~~ 10227
~~salary or wage in accordance with the following schedule of rates:~~ 10228

~~Schedule E-1 for Step Seven Only~~ 10229

~~Pay Ranges and Step Values~~ 10230

~~Range~~ 10231

12	Hourly	30.72	10232
	Annually	63898	10233
13	Hourly	33.80	10234
	Annually	70304	10235
14	Hourly	37.27	10236
	Annually	77522	10237
15	Hourly	41.00	10238
	Annually	85280	10239
16	Hourly	45.23	10240
	Annually	94078	10241
17	Hourly	49.81	10242
	Annually	103605	10243
18	Hourly	54.88	10244
	Annually	114150	10245

~~(G)(C) Beginning on the first day of the pay period that~~ 10246
~~includes July 1, 2008, each exempt employee who must be paid in~~ 10247
~~accordance with salary schedule E-1 for step seven only shall be~~ 10248
~~paid a salary or wage in accordance with the following schedule of~~ 10249
~~rates:~~ 10250

~~Schedule E-1 for Step Seven Only~~ 10251

~~Pay Ranges and Step Values~~ 10252

	Range		10253
12	Hourly	31.80	10254
	Annually	66144	10255
13	Hourly	34.98	10256
	Annually	72758	10257
14	Hourly	38.57	10258
	Annually	80226	10259
15	Hourly	42.44	10260
	Annually	88275	10261
16	Hourly	46.81	10262
	Annually	97365	10263
17	Hourly	51.55	10264
	Annually	107224	10265
18	Hourly	56.80	10266
	Annually	118144	10267

~~(H)~~(D) As used in this section, "exempt employee" means a 10268
permanent full-time or permanent part-time employee paid directly 10269
by warrant of the director of budget and management whose position 10270
is included in the job classification plan established under 10271
division (A) of section 124.14 of the Revised Code but who is not 10272
considered a public employee for the purposes of Chapter 4117. of 10273
the Revised Code. As used in this section, "exempt employee" also 10274
includes a permanent full-time or permanent part-time employee of 10275
the secretary of state, auditor of state, treasurer of state, or 10276
attorney general who has not been placed in an appropriate 10277
bargaining unit by the state employment relations board. 10278

Sec. 124.18. (A) Forty hours shall be the standard work week 10279
for all employees whose salary or wage is paid in whole or in part 10280
by the state or by any state-supported college or university. When 10281
any employee whose salary or wage is paid in whole or in part by 10282
the state or by any state-supported college or university is 10283
required by an authorized administrative authority to be in an 10284

active pay status more than forty hours in any calendar week, the 10285
employee shall be compensated for such time over forty hours, 10286
except as otherwise provided in this section, at one and one-half 10287
times the employee's regular rate of pay. The use of sick leave or 10288
any leave used in lieu of sick leave shall not be considered to be 10289
active pay status for the purposes of earning overtime or 10290
compensatory time by employees whose wages are paid directly by 10291
warrant of the director of budget and management. A flexible-hours 10292
employee is not entitled to compensation for overtime work unless 10293
the employee's authorized administrative authority required the 10294
employee to be in active pay status for more than forty hours in a 10295
calendar week, regardless of the number of hours the employee 10296
works on any day in the same calendar week. 10297

Such compensation for overtime work shall be paid no later 10298
than at the conclusion of the next succeeding pay period. 10299

If the employee elects to take compensatory time off in lieu 10300
of overtime pay for any overtime worked, such compensatory time 10301
shall be granted by the employee's administrative superior, on a 10302
time and one-half basis, at a time mutually convenient to the 10303
employee and the administrative superior. Compensatory time is not 10304
available for use until it appears on the employee's earning 10305
statement and the compensation described in the earning statement 10306
is available to the employee. 10307

An employee may accrue compensatory time to a maximum of two 10308
hundred forty hours, except that public safety employees and other 10309
employees who meet the criteria established in the "Federal Fair 10310
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 10311
as amended, may accrue a maximum of four hundred eighty hours of 10312
compensatory time. An employee shall be paid at the employee's 10313
regular rate of pay for any hours of compensatory time accrued in 10314
excess of these maximum amounts if the employee has not used the 10315
compensatory time within ~~one~~ three hundred ~~eighty~~ sixty-five days 10316

after it is granted, if the employee transfers to another agency 10317
of the state, or if a change in the employee's status exempts the 10318
employee from the payment of overtime compensation. Upon the 10319
termination of employment, any employee with accrued but unused 10320
compensatory time shall be paid for that time at a rate that is 10321
the greater of the employee's final regular rate of pay or the 10322
employee's average regular rate of pay during the employee's last 10323
three years of employment with the state. 10324

No overtime, as described in this section, can be paid unless 10325
it has been authorized by the authorized administrative authority. 10326
Employees may be exempted from the payment of compensation as 10327
required by this section only under the criteria for exemption 10328
from the payment of overtime compensation established in the 10329
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 10330
U.S.C.A. 207, 213, as amended. With the approval of the director 10331
of administrative services, the appointing authority may establish 10332
a policy to grant compensatory time or to pay compensation to 10333
state employees who are exempt from overtime compensation. With 10334
the approval of the board of county commissioners, a county human 10335
services department may establish a policy to grant compensatory 10336
time or to pay compensation to employees of the department who are 10337
exempt from overtime compensation. 10338

(B)(1) An employee, whose salary or wage is paid in whole or 10339
in part by the state, shall be paid for the holidays declared in 10340
section 124.19 of the Revised Code and shall not be required to 10341
work on those holidays, unless, in the opinion of the employee's 10342
responsible administrative authority, failure to work on those 10343
holidays would impair the public service. ~~An~~ 10344

(2) An employee paid directly by warrant of the director of 10345
budget and management who is scheduled to work on ~~a holiday~~ the 10346
first day of January, the commemoration of memorial day, the 10347
fourth day of July, the fourth Thursday in November, or the 10348

twenty-fifth day of December and who does not report to work the 10349
day before, the day of, or the day after the holiday due to an 10350
illness of the employee or of a member of the employee's immediate 10351
family shall not receive holiday pay as provided by this division, 10352
unless the employee can provide documentation of extenuating 10353
circumstances that prohibited the employee from so reporting to 10354
work. ~~An~~ If the employee works a shift between the employee's 10355
scheduled shift and the holiday, the employee shall be paid for 10356
the holiday. 10357

(3) An employee also shall not be paid for a holiday unless 10358
the employee was in active pay status on the scheduled work day 10359
immediately preceding the holiday, except that an employee need 10360
not be in active pay status on that work day in order to be paid 10361
for the holiday if the employee is participating in a mandatory or 10362
voluntary cost savings day under section 124.392 of the Revised 10363
Code. 10364

~~(2)~~(4) If any of the holidays declared in section 124.19 of 10365
the Revised Code falls on Saturday, the Friday immediately 10366
preceding shall be observed as the holiday. If any of the holidays 10367
declared in section 124.19 of the Revised Code falls on Sunday, 10368
the Monday immediately succeeding shall be observed as the 10369
holiday. Employees whose work schedules are based on the 10370
requirements of a seven-days-a-week work operation shall observe 10371
holidays on the actual days specified in section 124.19 of the 10372
Revised Code. 10373

~~(3)~~(5) If an employee's work schedule is other than Monday 10374
through Friday, the employee shall be entitled to eight hours of 10375
holiday pay for holidays observed on the employee's day off 10376
regardless of the day of the week on which they are observed. 10377

~~(4)~~(6) A full-time permanent employee is entitled to a 10378
minimum of eight hours of pay for each holiday regardless of the 10379
employee's work shift and work schedule. A flexible-hours 10380

employee, who is normally scheduled to work in excess of eight 10381
hours on a day on which a holiday falls, either shall be required 10382
to work an alternate schedule for that week or shall receive 10383
additional holiday pay for the hours the employee is normally 10384
scheduled to work. Such an alternate schedule may require a 10385
flexible-hours employee to work five shifts consisting of eight 10386
hours each during the week including the holiday, and, in that 10387
case, the employee shall receive eight hours of holiday pay for 10388
the day the holiday is observed. 10389

~~(5) Part-time (7) Except as provided under section 124.392 of 10390
the Revised Code, part-time permanent employees shall receive four 10391
hours of holiday pay on a pro-rated basis, based upon the daily 10392
average of actual hours worked, excluding overtime hours worked, 10393
in the previous calendar quarter. The figure shall be calculated 10394
for the preceding calendar quarter on the first day of January, 10395
April, July, and October of each year regardless of the employee's 10396
work shift and work schedule. 10397~~

~~(6)(8) When an employee who is eligible for overtime pay 10398
under this section is required by the employee's responsible 10399
administrative authority to work on the day observed as a holiday, 10400
the employee shall be entitled to pay for such time worked at one 10401
and one-half times the employee's regular rate of pay in addition 10402
to the employee's regular pay, or to be granted compensatory time 10403
off at time and one-half thereafter, at the employee's option. 10404
Payment at such rate shall be excluded in the calculation of hours 10405
in active pay status. 10406~~

(C) Each appointing authority may designate the number of 10407
employees in an agency who are flexible-hours employees. The 10408
appointing authority may establish for each flexible-hours 10409
employee a specified minimum number of hours to be worked each day 10410
that is consistent with the "Federal Fair Labor Standards Act of 10411
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 10412

(D) This section shall be uniformly administered for 10413
employees as defined in section 124.01 of the Revised Code and by 10414
the personnel departments of state-supported colleges and 10415
universities for employees of state-supported colleges and 10416
universities. If employees are not paid directly by warrant of the 10417
director of budget and management, the political subdivision shall 10418
determine whether the use of sick leave shall be considered to be 10419
active pay status for purposes of those employees earning overtime 10420
or compensatory time. 10421

(E) Policies relating to the payment of overtime pay or the 10422
granting of compensatory time off shall be adopted by the chief 10423
administrative officer of the house of representatives for 10424
employees of the house of representatives, by the clerk of the 10425
senate for employees of the senate, and by the director of the 10426
legislative service commission for all other legislative 10427
employees. 10428

(F) As used in this section, "regular rate of pay" means the 10429
base rate of pay an employee receives plus any pay supplements 10430
received pursuant to section 124.181 of the Revised Code. 10431

Sec. 124.181. (A) Except as provided in ~~division~~ divisions 10432
(M) and (P) of this section, any employee paid in accordance with 10433
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 10434
step seven only of section 124.152 of the Revised Code is eligible 10435
for the pay supplements provided in this section upon application 10436
by the appointing authority substantiating the employee's 10437
qualifications for the supplement and with the approval of the 10438
director of administrative services except as provided in division 10439
(E) of this section. 10440

(B)(1) Except as provided in section 124.183 of the Revised 10441
Code, in computing any of the pay supplements provided in this 10442
section for an employee paid in accordance with schedule B of 10443

section 124.15 of the Revised Code, the classification salary base 10444
shall be the minimum hourly rate of the pay range, provided in 10445
that section, in which the employee is assigned at the time of 10446
computation. 10447

(2) Except as provided in section 124.183 of the Revised 10448
Code, in computing any of the pay supplements provided in this 10449
section for an employee paid in accordance with schedule E-1 of 10450
section 124.152 of the Revised Code, the classification salary 10451
base shall be the minimum hourly rate of the pay range, provided 10452
in that section, in which the employee is assigned at the time of 10453
computation. 10454

(3) Except as provided in section 124.183 of the Revised 10455
Code, in computing any of the pay supplements provided in this 10456
section for an employee paid in accordance with schedule E-1 for 10457
step seven only of section 124.152 of the Revised Code, the 10458
classification salary base shall be the minimum hourly rate in the 10459
corresponding pay range, provided in schedule E-1 of that section, 10460
to which the employee is assigned at the time of the computation. 10461

(C) The effective date of any pay supplement, except as 10462
provided in section 124.183 of the Revised Code or unless 10463
otherwise provided in this section, shall be determined by the 10464
director. 10465

(D) The director shall, by rule, establish standards 10466
regarding the administration of this section. 10467

(E)(1) Except as otherwise provided in this division, 10468
beginning on the first day of the pay period within which the 10469
employee completes five years of total service with the state 10470
government or any of its political subdivisions, each employee in 10471
positions paid in accordance with schedule B of section 124.15 of 10472
the Revised Code or in accordance with schedule E-1 or schedule 10473
E-1 for step seven only of section 124.152 of the Revised Code 10474

shall receive an automatic salary adjustment equivalent to two and 10475
one-half per cent of the classification salary base, to the 10476
nearest whole cent. Each employee shall receive thereafter an 10477
annual adjustment equivalent to one-half of one per cent of the 10478
employee's classification salary base, to the nearest whole cent, 10479
for each additional year of qualified employment until a maximum 10480
of ten per cent of the employee's classification salary base is 10481
reached. The granting of longevity adjustments shall not be 10482
affected by promotion, demotion, or other changes in 10483
classification held by the employee, nor by any change in pay 10484
range for the employee's class or grade. Longevity pay adjustments 10485
shall become effective at the beginning of the pay period within 10486
which the employee completes the necessary length of service, 10487
except that when an employee requests credit for prior service, 10488
the effective date of the prior service credit and of any 10489
longevity adjustment shall be the first day of the pay period 10490
following approval of the credit by the director of administrative 10491
services. No employee, other than an employee who submits proof of 10492
prior service within ninety days after the date of the employee's 10493
hiring, shall receive any longevity adjustment for the period 10494
prior to the director's approval of a prior service credit. Time 10495
spent on authorized leave of absence shall be counted for this 10496
purpose. 10497

(2) An employee who has retired in accordance with the 10498
provisions of any retirement system offered by the state and who 10499
is employed by the state or any political subdivision of the state 10500
on or after June 24, 1987, shall not have prior service with the 10501
state or any political subdivision of the state counted for the 10502
purpose of determining the amount of the salary adjustment 10503
provided under this division. 10504

(3) There shall be a moratorium on employees' receipt under 10505
this division of credit for service with the state government or 10506

any of its political subdivisions during the period from July 1, 10507
2003, through June 30, 2005. In calculating the number of years of 10508
total service under this division, no credit shall be included for 10509
service during the moratorium. The moratorium shall apply to the 10510
employees of the secretary of state, the auditor of state, the 10511
treasurer of state, and the attorney general, who are subject to 10512
this section unless the secretary of state, the auditor of state, 10513
the treasurer of state, or the attorney general decides to exempt 10514
the office's employees from the moratorium and so notifies the 10515
director of administrative services in writing on or before July 10516
1, 2003. 10517

If an employee is exempt from the moratorium, receives credit 10518
for a period of service during the moratorium, and takes a 10519
position with another entity in the state government or any of its 10520
political subdivisions, either during or after the moratorium, and 10521
if that entity's employees are or were subject to the moratorium, 10522
the employee shall continue to retain the credit. However, if the 10523
moratorium is in effect upon the taking of the new position, the 10524
employee shall cease receiving additional credit as long as the 10525
employee is in the position, until the moratorium expires. 10526

(F) When an exceptional condition exists that creates a 10527
temporary or a permanent hazard for one or more positions in a 10528
class paid in accordance with schedule B of section 124.15 of the 10529
Revised Code or in accordance with schedule E-1 or schedule E-1 10530
for step seven only of section 124.152 of the Revised Code, a 10531
special hazard salary adjustment may be granted for the time the 10532
employee is subjected to the hazardous condition. All special 10533
hazard conditions shall be identified for each position and 10534
incidence from information submitted to the director on an 10535
appropriate form provided by the director and categorized into 10536
standard conditions of: some unusual hazard not common to the 10537
class; considerable unusual hazard not common to the class; and 10538

exceptional hazard not common to the class. 10539

(1) A hazardous salary adjustment of five per cent of the 10540
employee's classification salary base may be applied in the case 10541
of some unusual hazardous condition not common to the class for 10542
those hours worked, or a fraction of those hours worked, while the 10543
employee was subject to the unusual hazard condition. 10544

(2) A hazardous salary adjustment of seven and one-half per 10545
cent of the employee's classification salary base may be applied 10546
in the case of some considerable hazardous condition not common to 10547
the class for those hours worked, or a fraction of those hours 10548
worked, while the employee was subject to the considerable hazard 10549
condition. 10550

(3) A hazardous salary adjustment of ten per cent of the 10551
employee's classification salary base may be applied in the case 10552
of some exceptional hazardous condition not common to the class 10553
for those hours worked, or a fraction of those hours worked, when 10554
the employee was subject to the exceptional hazard condition. 10555

(4) Each claim for temporary hazard pay shall be submitted as 10556
a separate payment and shall be subject to an administrative audit 10557
by the director as to the extent and duration of the employee's 10558
exposure to the hazardous condition. 10559

(G) When a full-time employee whose salary or wage is paid 10560
directly by warrant of the director of budget and management and 10561
who also is eligible for overtime under the "Fair Labor Standards 10562
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 10563
ordered by the appointing authority to report back to work after 10564
termination of the employee's regular work schedule and the 10565
employee reports, the employee shall be paid for such time. The 10566
employee shall be entitled to four hours at the employee's total 10567
rate of pay or overtime compensation for the actual hours worked, 10568
whichever is greater. This division does not apply to work that is 10569

a continuation of or immediately preceding an employee's regular work schedule. 10570
10571

(H) When a certain position or positions paid in accordance 10572
with schedule B of section 124.15 of the Revised Code or in 10573
accordance with schedule E-1 or schedule E-1 for step seven only 10574
of section 124.152 of the Revised Code require the ability to 10575
speak or write a language other than English, a special pay 10576
supplement may be granted to attract bilingual individuals, to 10577
encourage present employees to become proficient in other 10578
languages, or to retain qualified bilingual employees. The 10579
bilingual pay supplement provided in this division may be granted 10580
in the amount of five per cent of the employee's classification 10581
salary base for each required foreign language and shall remain in 10582
effect as long as the bilingual requirement exists. 10583

(I) The director of administrative services may establish a 10584
shift differential for employees. The differential shall be paid 10585
to employees in positions working in other than the regular or 10586
first shift. In those divisions or agencies where only one shift 10587
prevails, no shift differential shall be paid regardless of the 10588
hours of the day that are worked. The director and the appointing 10589
authority shall designate which positions shall be covered by this 10590
division. 10591

(J) Whenever an employee is assigned to work in a higher 10592
level position for a continuous period of more than two weeks but 10593
no more than two years because of a vacancy, the employee's pay 10594
may be established at a rate that is approximately four per cent 10595
above the employee's current base rate for the period the employee 10596
occupies the position, provided that this temporary occupancy is 10597
approved by the director. Employees paid under this division shall 10598
continue to receive any of the pay supplements due them under 10599
other divisions of this section based on the step one base rate 10600
for their normal classification. 10601

(K) If a certain position, or positions, within a class paid 10602
in accordance with schedule B of section 124.15 of the Revised 10603
Code or in accordance with schedule E-1 or schedule E-1 for step 10604
seven only of section 124.152 of the Revised Code are mandated by 10605
state or federal law or regulation or other regulatory agency or 10606
other certification authority to have special technical 10607
certification, registration, or licensing to perform the functions 10608
which are under the mandate, a special professional achievement 10609
pay supplement may be granted. This special professional 10610
achievement pay supplement shall not be granted when all 10611
incumbents in all positions in a class require a license as 10612
provided in the classification description published by the 10613
department of administrative services; to licensees where no 10614
special or extensive training is required; when certification is 10615
granted upon completion of a stipulated term of in-service 10616
training; when an appointing authority has required certification; 10617
or any other condition prescribed by the director. 10618

(1) Before this supplement may be applied, evidence as to the 10619
requirement must be provided by the agency for each position 10620
involved, and certification must be received from the director as 10621
to the director's concurrence for each of the positions so 10622
affected. 10623

(2) The professional achievement pay supplement provided in 10624
this division shall be granted in an amount up to ten per cent of 10625
the employee's classification salary base and shall remain in 10626
effect as long as the mandate exists. 10627

(L) Those employees assigned to teaching supervisory, 10628
principal, assistant principal, or superintendent positions who 10629
have attained a higher educational level than a basic bachelor's 10630
degree may receive an educational pay supplement to remain in 10631
effect as long as the employee's assignment and classification 10632
remain the same. 10633

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

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

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

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

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

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

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly,

for each classification title requiring a licensed physician, in 10665
accordance with a schedule approved by the state controlling 10666
board. The individual salary levels recommended for each such 10667
physician employed shall be approved by the director. 10668
Notwithstanding section 124.11 of the Revised Code, such personnel 10669
are in the unclassified civil service. 10670

(2) The director of administrative services may approve 10671
supplementary compensation for the director of health, if the 10672
director is a licensed physician, in accordance with a 10673
supplementary compensation schedule approved under division (M)(1) 10674
of this section or in accordance with another supplementary 10675
compensation schedule the director of administrative services 10676
considers appropriate. The supplementary compensation shall not 10677
exceed twenty per cent of the director of health's base rate of 10678
pay. 10679

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 10680
117.42, and 131.02 of the Revised Code, the state shall not 10681
institute any civil action to recover and shall not seek 10682
reimbursement for overpayments made in violation of division (E) 10683
of this section or division (C) of section 9.44 of the Revised 10684
Code for the period starting after June 24, 1987, and ending on 10685
October 31, 1993. 10686

(O) Employees of the office of the treasurer of state who are 10687
exempt from collective bargaining coverage may be granted a merit 10688
pay supplement of up to one and one-half per cent of their step 10689
rate. The rate at which this supplement is granted shall be based 10690
on performance standards established by the treasurer of state. 10691
Any supplements granted under this division shall be administered 10692
on an annual basis. 10693

(P) Intermittent employees appointed under section 124.30 of 10694
the Revised Code are not eligible for the pay supplements provided 10695
by this section. 10696

Sec. 124.183. (A) As used in this section, "active payroll" 10697
~~means when an employee is actively working; on military, workers'~~ 10698
~~compensation, occupational injury, or disability leave; or on an~~ 10699
~~approved leave of absence conditions under which an employee is in~~ 10700
~~active pay status or eligible to receive pay for an approved leave~~ 10701
~~of absence including, but not limited to, occupational injury~~ 10702
~~leave, disability leave, or workers' compensation.~~ 10703

(B)~~(1) Each permanent employee paid in accordance with~~ 10704
~~schedule E 1 of section 124.152 of the Revised Code who was~~ 10705
~~appointed on or before March 6, 2003, and remains continuously on~~ 10706
~~the active payroll through November 14, 2004, shall receive a~~ 10707
~~one-time pay supplement. The supplement shall be a two per cent~~ 10708
~~lump sum payment that is based on the annualization of the top~~ 10709
~~step of the pay range in schedule E 1 that the employee is in on~~ 10710
~~November 14, 2004.~~ 10711

~~(2) Each permanent employee paid in accordance with schedule~~ 10712
~~E 1 for step seven only of section 124.152 of the Revised Code who~~ 10713
~~was appointed on or before March 6, 2003, and remains continuously~~ 10714
~~on the active payroll through November 14, 2004, shall receive a~~ 10715
~~one-time pay supplement. The supplement shall be a two per cent~~ 10716
~~lump sum payment that is based on the annualization of step 6 of~~ 10717
~~the pay range in schedule E 1 of section 124.152 of the Revised~~ 10718
~~Code that corresponds with the pay range in schedule E 1 for step~~ 10719
~~seven only that the employee is in on November 14, 2004.~~ 10720

~~(3) Each permanent employee paid under schedule E 2 of~~ 10721
~~section 124.152 of the Revised Code who was appointed on or before~~ 10722
~~March 6, 2003, and remains continuously on the active payroll~~ 10723
~~through November 14, 2004, shall receive a one-time pay~~ 10724
~~supplement. The supplement shall be a two per cent lump sum~~ 10725
~~payment that is based upon the annualization of the maximum hourly~~ 10726
~~rate of the pay range in schedule E 2 that the employee is in on~~ 10727

November 14, 2004. 10728

~~(C) Each permanent employee who is exempt from collective bargaining, is not covered by division (B) of this section, was appointed on or before March 6, 2003, and remains continuously on the active payroll through November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the base rate of the employee's pay on November 14, 2004.~~ 10729
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~~(D) A part-time employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.~~ 10736
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~~An employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section and was on a voluntary leave of absence shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.~~ 10741
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~~(E) A one-time pay supplement under this section shall be paid in the employee's first paycheck in December of 2004.~~ 10746
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~~(F) This section applies only to employees who are eligible to receive personal leave under section 124.386 of the Revised Code, except as otherwise provided in division (E) of this section.~~ 10748
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~~(C)(1) Employees who are in active payroll status on July 30, 2011, shall receive a one-time pay supplement in the earnings statements they receive on August 26, 2011. Full-time employees shall receive a one-time pay supplement equivalent to thirty-two hours of personal leave or a one-time pay supplement equivalent to half the hours of personal leave the employee lost during the moratorium under division (A) of section 124.386 of the Revised~~ 10752
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Code, whichever is less. Part-time employees shall receive a 10759
one-time pay supplement equivalent to sixteen hours of personal 10760
leave. 10761

(2) Employees who are not in active payroll status on July 10762
30, 2011, due to military leave or an absence taken under the 10763
federal Family and Medical Leave Act are eligible to receive the 10764
one-time pay supplement. 10765

(D) Notwithstanding any provision of law to the contrary, a 10766
one-time pay supplement under this section shall not be subject to 10767
withholding for deposit into any state retirement system. 10768
Notwithstanding any provision of law to the contrary, a one-time 10769
pay supplement under this section shall not be used for 10770
calculation purposes in determining an employee's retirement 10771
benefits in any state retirement system. 10772

~~(G)(1) This section does not apply to employees of the~~ 10773
~~general assembly, legislative agencies, or the supreme court.~~ 10774

~~(2)(E) This section does not apply to employees of the~~ 10775
~~supreme court, the general assembly, the legislative service~~ 10776
~~commission, the secretary of state, the auditor of state, the~~ 10777
~~treasurer of state, or the attorney general unless the supreme~~ 10778
~~court, the general assembly, the legislative service commission,~~ 10779
~~the secretary of state, the auditor of state, the treasurer of~~ 10780
~~state, or the attorney general decides that the office's employees~~ 10781
~~should be eligible for the one-time pay supplement and so notifies~~ 10782
~~participated in the moratorium under division (H) or (I) of~~ 10783
~~section 124.386 of the Revised Code and notifies the director of~~ 10784
~~administrative services in writing on or before July 1, 2004 June~~ 10785
~~1, 2011, of the decision to participate in the one-time pay~~ 10786
~~supplement. Written notice under this division shall be signed by~~ 10787
~~the appointing authority for employees of the supreme court,~~ 10788
~~general assembly, or legislative service commission, as the case~~ 10789
~~may be.~~ 10790

Sec. 124.23. (A) All applicants for positions and places in 10791
the classified service shall be subject to examination, except for 10792
applicants for positions as professional or certified service and 10793
paraprofessional employees of county boards of mental retardation 10794
and developmental disabilities, who shall be hired in the manner 10795
provided in section 124.241 of the Revised Code. 10796

(B) Any examination administered under this section shall be 10797
public and be open to all citizens of the United States and those 10798
persons who have legally declared their intentions of becoming 10799
United States citizens, ~~within certain limitations to be~~ 10800
determined by. For examinations administered for positions in the 10801
service of the state, the director of administrative services may 10802
determine certain limitations as to citizenship, age, experience, 10803
education, health, habit, and moral character. ~~Any~~ 10804

(C) Any person who has completed service in the uniformed 10805
services, who has been honorably discharged from the uniformed 10806
services or transferred to the reserve with evidence of 10807
satisfactory service, and who is a resident of this state and any 10808
member of the national guard or a reserve component of the armed 10809
forces of the United States who has completed more than one 10810
hundred eighty days of active duty service pursuant to an 10811
executive order of the president of the United States or an act of 10812
the congress of the United States may file with the director a 10813
certificate of service or honorable discharge, and, upon this 10814
filing, the person shall receive additional credit of twenty per 10815
cent of the person's total grade given in the regular examination 10816
in which the person receives a passing grade. 10817

As used in this division, "service in the uniformed services" 10818
and "uniformed services" have the same meanings as in the 10819
"Uniformed Services Employment and Reemployment Rights Act of 10820
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 10821

~~(C)~~(D) An examination may include an evaluation of such 10822
factors as education, training, capacity, knowledge, manual 10823
dexterity, and physical or psychological fitness. An examination 10824
shall consist of one or more tests in any combination. Tests may 10825
be written, oral, physical, demonstration of skill, or an 10826
evaluation of training and experiences and shall be designed to 10827
fairly test the relative capacity of the persons examined to 10828
discharge the particular duties of the position for which 10829
appointment is sought. Tests may include structured interviews, 10830
assessment centers, work simulations, examinations of knowledge, 10831
skills, and abilities, and any other acceptable testing methods. 10832
If minimum or maximum requirements are established for any 10833
examination, they shall be specified in the examination 10834
announcement. 10835

~~(D)~~(E) The director of administrative services shall have 10836
control of all examinations administered for positions in the 10837
service of the state and all other examinations the director 10838
administers as provided in section 124.07 of the Revised Code, 10839
except as otherwise provided in sections 124.01 to 124.64 of the 10840
Revised Code. ~~No~~ 10841

(F) ~~No~~ questions in any examination shall relate to political 10842
or religious opinions or affiliations. No credit for seniority, 10843
efficiency, or any other reason shall be added to an applicant's 10844
examination grade unless the applicant achieves at least the 10845
minimum passing grade on the examination without counting that 10846
extra credit. 10847

~~(E)~~(G) Except as otherwise provided in sections 124.01 to 10848
124.64 of the Revised Code, the director of administrative 10849
services shall give reasonable notice of the time, place, and 10850
general scope of every competitive examination for appointment ~~to~~ 10851
a position in the civil service that the director administers for 10852
positions in the service of the state. The director shall send 10853

written, printed, or electronic notices of every examination to be 10854
conducted for positions in the ~~state~~ classified civil service of 10855
the state to each agency of the type the director of job and 10856
family services specifies and, in the case of a county in which no 10857
such agency is located, to the clerk of the court of common pleas 10858
of that county and to the clerk of each city located within that 10859
county. Those notices shall be posted in conspicuous public places 10860
in the designated agencies or the courthouse, and city hall of the 10861
cities, of the counties in which no designated agency is located 10862
for at least two weeks preceding any examination involved, and in 10863
a conspicuous place in the office of the director of 10864
administrative services for at least two weeks preceding any 10865
examination involved. In case of examinations limited by the 10866
director to a district, county, city, or department, the director 10867
shall provide by rule for adequate publicity of an examination in 10868
the district, county, city, or department within which competition 10869
is permitted. 10870

Sec. 124.27. (A) The head of a department, office, or 10871
institution, in which a position in the classified service is to 10872
be filled, shall notify the director of administrative services of 10873
the fact, and the director shall, except as otherwise provided in 10874
this section and sections 124.30 and 124.31 of the Revised Code, 10875
certify to the appointing authority the names and addresses of the 10876
ten candidates standing highest on the eligible list for the class 10877
or grade to which the position belongs, except that the director 10878
may certify less than ten names if ten names are not available. 10879
When less than ten names are certified to an appointing authority, 10880
appointment from that list shall not be mandatory. When a position 10881
in the classified service in the department of mental health or 10882
the department of mental retardation and developmental 10883
disabilities is to be filled, the director of administrative 10884
services shall make such certification to the appointing authority 10885

within seven working days of the date the eligible list is requested. 10886
10887

(B) The appointing authority shall notify the director of a position in the classified service to be filled, and the appointing authority shall fill the vacant position by appointment of one of the ten persons certified by the director. If more than one position is to be filled, the director may certify a group of names from the eligible list, and the appointing authority shall appoint in the following manner: beginning at the top of the list, each time a selection is made, it must be from one of the first ten candidates remaining on the list who is willing to accept consideration for the position. If an eligible list becomes exhausted, and until a new list can be created, or when no eligible list for a position exists, names may be certified from eligible lists most appropriate for the group or class in which the position to be filled is classified. A person who is certified from an eligible list more than three times to the same appointing authority for the same or similar positions may be omitted from future certification to that appointing authority, provided that certification for a temporary appointment shall not be counted as one of those certifications. Every person who qualifies for veteran's preference under section 124.23 of the Revised Code, who is a resident of this state, and whose name is on the eligible list for a position shall be entitled to preference in original appointments to any such competitive position in the civil service of the state and its civil divisions over all other persons eligible for those appointments and standing on the relevant eligible list with a rating equal to that of the person qualifying for veteran's preference. Appointments to all positions in the classified service, that are not filled by promotion, transfer, or reduction, as provided in sections 124.01 to 124.64 of the Revised Code and the rules of the director prescribed under those sections, shall be made only from those persons whose names are 10888
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certified to the appointing authority, and no employment, except 10919
as provided in those sections, shall be otherwise given in the 10920
classified service of this state or any political subdivision of 10921
the state. 10922

(C) All original and promotional appointments, including 10923
appointments made pursuant to section 124.30 of the Revised Code, 10924
but not intermittent appointments, shall be for a probationary 10925
period, not less than sixty days nor more than one year, to be 10926
fixed by the rules of the director, except as provided in section 10927
124.231 of the Revised Code, and except for original appointments 10928
to a police department as a police officer or to a fire department 10929
as a firefighter which shall be for a probationary period of one 10930
year. No appointment or promotion is final until the appointee has 10931
satisfactorily served the probationary period. If the service of 10932
the probationary employee is unsatisfactory, the employee may be 10933
removed or reduced at any time during the probationary period. If 10934
the appointing authority decides to remove a probationary employee 10935
in the service of the state, the appointing authority shall 10936
communicate to the director the reason for that decision. A 10937
probationary employee duly removed or reduced in position for 10938
unsatisfactory service does not have the right to appeal the 10939
removal or reduction under section 124.34 of the Revised Code. 10940

Sec. 124.321. (A) Whenever it becomes necessary for an 10941
appointing authority to reduce its work force, the appointing 10942
authority shall lay off employees or abolish their positions in 10943
accordance with sections 124.321 to 124.327 of the Revised Code 10944
and. If the affected work force is in the service of the state, 10945
the reduction shall also be in compliance with the rules of the 10946
director of administrative services. 10947

(B)(1) Employees may be laid off as a result of a lack of 10948
funds within an appointing authority. For appointing authorities 10949

that employ persons whose salary or wage is paid by warrant of the 10950
director of budget and management, the director of budget and 10951
management shall be responsible for determining, consistent with 10952
the rules adopted under division (B)(3) of this section, whether a 10953
lack of funds exists. For appointing authorities that employ 10954
persons whose salary or wage is paid other than by warrant of the 10955
director of budget and management, the appointing authority itself 10956
shall determine whether a lack of funds exists ~~and shall file a~~ 10957
~~statement of rationale and supporting documentation with the~~ 10958
~~director of administrative services prior to sending the layoff~~ 10959
~~notice.~~ 10960

(2) As used in this division, a "lack of funds" means an 10961
appointing authority has a current or projected deficiency of 10962
funding to maintain current, or to sustain projected, levels of 10963
staffing and operations. This section does not require any 10964
transfer of money between funds in order to offset a deficiency or 10965
projected deficiency of funding for programs funded by the federal 10966
government, special revenue accounts, or proprietary accounts. 10967
Whenever a program receives funding through a grant or similar 10968
mechanism, a lack of funds shall be presumed for the positions 10969
assigned to and the employees who work under the grant or similar 10970
mechanism if, for any reason, the funding is reduced or withdrawn. 10971
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(3) The director of budget and management shall adopt rules, 10973
under Chapter 119. of the Revised Code, for agencies whose 10974
employees are paid by warrant of the director of budget and 10975
management, for determining whether a lack of funds exists. 10976

(C)(1) Employees may be laid off as a result of lack of work 10977
within an appointing authority. For appointing authorities whose 10978
employees are paid by warrant of the director of budget and 10979
management, the director of administrative services shall 10980
determine, consistent with the rules adopted under division (F) of 10981

this section, whether a lack of work exists. All other appointing 10982
authorities shall themselves determine whether a lack of work 10983
exists ~~and shall file a statement of rationale and supporting~~ 10984
~~documentation with the director of administrative services prior~~ 10985
~~to sending the layoff notice.~~ 10986

(2) As used in this division, a "lack of work" means an 10987
appointing authority has a current or projected decrease in 10988
workload that requires a reduction of current or projected 10989
staffing levels in its organization or structure. The 10990
determination of a lack of work shall indicate the current or 10991
projected decrease in workload and whether the current or 10992
projected staffing levels of the appointing authority will be 10993
excessive. 10994

(D)(1) Employees may be laid off as a result of abolishment 10995
of positions. As used in this division, "abolishment" means the 10996
deletion of a position or positions from the organization or 10997
structure of an appointing authority. 10998

For purposes of this division, an appointing authority may 10999
abolish positions for any one or any combination of the following 11000
reasons: as a result of a reorganization for the efficient 11001
operation of the appointing authority, for reasons of economy, or 11002
for lack of work. 11003

(2)(a) Reasons of economy permitting an appointing authority 11004
to abolish a position and to lay off the holder of that position 11005
under this division shall be determined at the time the appointing 11006
authority proposes to abolish the position. The reasons of economy 11007
shall be based on the appointing authority's estimated amount of 11008
savings with respect to salary, benefits, and other matters 11009
associated with the abolishment of the position, except that the 11010
reasons of economy associated with the position's abolishment 11011
instead may be based on the appointing authority's estimated 11012
amount of savings with respect to salary and benefits only, if: 11013

(i) Either the appointing authority's operating appropriation 11014
has been reduced by an executive or legislative action, or the 11015
appointing authority has a current or projected deficiency in 11016
funding to maintain current or projected levels of staffing and 11017
operations; and 11018

(ii) In the case of a position in the service of the state, 11019
it files a notice of the position's abolishment with the director 11020
of administrative services within one year of the occurrence of 11021
the applicable circumstance described in division (D)(2)(a)(i) of 11022
this section. 11023

(b) The following principles apply when a circumstance 11024
described in division (D)(2)(a)(i) of this section would serve to 11025
authorize an appointing authority to abolish a position and to lay 11026
off the holder of the position under this division based on the 11027
appointing authority's estimated amount of savings with respect to 11028
salary and benefits only: 11029

(i) The position's abolishment shall be done in good faith 11030
and not as a subterfuge for discipline. 11031

(ii) If a circumstance affects a specific program only, the 11032
appointing authority only may abolish a position within that 11033
program. 11034

(iii) If a circumstance does not affect a specific program 11035
only, the appointing authority may identify a position that it 11036
considers appropriate for abolishment based on the reasons of 11037
economy. 11038

(3) Each appointing authority shall determine itself whether 11039
any position should be abolished. An appointing authority 11040
abolishing any position in the service of the state shall file a 11041
statement of rationale and supporting documentation with the 11042
director of administrative services prior to sending the notice of 11043
abolishment. 11044

If an abolishment results in a reduction of the work force, 11045
the appointing authority shall follow the procedures for laying 11046
off employees, subject to the following modifications: 11047

(a) The employee whose position has been abolished shall have 11048
the right to fill an available vacancy within the employee's 11049
classification. 11050

(b) If the employee whose position has been abolished has 11051
more retention points than any other employee serving in the same 11052
classification, the employee with the fewest retention points 11053
shall be displaced. 11054

(c) If the employee whose position has been abolished has the 11055
fewest retention points in the classification, the employee shall 11056
have the right to fill an available vacancy in a lower 11057
classification in the classification series. 11058

(d) If the employee whose position has been abolished has the 11059
fewest retention points in the classification, the employee shall 11060
displace the employee with the fewest retention points in the next 11061
or successively lower classification in the classification series. 11062

(E) Notwithstanding any contrary provision of the 11063
displacement procedure described in section 124.324 of the Revised 11064
Code for employees to displace other employees during a layoff, 11065
the director of administrative services or a county appointing 11066
authority may establish a paper lay-off process under which 11067
employees who are to be laid off or displaced may be required, 11068
before the date of their paper layoff, to preselect their options 11069
for displacing other employees. 11070

(F) The director of administrative services shall adopt rules 11071
under Chapter 119. of the Revised Code for the determination of 11072
lack of work within an appointing authority, for the abolishment 11073
of positions by an appointing authority, and for the 11074
implementation of this section as it relates to positions in the 11075

service of the state. 11076

Sec. 124.324. (A) A laid-off employee has the right to 11077
displace the employee with the fewest retention points in the 11078
following order: 11079

(1) Within the classification from which the employee was 11080
laid off; 11081

(2) Within the classification series from which the employee 11082
was laid off; 11083

(3) Within the classification the employee held immediately 11084
prior to holding the classification from which the employee was 11085
laid off, except that the employee may not displace employees in a 11086
classification if the employee does not meet the minimum 11087
qualifications of the classification or if the employee last held 11088
the classification more than three years prior to the date on 11089
which the employee was laid off. 11090

If, after exercising displacement rights, an employee is 11091
subject to further layoff action, the employee's displacement 11092
rights shall be in accordance with the classification from which 11093
the employee was first laid off. 11094

The director of administrative services shall verify the 11095
calculation of the retention points of all employees in the 11096
service of the state in an affected classification in accordance 11097
with section 124.325 of the Revised Code. 11098

(B) Following the order of layoff, an employee laid off in 11099
the classified civil service shall displace another employee 11100
within the same appointing authority or independent institution 11101
and layoff jurisdiction in the following manner: 11102

(1) Each laid-off employee possessing more retention points 11103
shall displace the employee with the fewest retention points in 11104
the next lower classification or successively lower classification 11105

in the same classification series. 11106

(2) Any employee displaced by an employee possessing more 11107
retention points shall displace the employee with the fewest 11108
retention points in the next lower classification or successively 11109
lower classification in the same classification series. This 11110
process shall continue, if necessary, until the employee with the 11111
fewest retention points in the lowest classification of the 11112
classification series of the same appointing authority or 11113
independent institution has been reached and, if necessary, laid 11114
off. 11115

(C) Employees shall notify the appointing authority of their 11116
intention to exercise their displacement rights, within five days 11117
after receiving notice of layoff. This division does not apply if 11118
the director of administrative services has established a paper 11119
lay-off process pursuant to division (E) of section 124.321 of the 11120
Revised Code that includes a different notification requirement 11121
for employees exercising their displacement rights under that 11122
process. 11123

(D) No employee shall displace an employee for whose position 11124
or classification there are certain position-specific minimum 11125
qualifications, as established by the appointing authority and 11126
reviewed for validity by the department of administrative 11127
services, or as established by bona fide occupational 11128
qualification, unless the employee desiring to displace another 11129
employee possesses the requisite position-specific minimum 11130
qualifications for the position or classification. 11131

(E) If an employee exercising displacement rights must 11132
displace an employee in another county within the same layoff 11133
district, the displacement shall not be construed to be a 11134
transfer. 11135

(F) The director of administrative services shall adopt rules 11136

under Chapter 119. of the Revised Code for the implementation of 11137
this section as it relates to positions in the service of the 11138
state. 11139

Sec. 124.325. (A) Retention points to reflect the length of 11140
continuous service and efficiency in service for all employees 11141
affected by a layoff shall be verified by the director of 11142
administrative services for positions in the service of the state. 11143

(B) An employee's length of continuous service will be 11144
carried from one layoff jurisdiction to another so long as no 11145
break in service occurs between transfers or appointments. 11146

(C) If two or more employees have an identical number of 11147
retention points, employees having the shortest period of 11148
continuous service shall be laid off first. 11149

(D)(1) As used in this division, "affected employee" means a 11150
city employee who becomes a county employee, or a county employee 11151
who becomes a city employee, as the result of any of the 11152
following: 11153

(a) The merger of a city and a county office; 11154

(b) The merger of city and county functions or duties; 11155

(c) The transfer of functions or duties between a city and 11156
county. 11157

(2) For purposes of this section, the new employer of any 11158
affected employee shall treat the employee's prior service with a 11159
former employer as if it had been served with the new employer. 11160

(E) The director of administrative services shall adopt rules 11161
in accordance with Chapter 119. of the Revised Code to establish a 11162
system for the assignment of retention points for each employee in 11163
the service of the state in a classification affected by a layoff 11164
and for determining, in those instances where employees in the 11165
service of the state have identical retention points, which 11166

employee shall be laid off first. 11167

Sec. 124.34. (A) The tenure of every officer or employee in 11168
the classified service of the state and the counties, civil 11169
service townships, cities, city health districts, general health 11170
districts, and city school districts of the state, holding a 11171
position under this chapter, shall be during good behavior and 11172
efficient service. No officer or employee shall be reduced in pay 11173
or position, fined, suspended, or removed, or have the officer's 11174
or employee's longevity reduced or eliminated, except as provided 11175
in section 124.32 of the Revised Code, and for incompetency, 11176
inefficiency, dishonesty, drunkenness, immoral conduct, 11177
insubordination, discourteous treatment of the public, neglect of 11178
duty, violation of any policy or work rule of the officer's or 11179
employee's appointing authority, violation of this chapter or the 11180
rules of the director of administrative services or the 11181
commission, any other failure of good behavior, any other acts of 11182
misfeasance, malfeasance, or nonfeasance in office, or conviction 11183
of a felony. The denial of a one-time pay supplement or a bonus to 11184
an officer or employee is not a reduction in pay for purposes of 11185
this section. 11186

This section does not apply to any modifications or 11187
reductions in pay authorized by section 124.392 of the Revised 11188
Code. 11189

An appointing authority may require an employee who is 11190
suspended to report to work to serve the suspension. An employee 11191
serving a suspension in this manner shall continue to be 11192
compensated at the employee's regular rate of pay for hours 11193
worked. The disciplinary action shall be recorded in the 11194
employee's personnel file in the same manner as other disciplinary 11195
actions and has the same effect as a suspension without pay for 11196
the purpose of recording disciplinary actions. 11197

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional service of the department of transportation is subject to section 5501.20 of the Revised Code.

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the state personnel board of review or the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony

is subsequently reversed or annulled. 11230

Any person removed for conviction of a felony is entitled to 11231
a cash payment for any accrued but unused sick, personal, and 11232
vacation leave as authorized by law. If subsequently reemployed in 11233
the public sector, the person shall qualify for and accrue these 11234
forms of leave in the manner specified by law for a newly 11235
appointed employee and shall not be credited with prior public 11236
service for the purpose of receiving these forms of leave. 11237

As used in this division, "felony" means any of the 11238
following: 11239

(1) A felony that is an offense of violence as defined in 11240
section 2901.01 of the Revised Code; 11241

(2) A felony that is a felony drug abuse offense as defined 11242
in section 2925.01 of the Revised Code; 11243

(3) A felony under the laws of this or any other state or the 11244
United States that is a crime of moral turpitude; 11245

(4) A felony involving dishonesty, fraud, or theft; 11246

(5) A felony that is a violation of section 2921.05, 2921.32, 11247
or 2921.42 of the Revised Code. 11248

(B) In case of a reduction, a suspension of forty or more 11249
work hours in the case of an employee exempt from the payment of 11250
overtime compensation, a suspension of twenty-four or more work 11251
hours in the case of an employee required to be paid overtime 11252
compensation, a fine of forty or more hours' pay in the case of an 11253
employee exempt from the payment of overtime compensation, a fine 11254
of twenty-four or more hours' pay in the case of an employee 11255
required to be paid overtime compensation, or removal, except for 11256
the reduction or removal of a probationary employee, the 11257
appointing authority shall serve the employee with a copy of the 11258
order of reduction, fine, suspension, or removal, which order 11259

shall state the reasons for the action. 11260

Within ten days following the date on which the order is 11261
served or, in the case of an employee in the career professional 11262
service of the department of transportation, within ten days 11263
following the filing of a removal order, the employee, except as 11264
otherwise provided in this section, may file an appeal of the 11265
order in writing with the state personnel board of review or the 11266
commission. For purposes of this section, the date on which an 11267
order is served is the date of hand delivery of the order or the 11268
date of delivery of the order by certified United States mail, 11269
whichever occurs first. If an appeal is filed, the board or 11270
commission shall forthwith notify the appointing authority and 11271
shall hear, or appoint a trial board to hear, the appeal within 11272
thirty days from and after its filing with the board or 11273
commission. The board, commission, or trial board may affirm, 11274
disaffirm, or modify the judgment of the appointing authority. 11275
However, in an appeal of a removal order based upon a violation of 11276
a last chance agreement, the board, commission, or trial board may 11277
only determine if the employee violated the agreement and thus 11278
affirm or disaffirm the judgment of the appointing authority. 11279

In cases of removal or reduction in pay for disciplinary 11280
reasons, either the appointing authority or the officer or 11281
employee may appeal from the decision of the state personnel board 11282
of review or the commission, and any such appeal shall be to the 11283
court of common pleas of the county in which the appointing 11284
authority is located, or to the court of common pleas of Franklin 11285
county, as provided by section 119.12 of the Revised Code. 11286

(C) In the case of the suspension for any period of time, or 11287
a fine, demotion, or removal, of a chief of police, a chief of a 11288
fire department, or any member of the police or fire department of 11289
a city or civil service township, who is in the classified civil 11290
service, the appointing authority shall furnish the chief or 11291

member with a copy of the order of suspension, fine, demotion, or 11292
removal, which order shall state the reasons for the action. The 11293
order shall be filed with the municipal or civil service township 11294
civil service commission. Within ten days following the filing of 11295
the order, the chief or member may file an appeal, in writing, 11296
with the commission. If an appeal is filed, the commission shall 11297
forthwith notify the appointing authority and shall hear, or 11298
appoint a trial board to hear, the appeal within thirty days from 11299
and after its filing with the commission, and it may affirm, 11300
disaffirm, or modify the judgment of the appointing authority. An 11301
appeal on questions of law and fact may be had from the decision 11302
of the commission to the court of common pleas in the county in 11303
which the city or civil service township is situated. The appeal 11304
shall be taken within thirty days from the finding of the 11305
commission. 11306

(D) A violation of division (A)(7) of section 2907.03 of the 11307
Revised Code is grounds for termination of employment of a 11308
nonteaching employee under this section. 11309

(E) As used in this section, "last chance agreement" means an 11310
agreement signed by both an appointing authority and an officer or 11311
employee of the appointing authority that describes the type of 11312
behavior or circumstances that, if it occurs, will automatically 11313
lead to removal of the officer or employee without the right of 11314
appeal to the state personnel board of review or the appropriate 11315
commission. 11316

Sec. 124.381. Each (A)(1)(a) An employee in the service of 11317
the state may be eligible to receive salary continuation not to 11318
exceed four hundred eighty hours at the employee's total rate of 11319
pay for absence as a result of injury incurred during the 11320
performance of, or arising out of, state employment. When an 11321
eligible employee's absence as a result of such an injury extends 11322

beyond four hundred eighty hours, the employee immediately becomes 11323
subject to sections 124.382 and 124.385 of the Revised Code 11324
regarding sick leave and disability leave benefits. 11325

An employee is ineligible to receive salary continuation 11326
until the date of implementation is established in the rules 11327
adopted under division (C)(1) of this section. 11328

(b) Employees of the secretary of state, auditor of state, 11329
treasurer of state, attorney general, supreme court, general 11330
assembly, or legislative service commission are not subject to 11331
division (A)(1)(a) of this section unless the relevant appointing 11332
authority notifies the director of administrative services in 11333
writing of the intent to have all of the appointing authority's 11334
employees participate in salary continuation. The relevant 11335
appointing authority also may discontinue salary continuation for 11336
all of its employees by providing written notice of the 11337
discontinuation to the director. 11338

Participation in salary continuation is subject to rules 11339
adopted under division (C)(1) of this section. 11340

(2) Each employee of the department of rehabilitation and 11341
correction, the department of mental health, the department of 11342
mental retardation and developmental disabilities, ~~or the Ohio~~ 11343
~~veteran's home agency~~ department of veterans services, ~~or each~~ 11344
employee of the department of education who works at the Ohio 11345
schools for the deaf and blind, and each employee of the 11346
department of youth services as established in division (A) of 11347
section 124.14 of the Revised Code who ~~suffers bodily injury~~ 11348
~~inflicted by an inmate, patient, client, youth, or student in the~~ 11349
~~facilities~~ sustains a qualifying physical condition inflicted by a 11350
ward of these agencies during the time the employee is lawfully 11351
carrying out the assigned duties of the employee's position shall 11352
be paid occupational injury leave at the employee's total rate of 11353
pay during the period the employee is disabled as a result of that 11354

~~injury qualifying physical condition~~, but in no case to exceed ~~one~~ 11355
~~hundred twenty work days~~ nine hundred sixty hours, in lieu of 11356
workers' compensation. Pay made according to this ~~section~~ division 11357
shall not be charged to the employee's accumulation of sick leave 11358
credit. In any case when an employee's disability as a result of 11359
such a qualifying physical condition extends beyond nine hundred 11360
sixty hours, the employee immediately becomes subject to sections 11361
124.382 and 124.385 of the Revised Code regarding sick leave and 11362
disability leave benefits. 11363

(B) An employee who is receiving salary continuation or 11364
occupational injury leave under division (A)(1) or (2) of this 11365
section is not eligible for other paid leave, including holiday 11366
pay, while receiving benefits under either division. While an 11367
employee is receiving salary continuation or occupational injury 11368
leave under division (A)(1) or (2) of this section, vacation leave 11369
credit ceases to accrue to the employee under section 124.134 of 11370
the Revised Code, but sick leave credit and personal leave credit 11371
continue to accrue to the employee under sections 124.382 and 11372
124.386 of the Revised Code. 11373

(C)(1) The director of administrative services shall adopt 11374
rules for the administration of both the salary continuation 11375
program and the occupational injury leave program. The rules shall 11376
include, but not be limited to, provisions for determining a 11377
disability, for filing a claim for leave under this section, and 11378
for allowing or denying claims for the leave. 11379

~~During the time an employee is receiving injury compensation~~ 11380
~~as provided in this section, the employee shall be exempt from the~~ 11381
~~accumulation of vacation leave credit under section 124.134 of the~~ 11382
~~Revised Code but shall continue to receive sick leave credit and~~ 11383
~~personal leave credit under sections 124.382 and 124.386 of the~~ 11384
~~Revised Code.~~ 11385

~~In any case when an employee's disability, as covered by this~~ 11386

~~section, extends beyond one hundred twenty work days, the employee~~ 11387
~~shall immediately become subject to sections 124.382 and 124.385~~ 11388
~~of the Revised Code regarding sick leave and disability leave~~ 11389
~~benefits.~~ 11390

(2) The director also may adopt rules for the payment of 11391
health benefits while an employee is on workers' compensation 11392
leave. 11393

(D) An appointing authority may apply to the director of 11394
administrative services to grant salary continuation under 11395
division (A)(1) of this section or occupational injury leave in 11396
accordance with under division (A)(2) of this section to law 11397
enforcement personnel employed by the agency. 11398

Sec. 124.382. (A) As used in this section and sections 11399
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 11400

(1) "Pay period" means the fourteen-day period of time during 11401
which the payroll is accumulated, as determined by the director of 11402
administrative services. 11403

(2) "Active pay status" means the conditions under which an 11404
employee is eligible to receive pay, and includes, but is not 11405
limited to, vacation leave, sick leave, personal leave, 11406
bereavement leave, and administrative leave. 11407

(3) "No pay status" means the conditions under which an 11408
employee is ineligible to receive pay and includes, but is not 11409
limited to, leave without pay, leave of absence, and disability 11410
leave. 11411

(4) "Disability leave" means the leave granted pursuant to 11412
section 124.385 of the Revised Code. 11413

(5) "Full-time permanent employee" means an employee whose 11414
regular hours of duty total eighty hours in a pay period in a 11415
state agency and whose appointment is not for a limited period of 11416

time. 11417

(6) "Base rate of pay" means the rate of pay established 11418
under schedule B or C of section 124.15 of the Revised Code or 11419
under schedule E-1, schedule E-1 for step seven only, or schedule 11420
E-2 of section 124.152 of the Revised Code, plus any supplement 11421
provided under section 124.181 of the Revised Code, plus any 11422
supplements enacted into law which are added to schedule B or C of 11423
section 124.15 of the Revised Code or to schedule E-1, schedule 11424
E-1 for step seven only, or schedule E-2 of section 124.152 of the 11425
Revised Code. 11426

(7) "Part-time permanent employee" means an employee whose 11427
regular hours of duty total less than eighty hours in a pay period 11428
in a state agency and whose appointment is not for a limited 11429
period of time. 11430

(B) Each full-time permanent and part-time permanent employee 11431
whose salary or wage is paid directly by warrant of the director 11432
of budget and management shall be credited with sick leave of 11433
three and one-tenth hours for each completed eighty hours of 11434
service, excluding overtime hours worked. Sick leave is not 11435
available for use until it appears on the employee's earning 11436
statement and the compensation described in the earning statement 11437
is available to the employee. 11438

(C) Any sick leave credit provided pursuant to division (B) 11439
of this section, remaining as of the last day of the pay period 11440
preceding the first paycheck the employee receives in December, 11441
shall be converted pursuant to section 124.383 of the Revised 11442
Code. 11443

(D) Employees may use sick leave, provided a credit balance 11444
is available, upon approval of the responsible administrative 11445
officer of the employing unit, for absence due to personal 11446
illness, pregnancy, injury, exposure to contagious disease that 11447

could be communicated to other employees, and illness, injury, or 11448
death in the employee's immediate family. When sick leave is used, 11449
it shall be deducted from the employee's credit on the basis of 11450
absence from previously scheduled work in such increments of an 11451
hour and at such a compensation rate as the director of 11452
administrative services determines. The appointing authority of 11453
each employing unit may require an employee to furnish a 11454
satisfactory, signed statement to justify the use of sick leave. 11455

If, after having utilized the credit provided by this 11456
section, an employee utilizes sick leave that was accumulated 11457
prior to November 15, 1981, compensation for such sick leave used 11458
shall be at a rate as the director determines. 11459

(E)(1) The previously accumulated sick leave balance of an 11460
employee who has been separated from the public service, for which 11461
separation payments pursuant to section 124.384 of the Revised 11462
Code have not been made, shall be placed to the employee's credit 11463
upon the employee's reemployment in the public service, if the 11464
reemployment takes place within ten years of the date on which the 11465
employee was last terminated from public service. 11466

(2) The previously accumulated sick leave balance of an 11467
employee who has separated from a school district shall be placed 11468
to the employee's credit upon the employee's appointment as an 11469
unclassified employee of the state department of education, if all 11470
of the following apply: 11471

(a) The employee accumulated the sick leave balance while 11472
employed by the school district. 11473

(b) The employee did not receive any separation payments for 11474
the sick leave balance. 11475

(c) The employee's employment with the department takes place 11476
within ten years after the date on which the employee separated 11477
from the school district. 11478

(F) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave.

(G) The director of administrative services shall establish procedures to uniformly administer this section. No sick leave may be granted to a state employee upon or after the employee's retirement or termination of employment.

(H) As used in this division, "active payroll" means conditions under which an employee is in active pay status or eligible to receive pay for an approved leave of absence, including, but not limited to, occupational injury leave, disability leave, or workers' compensation.

(1) Employees who are in active payroll status on June 18, 2011, shall receive a one-time credit of additional sick leave in the pay period that begins on July 1, 2011. Full-time employees shall receive a one-time credit of thirty-two hours of additional sick leave or a credit of additional sick leave equivalent to half the hours of personal leave the employee lost during the moratorium under division (A) of section 124.386 of the Revised Code, whichever is less. Part-time employees shall receive a one-time credit of sixteen hours of additional sick leave.

(2) Employees who are not in active payroll status due to military leave or an absence taken in accordance with the federal "Family and Medical Leave Act" are eligible to receive the one-time additional sick leave credit.

(3) The one-time additional sick leave credit does not apply to employees of the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general unless the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general

participated in the moratorium under division (H) or (I) of 11510
section 124.386 of the Revised Code and notifies in writing the 11511
director of administrative services on or before June 1, 2011, of 11512
the decision to participate in the one-time additional sick leave 11513
credit. Written notice under this division shall be signed by the 11514
appointing authority for employees of the supreme court, general 11515
assembly, or legislative service commission, as the case may be. 11516

Sec. 124.385. (A) An employee is eligible for disability 11517
leave benefits under this section if the employee has completed 11518
one year of continuous state service immediately prior to the date 11519
of the disability and if any of the following applies: 11520

(1) The employee is a full-time permanent employee and is 11521
eligible for sick leave credit pursuant to division (B) of section 11522
124.382 of the Revised Code. 11523

(2) The employee is a part-time permanent employee who has 11524
worked at least fifteen hundred hours within the twelve-month 11525
period immediately preceding the date of disability and is 11526
eligible for sick leave credit under division (B) of section 11527
124.382 of the Revised Code. 11528

(3) The employee is a full-time permanent or part-time 11529
permanent employee, is on disability leave or leave of absence for 11530
medical reasons, and would be eligible for sick leave credit 11531
pursuant to division (B) of section 124.382 of the Revised Code 11532
except that the employee is in no pay status due to the employee's 11533
medical condition. 11534

(B) The director of administrative services, by rule adopted 11535
in accordance with Chapter 119. of the Revised Code, shall 11536
establish a disability leave program. The rule shall include, but 11537
shall not be limited to, the following: 11538

(1) Procedures to be followed for determining disability; 11539

(2) Provisions for the allowance of disability leave due to illness or injury;	11540 11541
(3) Provisions for the continuation of service credit for employees granted disability leave, including service credit towards retirement, as provided by the applicable statute;	11542 11543 11544
(4) The establishment of a minimum level of benefit and of a waiting period before benefits begin;	11545 11546
(5) Provisions setting a maximum length of benefit and requiring that employees eligible to apply for disability retirement shall do so prior to completing the first six months of their period of disability. The director's rules shall indicate those employees required to apply for disability retirement. If an employee is approved to receive disability retirement, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than the percentage of pay received by employees after the first six months of disability. This supplemental payment shall not be considered earnable salary, compensation, or salary, and is not subject to contributions, under Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code.	11547 11548 11549 11550 11551 11552 11553 11554 11555 11556 11557 11558 11559 11560
(6) Provisions that allow employees to utilize available sick leave, personal leave, <u>compensatory time</u> , or vacation leave balances to supplement the benefits payable under this section. The balances used to supplement the benefits, plus any amount contributed by the state as provided in division (D) of this section, shall be paid at the employee's base rate of pay in an amount sufficient to give employees up to one hundred per cent of pay for time on disability.	11561 11562 11563 11564 11565 11566 11567 11568
(7) Procedures for appealing denial of payment of a claim, including the following:	11569 11570

(a) A maximum of thirty days to file an appeal by the employee;	11571 11572
(b) A maximum of fifteen days for the parties to select a third-party opinion pursuant to division (F) of this section, unless an extension is agreed to by the parties;	11573 11574 11575
(c) A maximum of thirty days for the third party to render an opinion.	11576 11577
(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time;	11578 11579 11580 11581
(9) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan;	11582 11583 11584
(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner.	11585 11586
(C) Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections of the Revised Code.	11587 11588 11589 11590
(D) While an employee is on an approved disability leave, the employer's and employee's share of health, life, and other insurance benefits shall be paid by the state, and the retirement contribution shall be paid as follows:	11591 11592 11593 11594
(1) The employer's share shall be paid by the state.	11595
(2) For the first three months, the employee's share shall be paid by the employee.	11596 11597
(3) After the first three months, the employee's share shall be paid by the state.	11598 11599
(E) The approval for disability leave shall be made by the	11600

director, upon recommendation by the appointing authority. The 11601
director may delegate to any appointing authority the authority to 11602
approve disability benefits for a standard recovery period. 11603

(F) If a request for disability leave is denied based on a 11604
medical determination, the director shall obtain a medical opinion 11605
from a third party. The decision of the third party is binding. 11606

(G) The rule adopted by the director under division (B) of 11607
this section shall not deny disability leave benefits for an 11608
illness or injury to an employee who is a veteran of the United 11609
States armed forces because the employee contracted the illness or 11610
received the injury in the course of or as a result of military 11611
service and the illness or injury is or may be covered by a 11612
compensation plan administered by the United States department of 11613
veterans affairs. 11614

Sec. 124.386. (A) Each full-time permanent employee paid in 11615
accordance with section 124.152 of the Revised Code and those 11616
full-time permanent employees listed in divisions (B)(2) and (4) 11617
of section 124.14 of the Revised Code shall be credited with 11618
thirty-two hours of personal leave each year. Each part-time 11619
permanent employee paid in accordance with section 124.152 of the 11620
Revised Code and those part-time permanent employees listed in 11621
divisions (B)(2) and (4) of section 124.14 of the Revised Code 11622
shall receive a pro-rated personal leave credit as determined by 11623
rule of the director of administrative services. The credit shall 11624
be made to each eligible employee in the first pay the employee 11625
receives in December. Employees, upon giving reasonable notice to 11626
the responsible administrative officer of the appointing 11627
authority, may use personal leave for absence due to mandatory 11628
court appearances, legal or business matters, family emergencies, 11629
unusual family obligations, medical appointments, weddings, 11630
religious holidays not listed in section 124.19 of the Revised 11631

Code, or any other matter of a personal nature. Personal leave may 11632
not be used on a holiday when an employee is scheduled to work. 11633

Personal leave is not available for use until it appears on 11634
the employee's earning statement and the compensation described in 11635
the earning statement is available to the employee. 11636

There shall be a moratorium on personal leave accrual 11637
beginning with the credit employees would have received in 11638
December 2009, except as otherwise provided in divisions (H)(1) 11639
and (2) of this section. Personal leave accrual shall resume with 11640
employees receiving credit in December 2011 and there shall be no 11641
retroactive grant of credit for the period the moratorium was in 11642
effect. 11643

(B) When personal leave is used, it shall be deducted from 11644
the unused balance of the employee's personal leave on the basis 11645
of absence in such increments of an hour as the director of 11646
administrative services determines. Compensation for personal 11647
leave shall be equal to the employee's base rate of pay. 11648

(C) A newly appointed full-time permanent employee or a 11649
~~nonfull-time~~ non-full-time employee who receives a full-time 11650
permanent appointment shall be credited with personal leave of 11651
thirty-two hours, less one and two-tenths hours for each pay 11652
period that has elapsed following the first paycheck the employee 11653
receives in December, until the first day of the pay period during 11654
which the appointment was effective. 11655

(D) The director of administrative services shall allow 11656
employees to elect one of the following options with respect to 11657
the unused balance of personal leave: 11658

(1) Carry forward the balance. The maximum credit that shall 11659
be available to an employee at any one time is forty hours. 11660

(2) Convert the balance to accumulated sick leave, to be used 11661
in the manner provided by section 124.382 of the Revised Code; 11662

(3) Receive a cash benefit. The cash benefit shall equal one 11663
hour of the employee's base rate of pay for every hour of unused 11664
credit that is converted. An employee serving in a temporary work 11665
level who elects to convert unused personal leave to cash shall do 11666
so at the base rate of pay of the employee's normal 11667
classification. Such cash benefit shall not be subject to 11668
contributions to any of the retirement systems, either by the 11669
employee or the employer. 11670

There shall be a moratorium on the payment for conversion of 11671
unused personal leave until December 2011, except as otherwise 11672
provided in divisions (H)(1) and (2) of this section. 11673

(E) A full-time permanent employee who separates from state 11674
service or becomes ineligible to be credited with leave under this 11675
section shall receive a reduction of personal leave credit of one 11676
and two-tenths hours for each pay period that remains beginning 11677
with the first pay period following the date of separation or the 11678
effective date of the employee's ineligibility until the pay 11679
period preceding the next base pay period. After calculation of 11680
the reduction of an employee's personal leave credit, the employee 11681
is entitled to compensation for any remaining personal leave 11682
credit at the employee's current base rate of pay. If the 11683
reduction results in a number of hours less than zero, the cash 11684
equivalent value of such number of hours shall be deducted from 11685
any compensation that remains payable to the employee, or from the 11686
cash conversion value of any vacation or sick leave that remains 11687
credited to the employee. An employee serving in a temporary work 11688
level who is eligible to receive compensation under this section 11689
shall be compensated at the base rate of pay of the employee's 11690
normal classification. 11691

(F) An employee who transfers from one public agency to 11692
another public agency in which the employee is eligible for the 11693
credit provided under this section shall be credited with the 11694

unused balance of personal leave. 11695

(G) The director of administrative services shall establish 11696
procedures to uniformly administer this section. No personal leave 11697
may be granted to a state employee upon or after retirement or 11698
termination of employment. 11699

(H)(1) The moratoria imposed under divisions (A) and (D)(3) 11700
of this section shall apply to employees of the secretary of 11701
state, auditor of state, treasurer of state, and attorney general 11702
who are subject to this section unless the secretary of state, 11703
auditor of state, treasurer of state, or attorney general decides 11704
to exempt the office's employees from the moratoria and so 11705
notifies the director of administrative services in writing on or 11706
before July 1, 2009. 11707

(2) The moratoria imposed under divisions (A) and (D)(3) of 11708
this section do not apply to employees of the supreme court, the 11709
general assembly, and the legislative service commission who are 11710
subject to this section, unless the supreme court, general 11711
assembly, or legislative service commission decides to include 11712
those employees in the moratoria and so notifies the director of 11713
administrative services in writing on or before July 1, 2009. 11714
Written notice shall be signed by the appointing authority for 11715
employees of the supreme court, general assembly, or legislative 11716
service commission as the case may be. 11717

Sec. 124.392. (A) As used in this section, ~~"exempt:~~ 11718

(1) "Exempt employee" has the same meaning as in section 11719
124.152 of the Revised Code. 11720

(2) "Fiscal emergency" means a fiscal emergency declared by 11721
the governor under section 126.05 of the Revised Code. 11722

(B) The director of administrative services may establish a 11723
voluntary cost savings program for exempt employees. ~~The~~ 11724

(C) The director of administrative services shall establish a 11725
mandatory cost savings program applicable to exempt employees. 11726
Subject to division (C)(1) of this section, the program may 11727
include, but is not limited to, a loss of pay or loss of holiday 11728
pay as determined by the director. The program may be administered 11729
differently among exempt employees based on their classifications, 11730
appointment categories, appointing authorities, or other relevant 11731
distinctions. 11732

(1) Each full-time exempt employee shall participate in the 11733
program for a total of eighty hours of mandatory cost savings in 11734
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 11735
employee shall participate in the program by not receiving holiday 11736
pay during both fiscal year 2010 and fiscal year 2011. Each 11737
employee of the secretary of state, auditor of state, treasurer of 11738
state, and attorney general shall participate in the program 11739
unless the secretary of state, auditor of state, treasurer of 11740
state, or attorney general decides to exempt the officer's 11741
employees from the program and so notifies the director of 11742
administrative services in writing on or before July 1, 2009. 11743

(2) After June 30, 2011, the director of administrative 11744
services, in consultation with the director of budget and 11745
management, may implement mandatory cost savings days applicable 11746
to exempt employees in the event of a fiscal emergency. Each 11747
employee of the secretary of state, auditor of state, treasurer of 11748
state, and attorney general shall participate in the mandatory 11749
cost savings days unless the secretary of state, auditor of state, 11750
treasurer of state, or attorney general decides to exempt the 11751
officer's employees from the mandatory cost savings days and so 11752
notifies the director of administrative services in the manner the 11753
director of administrative services prescribes by rule adopted 11754
under this section. 11755

(D) The director shall adopt rules in accordance with Chapter 11756

119. of the Revised Code to provide for the administration of the 11757
program mandatory cost savings program and days. 11758

(E) The cost savings fund is hereby created in the state 11759
treasury. Savings accrued through employee participation in the 11760
mandatory cost savings program and in mandatory cost savings days 11761
shall be allocated to the fund. The fund may be used to pay 11762
employees who participated in the mandatory cost savings program 11763
or in mandatory cost savings days. Any investment earnings of the 11764
fund shall be credited to the fund. 11765

Sec. 124.393. (A) As used in this section: 11766

(1) "County exempt employee" means a permanent full-time or 11767
permanent part-time county employee who is not subject to a 11768
collective bargaining agreement between a public employer and an 11769
exclusive representative. 11770

(2) "Fiscal emergency" means any of the following: 11771

(a) A fiscal emergency declared by the governor under section 11772
126.05 of the Revised Code. 11773

(b) Lack of funds as defined in section 124.321 of the 11774
Revised Code. 11775

(c) Reasons of economy as described in section 124.321 of the 11776
Revised Code. 11777

(B)(1) A county appointing authority may establish a 11778
mandatory cost savings program applicable to its county exempt 11779
employees. Each county exempt employee shall participate in the 11780
program of mandatory cost savings for not more than eighty hours, 11781
as determined by the appointing authority, in each of state fiscal 11782
years 2010 and 2011. The program may include, but is not limited 11783
to, a loss of pay or loss of holiday pay. The program may be 11784
administered differently among employees based on their 11785
classifications, appointment categories, or other relevant 11786

<u>distinctions.</u>	11787
<u>(2) After June 30, 2011, a county appointing authority may</u>	11788
<u>implement mandatory cost savings days as described in division</u>	11789
<u>(B)(1) of this section that apply to its county exempt employees</u>	11790
<u>in the event of a fiscal emergency.</u>	11791
<u>(C) A county appointing authority shall issue guidelines</u>	11792
<u>concerning how the appointing authority will implement the cost</u>	11793
<u>savings program.</u>	11794
Sec. 124.81. (A) Except as provided in division (E) (F) of	11795
this section, the department of administrative services in	11796
consultation with the superintendent of insurance shall negotiate	11797
with and, in accordance with the competitive selection procedures	11798
of Chapter 125. of the Revised Code, contract with one or more	11799
insurance companies authorized to do business in this state, for	11800
the issuance of one of the following:	11801
(1) A policy of group life insurance covering all state	11802
employees who are paid directly by warrant of the state auditor,	11803
including elected state officials;	11804
(2) A combined policy, or coordinated policies of one or more	11805
insurance companies or health insuring corporations in combination	11806
with one or more insurance companies providing group life and	11807
health, medical, hospital, dental, or surgical insurance, or any	11808
combination thereof, covering all such employees;	11809
(3) A policy that may include, but is not limited to,	11810
hospitalization, surgical, major medical, dental, vision, and	11811
medical care, disability, hearing aids, prescription drugs, group	11812
life, life, sickness, and accident insurance, group legal	11813
services, or a combination of the above benefits for some or all	11814
of the employees paid in accordance with section 124.152 of the	11815
Revised Code and for some or all of the employees listed in	11816

divisions (B)(2) and (4) of section 124.14 of the Revised Code, 11817
and their immediate dependents. 11818

(B) The department of administrative services in consultation 11819
with the superintendent of insurance shall negotiate with and, in 11820
accordance with the competitive selection procedures of Chapter 11821
125. of the Revised Code, contract with one or more insurance 11822
companies authorized to do business in this state, for the 11823
issuance of a policy of group life insurance covering all 11824
municipal and county court judges. The amount of such coverage 11825
shall be an amount equal to the aggregate salary set forth for 11826
each municipal court judge in sections 141.04 and 1901.11 of the 11827
Revised Code, and set forth for each county court judge in 11828
sections 141.04 and 1907.16 of the Revised Code. On and after the 11829
effective date of the policy of group life insurance coverage, a 11830
municipal or county court judge is ineligible for life insurance 11831
coverage from a county or other political subdivision. 11832

(C) If a state employee uses all accumulated sick leave and 11833
then goes on an extended medical disability, the policyholder 11834
shall continue at no cost to the employee the coverage of the 11835
group life insurance for such employee for the period of such 11836
extended leave, but not beyond three years. 11837

~~(C)~~(D) If a state employee insured under a group life 11838
insurance policy as provided in division (A) of this section is 11839
laid off pursuant to section 124.32 of the Revised Code, such 11840
employee by request to the policyholder, made no later than the 11841
effective date of the layoff, may elect to continue the employee's 11842
group life insurance for the one-year period through which the 11843
employee may be considered to be on laid-off status by paying the 11844
policyholder through payroll deduction or otherwise twelve times 11845
the monthly premium computed at the existing average rate for the 11846
group life case for the amount of the employee's insurance 11847
thereunder at the time of the employee's layoff. The policyholder 11848

shall pay the premiums to the insurance company at the time of the 11849
next regular monthly premium payment for the actively insured 11850
employees and furnish the company appropriate data as to such 11851
laid-off employees. At the time an employee receives written 11852
notice of a layoff, the policyholder shall also give such employee 11853
written notice of the opportunity to continue group life insurance 11854
in accordance with this division. When such laid-off employee is 11855
reinstated for active work before the end of the one-year period, 11856
the employee shall be reclassified as insured again as an active 11857
employee under the group and appropriate refunds for the number of 11858
full months of unearned premium payment shall be made by the 11859
policyholder. 11860

~~(D)~~(E) This section does not affect the conversion rights of 11861
an insured employee when the employee's group insurance terminates 11862
under the policy. 11863

~~(E)~~(F) Notwithstanding division (A) of this section, the 11864
department may provide benefits equivalent to those that may be 11865
paid under a policy issued by an insurance company, or the 11866
department may, to comply with a collectively bargained contract, 11867
enter into an agreement with a jointly administered trust fund 11868
which receives contributions pursuant to a collective bargaining 11869
agreement entered into between this state, or any of its political 11870
subdivisions, and any collective bargaining representative of the 11871
employees of this state or any political subdivision for the 11872
purpose of providing for self-insurance of all risk in the 11873
provision of fringe benefits similar to those that may be paid 11874
pursuant to division (A) of this section, and the jointly 11875
administered trust fund may provide through the self-insurance 11876
method specific fringe benefits as authorized by the rules of the 11877
board of trustees of the jointly administered trust fund. Amounts 11878
from the fund may be used to pay direct and indirect costs that 11879
are attributable to consultants or a third-party administrator and 11880

that are necessary to administer this section. Benefits provided 11881
under this section include, but are not limited to, 11882
hospitalization, surgical care, major medical care, disability, 11883
dental care, vision care, medical care, hearing aids, prescription 11884
drugs, group life insurance, sickness and accident insurance, 11885
group legal services, or a combination of the above benefits, for 11886
the employees and their immediate dependents. 11887

~~(F)~~(G) Notwithstanding any other provision of the Revised 11888
Code, any public employer, including the state, and any of its 11889
political subdivisions, including, but not limited to, any county, 11890
county hospital, municipal corporation, township, park district, 11891
school district, state institution of higher education, public or 11892
special district, state agency, authority, commission, or board, 11893
or any other branch of public employment, and any collective 11894
bargaining representative of employees of the state or any 11895
political subdivision may agree in a collective bargaining 11896
agreement that any mutually agreed fringe benefit including, but 11897
not limited to, hospitalization, surgical care, major medical 11898
care, disability, dental care, vision care, medical care, hearing 11899
aids, prescription drugs, group life insurance, sickness and 11900
accident insurance, group legal services, or a combination 11901
thereof, for employees and their dependents be provided through a 11902
mutually agreed upon contribution to a jointly administered trust 11903
fund. Amounts from the fund may be used to pay direct and indirect 11904
costs that are attributable to consultants or a third-party 11905
administrator and that are necessary to administer this section. 11906
The amount, type, and structure of fringe benefits provided under 11907
this division is subject to the determination of the board of 11908
trustees of the jointly administered trust fund. Notwithstanding 11909
any other provision of the Revised Code, competitive bidding does 11910
not apply to the purchase of fringe benefits for employees under 11911
this division through a jointly administered trust fund. 11912

Sec. 124.821. The health care spending account fund is hereby 11913
created in the state treasury. The director of administrative 11914
services shall use money in the fund to make payments with regard 11915
to the participation of state employees in flexible spending 11916
accounts for certain nonreimbursed medical and dental expenses 11917
under section 125 of the Internal Revenue Code. All investment 11918
earnings on money in the fund shall be credited to the fund. 11919

Sec. 124.822. The dependent care spending account fund is 11920
hereby created in the state treasury. The director of 11921
administrative services shall use money in the fund to make 11922
payments with regard to the participation of state employees in 11923
flexible spending accounts for work-related dependent care 11924
expenses under section 125 of the Internal Revenue Code. All 11925
investment earnings on money in the fund shall be credited to the 11926
fund. 11927

Sec. 124.86. There is hereby created in the state treasury 11928
the employee educational development fund, to be used to pay the 11929
state administrative costs of any education program undertaken 11930
pursuant to specific collective bargaining agreements identified 11931
in uncodified law governing expenditure of the fund. The director 11932
of administrative services shall establish, and shall obtain the 11933
approval of the director of budget and management for, a charge 11934
for each such program that is sufficient only to recover those 11935
costs. All money collected from such a charge shall be deposited 11936
to the credit of the fund, and all interest earned on the fund 11937
shall accrue to the fund. The director of administrative services 11938
shall administer the fund in accordance with the respective 11939
collective bargaining agreements and may adopt rules for the 11940
purpose of this administration. 11941

Sec. 124.95. (A) As used in this section, "state agency" has 11942

the meaning defined in section 1.60 of the Revised Code, but does 11943
not include any court or judicial agency, the general assembly or 11944
any legislative agency, or the controlling board. 11945

(B) On or before January 1, 2010, the director of 11946
administrative services, under division (A) of section 124.09 of 11947
the Revised Code, shall develop and adopt rules, and thereafter 11948
may amend or rescind rules, that establish customer service 11949
performance standards for officers and employees of state 11950
agencies, but not for officers who are elected. The performance 11951
standards shall be specific to the various positions in each state 11952
agency and shall be based on the duties, responsibilities, 11953
requirements, and qualifications of the positions. The performance 11954
standards shall be applied to and used in conducting each 11955
employee's annual performance review. 11956

The director shall solicit recommendations concerning 11957
improving customer service from human resource professionals, and, 11958
before adopting rules under this section, shall consider the 11959
recommendations that are submitted. 11960

Sec. 125.18. (A) There is hereby established the office of 11961
information technology within the department of administrative 11962
services. The office shall be under the supervision of a state 11963
chief information officer to be appointed by the director of 11964
administrative services and subject to removal at the pleasure of 11965
the director. The chief information officer is an assistant 11966
director of administrative services. 11967

(B) Under the direction of the director of administrative 11968
services, the state chief information officer shall lead, oversee, 11969
and direct state agency activities related to information 11970
technology development and use. In that regard, the state chief 11971
information officer shall do all of the following: 11972

(1) Coordinate and superintend statewide efforts to promote common use and development of technology by state agencies. The office of information technology shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives.

(2) Establish policies and standards for the acquisition and use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(3) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

(4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education

and training programs regarding the state's security procedures; 12004

(7) Establish policies on the purchasing, use, and 12005
reimbursement for use of handheld computing and telecommunications 12006
devices by state agency employees; 12007

(8) Establish policies for the reduction of printing and the 12008
use of electronic records by state agencies; 12009

(9) Establish policies for the reduction of energy 12010
consumption by state agencies. 12011

(C)(1) The chief information security officer shall assist 12012
each state agency with the development of an information 12013
technology security strategic plan and review that plan, and each 12014
state agency shall submit that plan to the state chief information 12015
officer. The chief information security officer may require that 12016
each state agency update its information technology security 12017
strategic plan annually as determined by the state chief 12018
information officer. 12019

(2) Prior to the implementation of any information technology 12020
data system, a state agency shall prepare or have prepared a 12021
privacy impact statement for that system. 12022

(D) When a state agency requests a purchase of information 12023
technology supplies or services under Chapter 125. of the Revised 12024
Code, the state chief information officer may review and reject 12025
the requested purchase for noncompliance with information 12026
technology direction, plans, policies, standards, or 12027
project-alignment criteria. 12028

(E) The office of information technology may operate 12029
technology services for state agencies in accordance with this 12030
chapter. 12031

(F) With the approval of the director of administrative 12032
services, the office of information technology may establish 12033

cooperative agreements with federal and local government agencies 12034
and state agencies that are not under the authority of the 12035
governor for the provision of technology services and the 12036
development of technology projects. 12037

(G) As used in this section: 12038

(1) "Personal information" has the same meaning as in section 12039
149.45 of the Revised Code. 12040

(2) "State agency" means every organized body, office, or 12041
agency established by the laws of the state for the exercise of 12042
any function of state government, other than any state-supported 12043
institution of higher education, the office of the auditor of 12044
state, treasurer of state, secretary of state, or attorney 12045
general, the adjutant general's department, the bureau of workers' 12046
compensation, the industrial commission, the public employees 12047
retirement system, the Ohio police and fire pension fund, the 12048
state teachers retirement system, the school employees retirement 12049
system, the state highway patrol retirement system, the general 12050
assembly or any legislative agency, or the courts or any judicial 12051
agency. 12052

Sec. 125.181. The director of administrative services shall 12053
establish the state information technology investment board within 12054
the department of administrative services. The board shall consist 12055
of representatives from various state elective offices and state 12056
agencies, including the office of budget and management. The board 12057
shall identify and recommend to the state chief information 12058
officer opportunities for consolidation and cost-savings measures 12059
relating to information technology. Members of the board are not 12060
entitled to compensation for their services. 12061

Sec. 125.20. (A) Within one hundred eighty days after the 12062
effective date of this section, the director of administrative 12063

services shall establish an electronic site accessible through the internet to publish the following: 12064
12065

(1) A database containing each state employee's year-to-date gross pay and pay from the most recent pay period. The database shall contain searchable fields including the name of the agency, position title, and employee name. 12066
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(2) A database containing agency expenditures for goods and services that shall contain searchable fields including the name of the agency, expenditure amount, category of good or service for which an expenditure is made, and contractor or vendor name; 12070
12071
12072
12073

(3) A database containing tax credits issued by the director of development to business entities that shall contain searchable fields, including the name under which the tax credit is known, the name of the entity receiving the credit, and the county in which the credit recipient's principal place of business in this state is located. 12074
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(B) Daily, each executive agency shall provide to the department of administrative services information to be published in the databases under division (A) of this section. The director of administrative services may adopt rules governing the means by which information is submitted and databases are updated. 12080
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Sec. 125.831. As used in sections 125.831 to 125.834 of the Revised Code: 12085
12086

(A) "Alternative fuel" means any of the following fuels used in a motor vehicle: 12087
12088

(1) E85 blend fuel; 12089

(2) Blended biodiesel; 12090

(3) Natural gas; 12091

(4) Liquefied petroleum gas; 12092

(5) Hydrogen;	12093
(6) <u>Compressed air</u> ;	12094
<u>(7)</u> Any power source, including electricity;	12095
(7) <u>(8)</u> Any fuel not described in divisions (A)(1) to (6) <u>(7)</u>	12096
of this section that the United States department of energy	12097
determines, by final rule, to be substantially not petroleum, and	12098
that would yield substantial energy security and environmental	12099
benefits.	12100
(B) "Biodiesel" means a mono-alkyl ester combustible liquid	12101
fuel that is derived from vegetable oils or animal fats, or any	12102
combination of those reagents that meets the American society for	12103
testing and materials specification for biodiesel fuel (B100)	12104
blend stock distillate fuels and any other standards that the	12105
director of administrative services adopts by rule.	12106
(C) "Blended biodiesel" means a blend of biodiesel with	12107
petroleum based diesel fuel in which the resultant product	12108
contains not less than twenty per cent biodiesel that meets the	12109
American society for testing and materials specification for	12110
blended diesel fuel and any other standards that the director of	12111
administrative services adopts by rule.	12112
(D) "Diesel fuel" means any liquid fuel that is capable of	12113
use in discrete form or as a blend component in the operation of	12114
engines of the diesel type.	12115
(E) "E85 blend fuel" means fuel containing eighty-five per	12116
cent or more ethanol as defined in section 5733.46 of the Revised	12117
Code or containing any other percentage of not less than seventy	12118
per cent ethanol if the United States department of energy	12119
determines, by rule, that the lower percentage is necessary to	12120
provide for the requirements of cold start, safety, or vehicle	12121
functions, and that meets the American society for testing and	12122
materials specification for E85 blend fuel and any other standards	12123

that the director of administrative services adopts by rule. 12124

(F) "Law enforcement officer" means an officer, agent, or 12125
employee of a state agency upon whom, by statute, a duty to 12126
conserve the peace or to enforce all or certain laws is imposed 12127
and the authority to arrest violators is conferred, within the 12128
limits of that statutory duty and authority, but does not include 12129
such an officer, agent, or employee if that duty and authority is 12130
location specific. 12131

(G)(1) "Motor vehicle" means any automobile, car minivan, 12132
cargo van, passenger van, sport utility vehicle, or pickup truck 12133
with a gross vehicle weight of under twelve thousand pounds. 12134

(2) "Motor vehicle" does not include, except for the purposes 12135
of division (C) of section 125.832 of the Revised Code, any 12136
vehicle described in division (G)(1) of this section that is used 12137
by a law enforcement officer and law enforcement agency or any 12138
vehicle that is so described and that is equipped with specialized 12139
equipment that is not normally found in such a vehicle and that is 12140
used to carry out a state agency's specific and specialized duties 12141
and responsibilities. 12142

(H) "Specialized equipment" does not include standard mobile 12143
radios with no capabilities other than voice communication, 12144
exterior and interior lights, or roof-mounted caution lights. 12145

(I) "State agency" means every organized body, office, board, 12146
authority, commission, or agency established by the laws of the 12147
state for the exercise of any governmental or quasi-governmental 12148
function of state government regardless of the funding source for 12149
that entity, other than any state institution of higher education, 12150
the office of the governor, lieutenant governor, auditor of state, 12151
treasurer of state, secretary of state, or attorney general, the 12152
general assembly or any legislative agency, the courts or any 12153
judicial agency, or any state retirement system or retirement 12154

program established by or referenced in the Revised Code. 12155

(J) "State institution of higher education" has the same 12156

meaning as in section 3345.011 of the Revised Code. 12157

Sec. 126.05. On or before the tenth day of each month, the 12158
director of budget and management shall furnish to the governor 12159
statements in such form as the governor requires showing the 12160
condition of the general revenue fund. The statements shall 12161
provide a summary of the status of appropriations to enable the 12162
governor to exercise and maintain effective supervision and 12163
control over the expenditures of the state. The director shall 12164
also furnish statements the governor requests showing the 12165
condition of any other fund. 12166

If the governor ascertains that the available revenue 12167
receipts and balances for the general revenue fund for the current 12168
fiscal year will in all probability be less than the 12169
appropriations for the year, ~~he~~ the governor shall issue such 12170
orders to the state agencies as will prevent their expenditures 12171
and incurred obligations from exceeding such revenue receipts and 12172
balances. 12173

If the governor ascertains that the available revenue 12174
receipts and balances for any fund other than the general revenue 12175
fund for the current fiscal year will in all probability be less 12176
than the appropriations for the year, ~~he~~ the governor may issue 12177
such orders to the state agencies as will prevent their 12178
expenditures and incurred obligations from exceeding such revenue 12179
receipts and balances. 12180

If the governor determines that the available revenue 12181
receipts and balances in any fund or across funds will likely be 12182
less than the appropriations for the year, the governor may 12183
declare a fiscal emergency and may issue such orders as necessary 12184
to the director of budget and management to reduce expenditures, 12185

or to the director of administrative services to implement 12186
personnel actions consistent therewith, including, but not limited 12187
to, mandatory cost savings days under section 124.392 of the 12188
Revised Code. 12189

As used in this section, "expenditures and incurred 12190
obligations" includes all moneys expended or obligated pursuant to 12191
appropriations by the general assembly that are calculated and 12192
distributed pursuant to a distribution formula in law. 12193

Sec. 126.10. No certificate of participation or any similar 12194
debt instrument may be obtained or entered into by the state 12195
without the prior approval of the general assembly. 12196

Sec. 126.35. (A) The director of budget and management shall 12197
draw warrants against the treasurer of state pursuant to all 12198
requests for payment that the director has approved under section 12199
126.07 of the Revised Code. 12200

(B) ~~Unless the director of job and family services has~~ 12201
~~provided for the making of payments~~ a cash assistance payment is 12202
to be made by electronic benefit transfer, ~~if a financial~~ 12203
~~institution and account have been designated by the participant or~~ 12204
~~recipient,~~ payment by the director of budget and management to a 12205
participant in the Ohio works first program pursuant to Chapter 12206
5107. of the Revised Code ~~or,~~ a recipient of disability financial 12207
assistance pursuant to Chapter 5115. of the Revised Code, or a 12208
recipient of cash assistance provided under the refugee assistance 12209
program established under section 5101.49 of the Revised Code 12210
shall be made by direct deposit to the account of the participant 12211
or recipient in the financial institution designated under section 12212
329.03 of the Revised Code. Payment by the director of budget and 12213
management to a recipient of benefits distributed through the 12214
medium of electronic benefit transfer pursuant to section 5101.33 12215

of the Revised Code shall be by electronic benefit transfer. 12216
Payment by the director of budget and management as compensation 12217
to an employee of the state who has, pursuant to section 124.151 12218
of the Revised Code, designated a financial institution and 12219
account for the direct deposit of such payments shall be made by 12220
direct deposit to the account of the employee. Payment to any 12221
other payee who has designated a financial institution and account 12222
for the direct deposit of such payment may be made by direct 12223
deposit to the account of the payee in the financial institution 12224
as provided in section 9.37 of the Revised Code. Accounts 12225
maintained by the director of budget and management or the 12226
director's agent in a financial institution for the purpose of 12227
effectuating payment by direct deposit or electronic benefit 12228
transfer shall be maintained in accordance with section 135.18 of 12229
the Revised Code. 12230

(C) All other payments from the state treasury shall be made 12231
by paper warrants or by direct deposit payable to the respective 12232
payees. The director of budget and management may mail the paper 12233
warrants to the respective payees or distribute them through other 12234
state agencies, whichever the director determines to be the better 12235
procedure. 12236

(D) If the average per transaction cost the director of 12237
budget and management incurs in making direct deposits for a state 12238
agency exceeds the average per transaction cost the director 12239
incurs in drawing paper warrants for all public offices during the 12240
same period of time, the director may certify the difference in 12241
cost and the number of direct deposits for the agency to the 12242
director of administrative services. The director of 12243
administrative services shall reimburse the director of budget and 12244
management for such additional costs and add the amount to the 12245
processing charge assessed upon the state agency. 12246

Sec. 126.50. As used in sections 126.50, 126.501, 126.502, 12247
126.503, 126.504, 126.505, 126.506, and 126.507 of the Revised 12248
Code: 12249

(A) "Critical services" means a service provided by the state 12250
the deferral or cancellation of which would cause at least one of 12251
the following: 12252

(1) An immediate risk to the health, safety, or welfare of 12253
the citizens of the state; 12254

(2) A undermining of activity aimed at creating or retaining 12255
jobs in the state; 12256

(3) An interference with the receipt of revenue to the state 12257
or the realization of savings to the state. 12258

"Critical services" does not mean a deferral or cancellation 12259
of a service provided by the state that would result in 12260
inconvenience, sustainable delay, or other similar compromise to 12261
the normal provision of state-provided services. 12262

(B) "State agency" has the same meaning as in section 1.60 of 12263
the Revised Code and includes the elected state officers, but does 12264
not include the general assembly or any legislative agency, a 12265
court or any judicial agency, or a state institution of higher 12266
education. 12267

Sec. 126.501. By November 1, 2009, each state agency shall 12268
submit to the general assembly and the director of budget and 12269
management a spending plan that outlines a thirty per cent overall 12270
reduction in spending on supplies and services for fiscal years 12271
2010 and 2011. Each spending plan shall address any potential 12272
savings, lack of savings, or costs that may be realized by each of 12273
the following strategies: 12274

(A) Gaining approval from the state agency's director or the 12275

<u>director's designee for any purchase of supplies or services</u>	12276
<u>costing one thousand dollars or more.</u>	12277
<u>(B) Renegotiating, if not otherwise prohibited, contracts</u>	12278
<u>entered into before July 1, 2009, and especially those contracts</u>	12279
<u>in which a vendor is willing to reduce costs by fifteen per cent</u>	12280
<u>or more while maintaining substantial equivalency on other terms.</u>	12281
<u>(C) With the approval of the director of administrative</u>	12282
<u>services, allowing contracts for critical services that are up for</u>	12283
<u>renewal to expire and be rebid.</u>	12284
<u>(D) With the approval of the director of budget and</u>	12285
<u>management, cancelling all contracts entered into before July 1,</u>	12286
<u>2009, that are supported by noncapital funds.</u>	12287
<u>(E) Cooperatively purchasing supplies and services with other</u>	12288
<u>state agencies.</u>	12289
<u>(F) Using other state agencies to provide needed services.</u>	12290
<u>(G) Purchasing equipment and furniture in compliance with any</u>	12291
<u>control-on-equipment directive issued by the office of budget and</u>	12292
<u>management.</u>	12293
<u>(H) Reducing parking expenses, including expenses for</u>	12294
<u>purchased and leased spaces for state agency employees, spaces for</u>	12295
<u>fleet vehicles, and spaces and parking reimbursement for state</u>	12296
<u>agency employees on agency business. The spending plan shall</u>	12297
<u>include a review of a loss of efficiency or other benefits related</u>	12298
<u>to the reduction in parking expenses.</u>	12299
<u>By December 1, 2009, the director of budget and management</u>	12300
<u>shall issue guidance to each state agency on which spending plan</u>	12301
<u>strategies the agency is expected to implement for fiscal years</u>	12302
<u>2010 and 2011.</u>	12303
<u>Sec. 126.502. By the first day of February of each</u>	12304
<u>odd-numbered year, beginning in 2011, the director of each state</u>	12305

agency shall submit to the general assembly and the director of 12306
budget and management a spending plan for purchasing supplies and 12307
services for the following two fiscal years. Each spending plan 12308
shall address any potential savings, lack of savings, or costs 12309
that may be realized by each of the strategies enumerated in 12310
section 126.501 of the Revised Code. 12311

By the first day of March of each odd-numbered year, 12312
beginning in 2011, the director of budget and management shall 12313
issue guidance to each state agency on which spending plan 12314
strategies the agency is expected to implement for the following 12315
two fiscal years. 12316

Sec. 126.503. All state agencies shall control nonessential 12317
travel expenses by doing all of the following: 12318

(A) Complying with any travel directives issued by the 12319
director of budget and management; 12320

(B) Reducing the mileage reimbursement rate for collective 12321
bargaining unit employees to ten cents below the rate set for 12322
state agency employees by rule of the director of budget and 12323
management under division (B) of section 126.31 of the Revised 12324
Code; 12325

(C) Using, when possible, the online travel authorization and 12326
expense reimbursement process; 12327

(D) Conducting meetings, whenever possible and in compliance 12328
with section 121.22 of the Revised Code, using conference calls, 12329
teleconferences, webinars, or other technology tools; 12330

(E) Using fleet vehicles for official state travel whenever 12331
possible; and 12332

(F) Limiting mileage reimbursement to four thousand miles per 12333
year for each state agency employee. 12334

The director of budget and management shall not reimburse any 12335

state agency employee for unauthorized travel expenses. 12336

Sec. 126.504. (A) Each state agency shall use the interoffice mailing service provided by the department of administrative services for all mail deliveries to other state agencies located within a reasonable distance. 12337
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(B) By October 1, 2009, each state agency shall direct all major printing, copying, mail preparation, and related services through the department of administrative services and shall eliminate any internal operations providing those services. 12341
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Sec. 126.505. (A) Each state agency shall comply with any purchasing standardization and strategic sourcing policy directives issued by the director of administrative services. 12345
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(B) Each state agency shall comply with any control-on-equipment directives issued by the director of budget and management. The director shall issue and revise as necessary control-on-equipment directives that apply to all furniture and equipment purchases. 12348
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Sec. 126.506. (A) Each state agency shall participate in information technology consolidation projects implemented by the state chief information officer under section 125.18 of the Revised Code. 12353
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(B) At the direction of and in the format specified by the director of administrative services, each state agency shall maintain a list of information technology assets possessed by the agency and associated costs related to those assets. 12357
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Sec. 126.507. In consultation with the director of budget and management, the director of administrative services shall monitor the implementation of spending plan strategies by state agencies 12361
12362
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and shall report to the governor and the general assembly 12364
semiannually regarding the effectiveness of the implemented 12365
strategies and any unintended consequences of implemented 12366
strategies. The report to the general assembly shall be made under 12367
section 101.68 of the Revised Code. 12368

Sec. 127.16. (A) Upon the request of either a state agency or 12369
the director of budget and management and after the controlling 12370
board determines that an emergency or a sufficient economic reason 12371
exists, the controlling board may approve the making of a purchase 12372
without competitive selection as provided in division (B) of this 12373
section. 12374

(B) Except as otherwise provided in this section, no state 12375
agency, using money that has been appropriated to it directly, 12376
shall: 12377

(1) Make any purchase from a particular supplier, that would 12378
amount to fifty thousand dollars or more when combined with both 12379
the amount of all disbursements to the supplier during the fiscal 12380
year for purchases made by the agency and the amount of all 12381
outstanding encumbrances for purchases made by the agency from the 12382
supplier, unless the purchase is made by competitive selection or 12383
with the approval of the controlling board; 12384

(2) Lease real estate from a particular supplier, if the 12385
lease would amount to seventy-five thousand dollars or more when 12386
combined with both the amount of all disbursements to the supplier 12387
during the fiscal year for real estate leases made by the agency 12388
and the amount of all outstanding encumbrances for real estate 12389
leases made by the agency from the supplier, unless the lease is 12390
made by competitive selection or with the approval of the 12391
controlling board. 12392

(C) Any person who authorizes a purchase in violation of 12393
division (B) of this section shall be liable to the state for any 12394

state funds spent on the purchase, and the attorney general shall collect the amount from the person. (12395-12396)

(D) Nothing in division (B) of this section shall be construed as: (12397-12398)

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code; (12399-12401)

(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under the disability medical assistance program established under Chapter 5115. of the Revised Code; (12402-12405)

(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code; (12406-12408)

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair; (12409-12417)

(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code; (12418-12421)

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the (12422-12425)

commission, rate, or schedule of charges of such person with 12426
respect to any investment transactions to be undertaken on behalf 12427
of the agency. The filing shall be in a form and at such times as 12428
the board considers appropriate. 12429

(7) Applying to purchases made with money for the per cent 12430
for arts program established by section 3379.10 of the Revised 12431
Code; 12432

(8) Applying to purchases made by the rehabilitation services 12433
commission of services, or supplies, that are provided to persons 12434
with disabilities, or to purchases made by the commission in 12435
connection with the eligibility determinations it makes for 12436
applicants of programs administered by the social security 12437
administration; 12438

(9) Applying to payments by the department of job and family 12439
services under section 5111.13 of the Revised Code for group 12440
health plan premiums, deductibles, coinsurance, and other 12441
cost-sharing expenses; 12442

(10) Applying to any agency of the legislative branch of the 12443
state government; 12444

(11) Applying to agreements or contracts entered into under 12445
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 12446
Revised Code; 12447

(12) Applying to purchases of services by the adult parole 12448
authority under section 2967.14 of the Revised Code or by the 12449
department of youth services under section 5139.08 of the Revised 12450
Code; 12451

(13) Applying to dues or fees paid for membership in an 12452
organization or association; 12453

(14) Applying to purchases of utility services pursuant to 12454
section 9.30 of the Revised Code; 12455

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	12456 12457 12458 12459
(16) Applying to purchases of tickets for passenger air transportation;	12460 12461
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	12462 12463 12464
(18) Applying to the judicial branch of state government;	12465
(19) Applying to purchases of liquor for resale by the division of liquor control;	12466 12467
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	12468 12469 12470
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	12471 12472 12473 12474
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	12475 12476 12477
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	12478 12479
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	12480 12481 12482 12483
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	12484 12485

the Revised Code;	12486
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	12487 12488 12489 12490 12491
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	12492 12493 12494
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	12495 12496 12497
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	12498 12499 12500 12501 12502 12503
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	12504 12505 12506 12507 12508
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code, the children's health insurance program part II provided for under section 5101.51 of the Revised Code, or the children's health insurance program part III provided for under section 5101.52 of the Revised Code, or the children's buy-in program provided for under sections 5101.5211 to 5101.5216 of the	12509 12510 12511 12512 12513 12514 12515 12516

Revised Code;	12517
(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	12518 12519 12520 12521
(33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	12522 12523 12524
(34) Applying to reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient supply purchases made on behalf of the Ohio veterans' home agency purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	12525 12526 12527 12528 12529 12530
(35) Applying to agreements entered into with terminal distributors of dangerous drugs under section 173.79 of the Revised Code;	12531 12532 12533
(36) (35) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code.	12534 12535 12536 12537
(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, all of the following purchases by such agency shall not be considered:	12538 12539 12540 12541
(1) Purchases made through competitive selection or with controlling board approval;	12542 12543
(2) Purchases listed in division (D) of this section;	12544
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.	12545 12546

(F) As used in this section, "competitive selection," 12547
"purchase," "supplies," and "services" have the same meanings as 12548
in section 125.01 of the Revised Code. 12549

Sec. 131.33. (A) No state agency shall incur an obligation 12550
which exceeds the agency's current appropriation authority. 12551
~~Unexpended~~ Except as provided in division (D) of this section, 12552
unexpended balances of appropriations shall, at the close of the 12553
period for which the appropriations are made, revert to the funds 12554
from which the appropriations were made, except that the director 12555
of budget and management shall transfer such unexpended balances 12556
from the first fiscal year to the second fiscal year of an 12557
agency's appropriations to the extent necessary for voided 12558
warrants to be reissued pursuant to division (C) of section 126.37 12559
of the Revised Code. 12560

Except as provided in this section, appropriations made to a 12561
specific fiscal year shall be expended only to pay liabilities 12562
incurred within that fiscal year. 12563

(B) All payrolls shall be charged to the allotments of the 12564
fiscal quarters in which the applicable payroll vouchers are 12565
certified by the director of budget and management in accordance 12566
with section 126.07 of the Revised Code. As used in this ~~section~~ 12567
division, "payrolls" means any payment made in accordance with 12568
section 125.21 of the Revised Code. 12569

(C) Legal liabilities from prior fiscal years for which there 12570
is no reappropriation authority shall be discharged from the 12571
unencumbered balances of current appropriations. 12572

(D)(1) Federal grant funds obligated by the department of job 12573
and family services for financial allocations to county family 12574
services agencies and local workforce investment boards may, at 12575
the discretion of the director of job and family services, be 12576
available for expenditure for the duration of the federal grant 12577

period of obligation and liquidation, as follows: 12578

(a) At the end of the state fiscal year, all unexpended 12579
county family services agency and local workforce investment board 12580
financial allocations obligated from federal grant funds may 12581
continue to be valid for expenditure during subsequent state 12582
fiscal years. 12583

(b) The financial allocations described in division (D)(1)(a) 12584
of this section shall be reconciled at the end of the federal 12585
grant period of availability or as required by federal law, 12586
regardless of the state fiscal year of the appropriation. 12587

(2) The director of job and family services may adopt rules 12588
in accordance with section 111.15 of the Revised Code, as if they 12589
were internal management rules, as necessary to implement division 12590
(D) of this section. 12591

(3) As used in division (D) of this section: 12592

(a) "County family services agency" has the same meaning as 12593
in section 307.981 of the Revised Code. 12594

(b) "Local workforce investment board" means a local 12595
workforce investment board established under section 117 of the 12596
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832, 12597
as amended. 12598

Sec. 131.38. (A) As used in this section, "segregated 12599
custodial fund" means a fund of a state agency that is established 12600
by law that consists of moneys, claims, bonds, notes, other 12601
obligations, stocks, and other securities, receipts or other 12602
evidences of ownership, and other intangible assets that is 12603
neither required to be kept in the custody of the treasurer of 12604
state nor required to be part of the state treasury. 12605

(B) A state agency that possesses, controls, maintains, or 12606
holds a segregated custodial fund or otherwise evidences ownership 12607

of the contents of a segregated custodial fund shall provide to 12608
the director of budget and management a report related to such 12609
fund by the first day of May of each fiscal year. The report shall 12610
be in such form and contain such information as the director 12611
requires. 12612

Sec. 133.06. (A) A school district shall not incur, without a 12613
vote of the electors, net indebtedness that exceeds an amount 12614
equal to one-tenth of one per cent of its tax valuation, except as 12615
provided in divisions (G) and (H) of this section and in division 12616
(C) of section 3313.372 of the Revised Code, or as prescribed in 12617
section 3318.052 or 3318.44 of the Revised Code, or as provided in 12618
division (J) of this section. 12619

(B) Except as provided in divisions (E), (F), and (I) of this 12620
section, a school district shall not incur net indebtedness that 12621
exceeds an amount equal to nine per cent of its tax valuation. 12622

(C) A school district shall not submit to a vote of the 12623
electors the question of the issuance of securities in an amount 12624
that will make the district's net indebtedness after the issuance 12625
of the securities exceed an amount equal to four per cent of its 12626
tax valuation, unless the superintendent of public instruction, 12627
acting under policies adopted by the state board of education, and 12628
the tax commissioner, acting under written policies of the 12629
commissioner, consent to the submission. A request for the 12630
consents shall be made at least one hundred five days prior to the 12631
election at which the question is to be submitted. 12632

The superintendent of public instruction shall certify to the 12633
district the superintendent's and the tax commissioner's decisions 12634
within thirty days after receipt of the request for consents. 12635

If the electors do not approve the issuance of securities at 12636
the election for which the superintendent of public instruction 12637
and tax commissioner consented to the submission of the question, 12638

the school district may submit the same question to the electors 12639
on the date that the next special election may be held under 12640
section 3501.01 of the Revised Code without submitting a new 12641
request for consent. If the school district seeks to submit the 12642
same question at any other subsequent election, the district shall 12643
first submit a new request for consent in accordance with this 12644
division. 12645

(D) In calculating the net indebtedness of a school district, 12646
none of the following shall be considered: 12647

(1) Securities issued to acquire school buses and other 12648
equipment used in transporting pupils or issued pursuant to 12649
division (D) of section 133.10 of the Revised Code; 12650

(2) Securities issued under division (F) of this section, 12651
under section 133.301 of the Revised Code, and, to the extent in 12652
excess of the limitation stated in division (B) of this section, 12653
under division (E) of this section; 12654

(3) Indebtedness resulting from the dissolution of a joint 12655
vocational school district under section 3311.217 of the Revised 12656
Code, evidenced by outstanding securities of that joint vocational 12657
school district; 12658

(4) Loans, evidenced by any securities, received under 12659
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 12660
Revised Code; 12661

(5) Debt incurred under section 3313.374 of the Revised Code; 12662

(6) Debt incurred pursuant to division (B)(5) of section 12663
3313.37 of the Revised Code to acquire computers and related 12664
hardware; 12665

(7) Debt incurred under section 3318.042 of the Revised Code. 12666

(E) A school district may become a special needs district as 12667
to certain securities as provided in division (E) of this section. 12668

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) A history of and a projection of the growth of the student population;

(b) The history of and a projection of the growth of the tax valuation;

(c) The projected needs;

(d) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next

five years of an average of not less than three per cent per year. 12699
The findings and certification of the superintendent shall be 12700
conclusive. 12701

(4) An approved special needs district may incur net 12702
indebtedness by the issuance of securities in accordance with the 12703
provisions of this chapter in an amount that does not exceed an 12704
amount equal to the greater of the following: 12705

(a) Nine per cent of the sum of its tax valuation plus an 12706
amount that is the product of multiplying that tax valuation by 12707
the percentage by which the tax valuation has increased over the 12708
tax valuation on the first day of the sixtieth month preceding the 12709
month in which its board determines to submit to the electors the 12710
question of issuing the proposed securities; 12711

(b) Nine per cent of the sum of its tax valuation plus an 12712
amount that is the product of multiplying that tax valuation by 12713
the percentage, determined by the superintendent of public 12714
instruction, by which that tax valuation is projected to increase 12715
during the next ten years. 12716

(F) A school district may issue securities for emergency 12717
purposes, in a principal amount that does not exceed an amount 12718
equal to three per cent of its tax valuation, as provided in this 12719
division. 12720

(1) A board of education, by resolution, may declare an 12721
emergency if it determines both of the following: 12722

(a) School buildings or other necessary school facilities in 12723
the district have been wholly or partially destroyed, or condemned 12724
by a constituted public authority, or that such buildings or 12725
facilities are partially constructed, or so constructed or planned 12726
as to require additions and improvements to them before the 12727
buildings or facilities are usable for their intended purpose, or 12728
that corrections to permanent improvements are necessary to remove 12729

or prevent health or safety hazards. 12730

(b) Existing fiscal and net indebtedness limitations make 12731
adequate replacement, additions, or improvements impossible. 12732

(2) Upon the declaration of an emergency, the board of 12733
education may, by resolution, submit to the electors of the 12734
district pursuant to section 133.18 of the Revised Code the 12735
question of issuing securities for the purpose of paying the cost, 12736
in excess of any insurance or condemnation proceeds received by 12737
the district, of permanent improvements to respond to the 12738
emergency need. 12739

(3) The procedures for the election shall be as provided in 12740
section 133.18 of the Revised Code, except that: 12741

(a) The form of the ballot shall describe the emergency 12742
existing, refer to this division as the authority under which the 12743
emergency is declared, and state that the amount of the proposed 12744
securities exceeds the limitations prescribed by division (B) of 12745
this section; 12746

(b) The resolution required by division (B) of section 133.18 12747
of the Revised Code shall be certified to the county auditor and 12748
the board of elections at least seventy-five days prior to the 12749
election; 12750

(c) The county auditor shall advise and, not later than 12751
sixty-five days before the election, confirm that advice by 12752
certification to, the board of education of the information 12753
required by division (C) of section 133.18 of the Revised Code; 12754

(d) The board of education shall then certify its resolution 12755
and the information required by division (D) of section 133.18 of 12756
the Revised Code to the board of elections not less than sixty 12757
days prior to the election. 12758

(4) Notwithstanding division (B) of section 133.21 of the 12759

Revised Code, the first principal payment of securities issued 12760
under this division may be set at any date not later than sixty 12761
months after the earliest possible principal payment otherwise 12762
provided for in that division. 12763

(G) The board of education may contract with an architect, 12764
professional engineer, or other person experienced in the design 12765
and implementation of energy conservation measures for an analysis 12766
and recommendations pertaining to installations, modifications of 12767
installations, or remodeling that would significantly reduce 12768
energy consumption in buildings owned by the district. The report 12769
shall include estimates of all costs of such installations, 12770
modifications, or remodeling, including costs of design, 12771
engineering, installation, maintenance, repairs, and debt service, 12772
and estimates of the amounts by which energy consumption and 12773
resultant operational and maintenance costs, as defined by the 12774
Ohio school facilities commission, would be reduced. 12775

If the board finds after receiving the report that the amount 12776
of money the district would spend on such installations, 12777
modifications, or remodeling is not likely to exceed the amount of 12778
money it would save in energy and resultant operational and 12779
maintenance costs over the ensuing fifteen years, the board may 12780
submit to the commission a copy of its findings and a request for 12781
approval to incur indebtedness to finance the making or 12782
modification of installations or the remodeling of buildings for 12783
the purpose of significantly reducing energy consumption. 12784

If the commission determines that the board's findings are 12785
reasonable, it shall approve the board's request. Upon receipt of 12786
the commission's approval, the district may issue securities 12787
without a vote of the electors in a principal amount not to exceed 12788
nine-tenths of one per cent of its tax valuation for the purpose 12789
of making such installations, modifications, or remodeling, but 12790
the total net indebtedness of the district without a vote of the 12791

electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

So long as any securities issued under division (G) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to division (G) of this section and shall maintain and annually update a report documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The report shall be certified by an architect or engineer independent of any person that provided goods or services to the board in connection with the energy conservation measures that are the subject of the report. The resultant operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be made available to the commission upon request.

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient

in time and amount, and are committed by the proceedings, to pay 12824
the debt charges on the securities issued to evidence that 12825
indebtedness and payable from those receipts, and the taxing 12826
authority of the district confirms the fiscal officer's estimate, 12827
which confirmation is approved by the superintendent of public 12828
instruction; 12829

(2) The fiscal officer of the school district certifies, and 12830
the taxing authority of the district confirms, that the district, 12831
at the time of the certification and confirmation, reasonably 12832
expects to have sufficient revenue available for the purpose of 12833
operating such permanent improvements for their intended purpose 12834
upon acquisition or completion thereof, and the superintendent of 12835
public instruction approves the taxing authority's confirmation. 12836

The maximum maturity of securities issued under division (H) 12837
of this section shall be the lesser of twenty years or the maximum 12838
maturity calculated under section 133.20 of the Revised Code. 12839

(I) A school district may incur net indebtedness by the 12840
issuance of securities in accordance with the provisions of this 12841
chapter in excess of the limit specified in division (B) or (C) of 12842
this section when necessary to raise the school district portion 12843
of the basic project cost and any additional funds necessary to 12844
participate in a project under Chapter 3318. of the Revised Code, 12845
including the cost of items designated by the Ohio school 12846
facilities commission as required locally funded initiatives and 12847
the cost for site acquisition. The school facilities commission 12848
shall notify the superintendent of public instruction whenever a 12849
school district will exceed either limit pursuant to this 12850
division. 12851

(J) A school district whose portion of the basic project cost 12852
of its classroom facilities project under sections 3318.01 to 12853
3318.20 of the Revised Code is greater than or equal to one 12854
hundred million dollars may incur without a vote of the electors 12855

net indebtedness in an amount up to two per cent of its tax 12856
valuation through the issuance of general obligation securities in 12857
order to generate all or part of the amount of its portion of the 12858
basic project cost if the controlling board has approved the 12859
school facilities commission's conditional approval of the project 12860
under section 3318.04 of the Revised Code. The school district 12861
board and the Ohio school facilities commission shall include the 12862
dedication of the proceeds of such securities in the agreement 12863
entered into under section 3318.08 of the Revised Code. No state 12864
moneys shall be released for a project to which this section 12865
applies until the proceeds of any bonds issued under this section 12866
that are dedicated for the payment of the school district portion 12867
of the project are first deposited into the school district's 12868
project construction fund. 12869

Sec. 133.20. (A) This section applies to bonds that are 12870
general obligation Chapter 133. securities. If the bonds are 12871
payable as to principal by provision for annual installments, the 12872
period of limitations on their last maturity, referred to as their 12873
maximum maturity, shall be measured from a date twelve months 12874
prior to the first date on which provision for payment of 12875
principal is made. If the bonds are payable as to principal by 12876
provision for semiannual installments, the period of limitations 12877
on their last maturity shall be measured from a date six months 12878
prior to the first date on which provision for payment of 12879
principal is made. 12880

(B) Bonds issued for the following permanent improvements or 12881
for permanent improvements for the following purposes shall have 12882
maximum maturities not exceeding the number of years stated: 12883

(1) Fifty years: 12884

(a) The clearance and preparation of real property for 12885
redevelopment as an urban redevelopment project; 12886

(b) Acquiring, constructing, widening, relocating, enlarging, extending, and improving a publicly owned railroad or line of railway or a light or heavy rail rapid transit system, including related bridges, overpasses, underpasses, and tunnels, but not including rolling stock or equipment;	12887 12888 12889 12890 12891
(c) Pursuant to section 307.675 of the Revised Code, constructing or repairing a bridge using long life expectancy material for the bridge deck, and purchasing, installing, and maintaining any performance equipment to monitor the physical condition of a bridge so constructed or repaired. Additionally, the average maturity of the bonds shall not exceed the expected useful life of the bridge deck as determined by the county engineer under that section.	12892 12893 12894 12895 12896 12897 12898 12899
(2) Forty years:	12900
(a) General waterworks or water system permanent improvements, including buildings, water mains, or other structures and facilities in connection therewith;	12901 12902 12903
(b) Sewers or sewage treatment or disposal works or facilities, including fireproof buildings or other structures in connection therewith;	12904 12905 12906
(c) Storm water drainage, surface water, and flood prevention facilities.	12907 12908
(3) Thirty-five years:	12909
(a) An arena, a convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;	12910 12911 12912
(b) Sports facilities.	12913
(4) Thirty years:	12914
(a) Municipal recreation, excluding recreational equipment;	12915
(b) Urban redevelopment projects;	12916

(c) Acquisition of real property, <u>except as provided in</u>	12917
<u>division (D) of this section;</u>	12918
(d) Street or alley lighting purposes or relocating overhead	12919
wires, cables, and appurtenant equipment underground.	12920
(5) Twenty years: constructing, reconstructing, widening,	12921
opening, improving, grading, draining, paving, extending, or	12922
changing the line of roads, highways, expressways, freeways,	12923
streets, sidewalks, alleys, or curbs and gutters, and related	12924
bridges, viaducts, overpasses, underpasses, grade crossing	12925
eliminations, service and access highways, and tunnels.	12926
(6) Fifteen years:	12927
(a) Resurfacing roads, highways, streets, or alleys;	12928
(b) Alarm, telegraph, or other communications systems for	12929
police or fire departments or other emergency services;	12930
(c) Passenger buses used for mass transportation;	12931
(d) Energy conservation measures as authorized by section	12932
133.06 of the Revised Code.	12933
(7) Ten years:	12934
(a) Water meters;	12935
(b) Fire department apparatus and equipment;	12936
(c) Road rollers and other road construction and servicing	12937
vehicles;	12938
(d) Furniture, equipment, and furnishings;	12939
(e) Landscape planting and other site improvements;	12940
(f) Playground, athletic, and recreational equipment and	12941
apparatus;	12942
(g) Energy conservation measures as authorized by section	12943
505.264 of the Revised Code.	12944

(8) Five years: New motor vehicles other than those described 12945
in any other division of this section and those for which 12946
provision is made in other provisions of the Revised Code. 12947

(C) Bonds issued for any permanent improvements not within 12948
the categories set forth in division (B) of this section shall 12949
have maximum maturities of from five to thirty years as the fiscal 12950
officer estimates is the estimated life or period of usefulness of 12951
those permanent improvements. Bonds issued under section 133.51 of 12952
the Revised Code for purposes other than permanent improvements 12953
shall have the maturities, not to exceed forty years, that the 12954
taxing authority shall specify. Bonds issued for energy 12955
conservation measures under section 307.041 of the Revised Code 12956
shall have maximum maturities not exceeding the lesser of the 12957
average life of the energy conservation measures as detailed in 12958
the energy conservation report prepared under that section or 12959
thirty years. 12960

(D) Securities issued under section 505.265 of the Revised 12961
Code shall mature not later than December 31, 2035. 12962

(E) A securities issue for one purpose may include permanent 12963
improvements within two or more categories under divisions (B) and 12964
(C) of this section. The maximum maturity of such a bond issue 12965
shall not exceed the average number of years of life or period of 12966
usefulness of the permanent improvements as measured by the 12967
weighted average of the amounts expended or proposed to be 12968
expended for the categories of permanent improvements. 12969

(F) Securities issued by a school district to acquire or 12970
construct real property shall have a maximum maturity longer than 12971
thirty years, but not longer than forty years, if the school 12972
district's fiscal officer estimates the real property's useful 12973
life to be longer than thirty years, and certifies that estimate 12974
to the board of education. 12975

Sec. 135.03. Any national bank, any bank doing business under authority granted by the superintendent of financial institutions, or any bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state ~~and any bank as defined by section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions,~~ is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the ~~superintendent of financial institutions or~~ comptroller of the currency, the superintendent of financial institutions, the federal deposit insurance corporation, or the board of governors of the federal reserve system.

~~Any domestic association as defined in section 1151.01 of the Revised Code, or any savings bank as defined in section 1161.01 of the Revised Code,~~ federal savings association, any savings and loan association or savings bank doing business under authority granted by the superintendent of financial institutions, or any savings and loan association or savings bank doing business under authority granted by the regulatory authority of another state of the United States, located in this state, and authorized to accept deposits is eligible to become a public depository, subject to sections 135.01 to 135.21 of the Revised Code. No ~~domestic savings association, savings and loan association,~~ or savings bank shall receive or have on deposit at any one time public moneys, including public moneys as defined in section 135.31 of the Revised Code, in an aggregate amount in excess of thirty per cent of its total assets, as shown in its latest report to the ~~superintendent of financial institutions or federal home loan bank~~

board office of thrift supervision, the superintendent of 13008
financial institutions, the federal deposit insurance corporation, 13009
or the board of governors of the federal reserve system. 13010

Sec. 135.06. Each eligible institution desiring to be a 13011
public depository of the inactive deposits of the public moneys of 13012
the state or of the inactive deposits of the public moneys of the 13013
subdivision shall, not more than thirty days prior to the date 13014
fixed by section 135.12 of the Revised Code for the designation of 13015
such public depositories, make application therefor in writing to 13016
the proper governing board. Such application shall specify the 13017
maximum amount of such public moneys which the applicant desires 13018
to receive and have on deposit as an inactive deposit at any one 13019
time during the period covered by the designation, provided that, 13020
~~where such applicant is a bank,~~ it shall not apply for more than 13021
thirty per cent of its total assets as revealed by its latest 13022
report to the superintendent of ~~banks or~~ financial institutions, 13023
the comptroller of the currency, ~~and provided that where such~~ 13024
~~applicant is a building and loan association, it shall not apply~~ 13025
~~for more than thirty per cent of its total assets as revealed by~~ 13026
~~its latest report to the superintendent of building and loan~~ 13027
~~associations or the federal home loan bank board~~ the office of 13028
thrift supervision, the federal deposit insurance corporation, or 13029
the board of governors of the federal reserve system, and the rate 13030
of interest which the applicant, ~~whether it be a bank or a~~ 13031
~~building and loan association,~~ will pay thereon, subject to the 13032
limitations of sections 135.01 to 135.21 of the Revised Code. Each 13033
application shall be accompanied by a financial statement of the 13034
applicant, under oath of its cashier, treasurer, or other officer, 13035
in such detail as to show the capital funds of the applicant, as 13036
of the date of its latest report to the superintendent ~~of banks,~~ 13037
~~superintendent of building and loan associations, federal home~~ 13038
~~loan bank board, or~~ of financial institutions, the comptroller of 13039

the currency, the office of thrift supervision, the federal 13040
deposit insurance corporation, or the board of governors of the 13041
federal reserve system, and adjusted to show any changes therein 13042
made prior to the date of the application. Such application may be 13043
combined with an application for designation as a public 13044
depository of active deposits, interim deposits, or both. 13045
13046

Sec. 135.08. Each eligible institution desiring to be a 13047
public depository of interim deposits of the public moneys of the 13048
state or of the interim deposits of the public moneys of the 13049
subdivision shall, not more than thirty days prior to the date 13050
fixed by section 135.12 of the Revised Code for the designation of 13051
public depositories, make application therefor in writing to the 13052
proper governing board. Such application shall specify the maximum 13053
amount of such public moneys which the applicant desires to 13054
receive and have on deposit as interim deposits at any one time 13055
during the period covered by the designation, provided that, ~~where~~ 13056
~~such applicant is a bank,~~ it shall not apply for more than thirty 13057
per cent of its total assets as revealed by its latest report to 13058
the superintendent of ~~banks or~~ financial institutions, the 13059
comptroller of the currency, ~~and provided that where such~~ 13060
~~applicant is a building and loan association, it shall not apply~~ 13061
~~for more than thirty per cent of its total assets as revealed by~~ 13062
~~its latest report to the superintendent of building and loan~~ 13063
~~associations or the federal home loan bank board~~ the office of 13064
thrift supervision, the federal deposit insurance corporation, or 13065
the board of governors of the federal reserve system, and the rate 13066
of interest which the applicant, ~~whether it be a bank or a~~ 13067
~~building and loan association,~~ will pay thereon, subject to the 13068
limitations of sections 135.01 to 135.21 of the Revised Code. 13069

Each application shall be accompanied by a financial 13070
statement of the applicant, under oath of its cashier, treasurer, 13071

or other officer, in such detail as to show the capital funds of 13072
the applicant, as of the date of its latest report to the 13073
superintendent of ~~banks, superintendent of building and loan~~ 13074
~~associations, federal home loan bank board, or financial~~ 13075
institutions, the comptroller of the currency, the office of 13076
thrift supervision, the federal deposit insurance corporation, or 13077
the board of governors of the federal reserve system, and adjusted 13078
to show any changes therein made prior to the date of the 13079
application. Such application may be combined with an application 13080
for designation as a public depository of inactive deposits, 13081
active deposits, or both. 13082

Sec. 135.32. (A) Any national bank, any bank doing business 13083
under authority granted by the superintendent of financial 13084
institutions, or any bank doing business under authority granted 13085
by the regulatory authority of another state of the United States, 13086
located in this state ~~and any bank as defined in section 1101.01~~ 13087
~~of the Revised Code, subject to inspection by the superintendent~~ 13088
~~of financial institutions,~~ is eligible to become a public 13089
depository, subject to sections 135.31 to 135.40 of the Revised 13090
Code. No bank shall receive or have on deposit at any one time 13091
public moneys, including public moneys as defined in section 13092
135.01 of the Revised Code, in an aggregate amount in excess of 13093
thirty per cent of its total assets, as shown in its latest report 13094
to the ~~superintendent of financial institutions or~~ comptroller of 13095
the currency, the superintendent of financial institutions, the 13096
federal deposit insurance corporation, or the board of governors 13097
of the federal reserve system. 13098

(B) ~~Any domestic association as defined in section 1151.01 of~~ 13099
~~the Revised Code, or any savings bank as defined in section~~ 13100
~~1161.01 of the Revised Code, federal savings association, any~~ 13101
savings and loan association or savings bank doing business under 13102
authority granted by the superintendent of financial institutions, 13103

or any savings and loan association or savings bank doing business 13104
under authority granted by the regulatory authority of another 13105
state of the United States, located in this state, and authorized 13106
to accept deposits is eligible to become a public depository, 13107
subject to sections 135.31 to 135.40 of the Revised Code. No 13108
~~domestic~~ savings association, savings and loan association, or 13109
savings bank shall receive or have on deposit at any one time 13110
public moneys, including public moneys as defined in section 13111
135.01 of the Revised Code, in an aggregate amount in excess of 13112
thirty per cent of its total assets, as shown in its latest report 13113
to ~~the superintendent of financial institutions or federal home~~ 13114
~~loan bank board~~ the office of thrift supervision, the 13115
superintendent of financial institutions, the federal deposit 13116
insurance corporation, or the board of governors of the federal 13117
reserve system. 13118

Sec. 141.04. (A) The annual salaries of the chief justice of 13119
the supreme court and of the justices and judges named in this 13120
section payable from the state treasury are as follows, rounded to 13121
the nearest fifty dollars: 13122

(1) For the chief justice of the supreme court, the following 13123
amounts effective in the following years: 13124

(a) Beginning January 1, 2000, one hundred twenty-four 13125
thousand nine hundred dollars; 13126

(b) Beginning January 1, 2001, one hundred twenty-eight 13127
thousand six hundred fifty dollars; 13128

(c) After 2001, the amount determined under division (E)(1) 13129
of this section. 13130

(2) For the justices of the supreme court, the following 13131
amounts effective in the following years: 13132

(a) Beginning January 1, 2000, one hundred seventeen thousand 13133

two hundred fifty dollars;	13134
(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;	13135 13136
(c) After 2001, the amount determined under division (E)(1) of this section.	13137 13138
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	13139 13140
(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;	13141 13142
(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;	13143 13144
(c) After 2001, the amount determined under division (E)(1) of this section.	13145 13146
(4) For the judges of the courts of common pleas, the following amounts effective in the following years:	13147 13148
(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;	13149 13150 13151 13152
(b) Beginning January 1, 2001, one hundred three thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code;	13153 13154 13155 13156
(c) After 2001, the aggregate annual salary amount determined under division (E)(2) of this section reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code.	13157 13158 13159 13160
(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts	13161 13162 13163

effective in the following years, which amounts shall be in 13164
addition to all amounts received pursuant to divisions (B)(1)(a) 13165
and (2) of section 1901.11 of the Revised Code from municipal 13166
corporations and counties: 13167

(a) Beginning January 1, 2000, thirty-two thousand six 13168
hundred fifty dollars; 13169

(b) Beginning January 1, 2001, thirty-five thousand five 13170
hundred dollars; 13171

(c) After 2001, the amount determined under division (E)(3) 13172
of this section. 13173

(6) For judges of a municipal court designated as part-time 13174
judges by section 1901.08 of the Revised Code, other than 13175
part-time judges to whom division (A)(5) of this section applies, 13176
and for judges of a county court, the following amounts effective 13177
in the following years, which amounts shall be in addition to any 13178
amounts received pursuant to division (A) of section 1901.11 of 13179
the Revised Code from municipal corporations and counties or 13180
pursuant to division (A) of section 1907.16 of the Revised Code 13181
from counties: 13182

(a) Beginning January 1, 2000, eighteen thousand eight 13183
hundred dollars; 13184

(b) Beginning January 1, 2001, twenty thousand four hundred 13185
fifty dollars; 13186

(c) After 2001, the amount determined under division (E)(4) 13187
of this section. 13188

(B) Except as provided in section 1901.121 of the Revised 13189
Code, except as otherwise provided in this division, and except 13190
for the compensation to which the judges described in division 13191
(A)(5) of this section are entitled pursuant to divisions 13192
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 13193

annual salary of the chief justice of the supreme court and of 13194
each justice or judge listed in division (A) of this section shall 13195
be paid in equal monthly installments from the state treasury. If 13196
the chief justice of the supreme court or any justice or judge 13197
listed in division (A)(2), (3), or (4) of this section delivers a 13198
written request to be paid biweekly to the administrative director 13199
of the supreme court prior to the first day of January of any 13200
year, the annual salary of the chief justice or the justice or 13201
judge that is listed in division (A)(2), (3), or (4) of this 13202
section shall be paid, during the year immediately following the 13203
year in which the request is delivered to the administrative 13204
director of the supreme court, biweekly from the state treasury. 13205

(C) Upon the death of the chief justice or a justice of the 13206
supreme court during that person's term of office, an amount shall 13207
be paid in accordance with section 2113.04 of the Revised Code, or 13208
to that person's estate. The amount shall equal the amount of the 13209
salary that the chief justice or justice would have received 13210
during the remainder of the unexpired term or an amount equal to 13211
the salary of office for two years, whichever is less. 13212

(D) Neither the chief justice of the supreme court nor any 13213
justice or judge of the supreme court, the court of appeals, the 13214
court of common pleas, or the probate court shall hold any other 13215
office of trust or profit under the authority of this state or the 13216
United States. 13217

(E)(1) Each ~~calendar~~ year from 2002 through 2008, the annual 13218
salaries of the chief justice of the supreme court and of the 13219
justices and judges named in divisions (A)(2) and (3) of this 13220
section shall be increased by an amount equal to the adjustment 13221
percentage for that year multiplied by the compensation paid the 13222
preceding year pursuant to division (A)(1), (2), or (3) of this 13223
section. 13224

(2) Each ~~calendar~~ year from 2002 through 2008, the aggregate 13225

annual salary payable under division (A)(4) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(4) of this section and section 141.05 of the Revised Code.

(3) Each ~~calendar~~ year from 2002 through 2008, the salary payable from the state treasury under division (A)(5) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(5) of this section and division (B)(1)(a) of section 1901.11 of the Revised Code.

(4) Each ~~calendar~~ year from 2002 through 2008, the salary payable from the state treasury under division (A)(6) of this section to the judges named in that division shall be increased by an amount equal to the adjustment percentage for that year multiplied by the aggregate compensation paid the preceding year pursuant to division (A)(6) of this section and division (A) of section 1901.11 of the Revised Code from municipal corporations and counties or division (A) of section 1907.16 of the Revised Code from counties.

(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

(G) As used in this section:

(1) The "adjustment percentage" for a year is the lesser of	13258
the following:	13259
(a) Three per cent;	13260
(b) The percentage increase, if any, in the consumer price	13261
index over the twelve-month period that ends on the thirtieth day	13262
of September of the immediately preceding year, rounded to the	13263
nearest one-tenth of one per cent.	13264
(2) "Consumer price index" has the same meaning as in section	13265
101.27 of the Revised Code.	13266
(3) "Salary" does not include any portion of the cost,	13267
premium, or charge for health, medical, hospital, dental, or	13268
surgical benefits, or any combination of those benefits, covering	13269
the chief justice of the supreme court or a justice or judge named	13270
in this section and paid on the chief justice's or the justice's	13271
or judge's behalf by a governmental entity.	13272
Sec. 145.012. (A) "Public employee," as defined in division	13273
(A) of section 145.01 of the Revised Code, does not include any	13274
person:	13275
(1) Who is employed by a private, temporary-help service and	13276
performs services under the direction of a public employer or is	13277
employed on a contractual basis as an independent contractor under	13278
a personal service contract with a public employer;	13279
(2) Who is an emergency employee serving on a temporary basis	13280
in case of fire, snow, earthquake, flood, or other similar	13281
emergency;	13282
(3) Who is employed in a program established pursuant to the	13283
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	13284
1501;	13285
(4) Who is an appointed member of either the motor vehicle	13286
salvage dealers board or the motor vehicle dealer's board whose	13287

rate and method of payment are determined pursuant to division (J)	13288
of section 124.15 of the Revised Code;	13289
(5) Who is employed as an election worker and paid less than	13290
five hundred dollars per calendar year for that service;	13291
(6) Who is employed as a firefighter in a position requiring	13292
satisfactory completion of a firefighter training course approved	13293
under former section 3303.07 or section 4765.55 of the Revised	13294
Code or conducted under section 3737.33 of the Revised Code except	13295
for the following:	13296
(a) Any firefighter who has elected under section 145.013 of	13297
the Revised Code to remain a contributing member of the public	13298
employees retirement system;	13299
(b) Any firefighter who was eligible to transfer from the	13300
public employees retirement system to the Ohio police and fire	13301
pension fund under section 742.51 or 742.515 of the Revised Code	13302
and did not elect to transfer;	13303
(c) Any firefighter who has elected under section 742.516 of	13304
the Revised Code to transfer from the Ohio police and fire pension	13305
fund to the public employees retirement system.	13306
(7) Who is a member of the board of health of a city or	13307
general health district, which pursuant to sections 3709.051 and	13308
3709.07 of the Revised Code includes a combined health district,	13309
and whose compensation for attendance at meetings of the board is	13310
set forth in division (B) of section 3709.02 or division (B) of	13311
section 3709.05 of the Revised Code, as appropriate;	13312
(8) Who participates in an alternative retirement plan	13313
established under Chapter 3305. of the Revised Code;	13314
(9) Who is a member of the board of directors of a sanitary	13315
district established under Chapter 6115. of the Revised Code;	13316
<u>(10) Who is a member of the unemployment compensation</u>	13317

advisory council. 13318

(B) No inmate of a correctional institution operated by the 13319
department of rehabilitation and correction, no patient in a 13320
hospital for the mentally ill or criminally insane operated by the 13321
department of mental health, no resident in an institution for the 13322
mentally retarded operated by the department of mental retardation 13323
and developmental disabilities, no resident admitted as a patient 13324
of a veterans' home operated under Chapter 5907. of the Revised 13325
Code, and no resident of a county home shall be considered as a 13326
public employee for the purpose of establishing membership or 13327
calculating service credit or benefits under this chapter. Nothing 13328
in this division shall be construed to affect any service credit 13329
attained by any person who was a public employee before becoming 13330
an inmate, patient, or resident at any institution listed in this 13331
division, or the payment of any benefit for which such a person or 13332
such a person's beneficiaries otherwise would be eligible. 13333
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Sec. 145.298. (A) As used in this section: 13335

(1) "State employing unit" means an employing unit described 13336
in division (A)(2) of section 145.297 of the Revised Code. 13337

(2) "State institution" means a state correctional facility, 13338
a state institution for the mentally ill, or a state institution 13339
for the care, treatment, and training of the mentally retarded. 13340

(B) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal 13341
to close a state institution or lay off, within a six-month 13342
period, a number of persons employed at an institution that equals 13343
or exceeds the lesser of fifty or ten per cent of the persons 13344
employed at the institution, the employing unit responsible for 13345
the institution's operation shall establish a retirement incentive 13346
plan for persons employed at the institution. 13347

(2) On and after July 1, 2009, in the event of a proposal to close a state institution or lay off, within a six-month period, a number of persons employed at an institution that equals or exceeds the lesser of two hundred or thirty per cent of the persons employed at the institution, the employing unit responsible for the institution's operation shall establish a retirement incentive plan for persons employed at the institution.

(C) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal, other than a proposal the proposals described in division (B) of this section, to lay off, within a six-month period, a number of employees of a state employing unit that equals or exceeds the lesser of fifty or ten per cent of the employing unit's employees, the employing unit shall establish a retirement incentive plan for employees of the employing unit.

(2) On and after July 1, 2009, in the event of a proposal, other than the proposals described in division (B) of this section, to lay off, within a six-month period, a number of employees of a state employing unit that equals or exceeds the lesser of two hundred or thirty per cent of the employing unit's employees, the employing unit shall establish a retirement incentive plan for employees of the employing unit.

(D)(1) A retirement incentive plan established under this section shall be consistent with the requirements of section 145.297 of the Revised Code, except as provided in division (D)(2) of this section and except that the plan shall go into effect at the time the layoffs or proposed closings are announced and shall remain in effect until the date of the layoffs or closings.

(2) A retirement incentive plan established under this section due to the proposed closing of a state institution by the department of mental health prior to July 1, 1997, shall be consistent with the requirements of section 145.297 of the Revised Code, except as follows:

(a) The employing unit shall purchase at least three years of service credit for each participating employee, except that it shall not purchase more service credit than the amount allowed by division (D) of section 145.297 of the Revised Code;

(b) The plan shall go into effect at the time the proposed closing is announced and shall remain in effect at least until the date of the closing.

(3) If the employing unit already has a retirement incentive plan in effect, the plan shall remain in effect at least until the date of the layoffs or closings. The employing unit may revise the existing plan to provide greater benefits, but if it revises the plan, it shall give written notice of the changes to all employees who have elected to participate in the original plan, and it shall provide the greater benefits to all employees who participate in the plan, whether their elections to participate were made before or after the date of the revision.

Sec. 148.02. The Ohio public employees deferred compensation board shall be comprised of a member of the house of representatives and a member of the senate, who shall not be of the same political party, each to be appointed to serve at the pleasure of the member's respective leadership, and the members of the public employees retirement board as constituted by section 145.04 of the Revised Code, who are hereby created as a separate legal entity for the purpose of administering a deferred compensation system for all eligible employees. The public employees retirement board may utilize its employees and property in the administration of the system on behalf of the Ohio public employees deferred compensation board, in consideration of a reasonable service charge to be applied in a nondiscriminatory manner to all amounts of compensation deferred under this system.

The Ohio public employees deferred compensation board may

exercise the same powers granted by section 145.09 of the Revised 13411
Code necessary to its functions. The attorney general shall be the 13412
legal adviser of the board. The Ohio public employees deferred 13413
compensation receiving account shall be in the custody of the 13414
treasurer of state, but shall not be part of the state treasury. 13415

Sec. 148.04. (A) The Ohio public employees deferred 13416
compensation board shall initiate, plan, expedite, and, subject to 13417
an appropriate assurance of the approval of the internal revenue 13418
service, promulgate and offer to all eligible employees, and 13419
thereafter administer on behalf of all participating employees and 13420
continuing members, and alter as required, a program for deferral 13421
of compensation, including a reasonable number of options to the 13422
employee for the investment of deferred funds, ~~including life 13423~~
~~insurance, annuities, variable annuities, pooled investment funds 13424~~
~~managed by the board, or other forms of investment approved by the 13425~~
~~board,~~ always in such form as will assure the desired tax 13426
treatment of such funds. The members of the board are the trustees 13427
of any deferred funds and shall discharge their duties with 13428
respect to the funds solely in the interest of and for the 13429
exclusive benefit of participating employees, continuing members, 13430
and their beneficiaries. With respect to such deferred funds, 13431
section 148.09 of the Revised Code shall apply to claims against 13432
participating employees or continuing members and their employers. 13433

(B) The Ohio public employees deferred compensation program 13434
shall provide informational materials and acknowledgment forms to 13435
employers required to comply with division (C) of this section. 13436

(C)(1) Whenever an individual becomes employed in a position 13437
paid by warrant of the director of budget and management, the 13438
individual's employer shall do both of the following at the time 13439
the employee completes the employee's initial employment 13440
paperwork: 13441

(a) Provide to the employee materials provided by the Ohio public employees deferred compensation program under division (B) of this section regarding the benefits of long-term savings through deferred compensation; 13442
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(b) Secure, in writing or by electronic means, the employee's acknowledgment form regarding the employee's desire to participate or not participate in a deferred compensation program offered by the board. 13446
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An election regarding participation under this section shall be made in such manner and form as is prescribed by the Ohio public employees deferred compensation program and shall be filed with the program. 13450
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The employer shall forward each acknowledgment form completed under this division to the deferred compensation program not later than forty-five days after the date on which the employee's employment begins. 13454
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(2) Every employer of an eligible employee shall contract with the employee upon the employee's application for participation in a deferred compensation program offered by the board. ~~Every retirement system serving an eligible employee shall serve as collection agent for compensation deferred by any of its members and account for and deliver such sums to the board.~~ 13458
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~~(C)~~(D) The board shall, subject to any applicable contract provisions, undertake to obtain as favorable conditions of tax treatment as possible, both in the initial programs and any permitted alterations of them or additions to them, as to such matters as terms of distribution, designation of beneficiaries, withdrawal upon disability, financial hardship, or termination of public employment, and other optional provisions. 13464
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~~(D)~~(E) In no event shall the total of the amount of deferred compensation to be set aside under a deferred compensation program 13471
13472

and the employee's nondeferred income for any year exceed the 13473
total annual salary or compensation under the existing salary 13474
schedule or classification plan applicable to the employee in that 13475
year. 13476

Such a deferred compensation program shall be in addition to 13477
any retirement or any other benefit program provided by law for 13478
employees of this state. The board shall adopt rules pursuant to 13479
Chapter 119. of the Revised Code to provide any necessary 13480
standards or conditions for the administration of its programs, 13481
including any limits on the portion of a participating employee's 13482
compensation that may be deferred in order to avoid adverse 13483
treatment of the program by the internal revenue service or the 13484
occurrence of deferral, withholding, or other deductions in excess 13485
of the compensation available for any pay period. 13486

Any income deferred under such a plan shall continue to be 13487
included as regular compensation for the purpose of computing the 13488
contributions to and benefits from the retirement system of such 13489
employee. Any sum so deferred shall not be included in the 13490
computation of any federal and state income taxes withheld on 13491
behalf of any such employee. 13492

~~(E)~~(F) This section does not limit the authority of any 13493
municipal corporation, county, township, park district, 13494
conservancy district, sanitary district, health district, public 13495
library, county law library, public institution of higher 13496
education, or school district to provide separate authorized plans 13497
or programs for deferring compensation of their officers and 13498
employees in addition to the program for the deferral of 13499
compensation offered by the board. Any municipal corporation, 13500
township, public institution of higher education, or school 13501
district that offers such plans or programs shall include a 13502
reasonable number of options to its officers or employees for the 13503
investment of the deferred funds, including annuities, variable 13504

annuities, regulated investment trusts, or other forms of 13505
investment approved by the municipal corporation, township, public 13506
institution of higher education, or school district, that will 13507
assure the desired tax treatment of the funds. 13508

Sec. 148.05. (A)(1) As used in this division, "personal 13509
history record" means information maintained by the Ohio public 13510
employees deferred compensation board on an individual who is a 13511
participating employee or continuing member that includes the 13512
address, telephone number, social security number, record of 13513
contributions, records of benefits, correspondence with the Ohio 13514
public employees deferred compensation program, or other 13515
information the board determines to be confidential. 13516

(2) The records of the board shall be open to public 13517
inspection, except that the following shall be excluded, except 13518
with the written authorization of the individual concerned: 13519

(a) Information pertaining to an individual's participant 13520
account; 13521

(b) The individual's personal history record. 13522

(B)(1) All medical reports, records, and recommendations of a 13523
participating employee or a continuing member that are in the 13524
possession of the board are privileged. 13525

(2) All tax information of a participating employee, 13526
continuing member, or former participant or member that is in the 13527
possession of the board shall be confidential to the extent the 13528
information is confidential under Title LVII or any other 13529
provision of the Revised Code. 13530

(C) Notwithstanding the exceptions to public inspection in 13531
division (A)(2) of this section, the board may furnish the 13532
following information: 13533

(1) If a participating employee, continuing member, or former 13534

participant or member is subject to an order issued under section 13535
2907.15 of the Revised Code or is convicted of or pleads guilty to 13536
a violation of section 2921.41 of the Revised Code, on written 13537
request of a prosecutor as defined in section 2935.01 of the 13538
Revised Code, the board shall furnish to the prosecutor the 13539
information requested from the individual's personal history 13540
record or participant account. 13541

(2) Pursuant to a court or administrative order issued 13542
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 13543
Code, the board shall furnish to a court or child support 13544
enforcement agency the information required under that section. 13545

(3) Pursuant to an administrative subpoena issued by a state 13546
agency, the board shall furnish the information required by the 13547
subpoena. 13548

(4) The board shall comply with orders issued under section 13549
3105.87 of the Revised Code. 13550

(D) A statement that contains information obtained from the 13551
program's records that is signed by the executive director or the 13552
director's designee and to which the board's official seal is 13553
affixed, or copies of the program's records to which the signature 13554
and seal are attached, shall be received as true copies of the 13555
board's records in any court or before any officer of this state. 13556
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Sec. 149.308. There is hereby created in the state treasury 13558
the Ohio historical society income tax contribution fund, which 13559
shall consist of money contributed to it under section 5747.113 of 13560
the Revised Code and of contributions made directly to it. Any 13561
person may contribute directly to the fund in addition to or 13562
independently of the income tax refund contribution system 13563
established in section 5747.113 of the Revised Code. 13564

The Ohio historical society shall use money credited to the 13565
fund in furtherance of the public functions with which the society 13566
is charged under section 149.30 of the Revised Code. 13567

Sec. 149.43. (A) As used in this section: 13568

(1) "Public record" means records kept by any public office, 13569
including, but not limited to, state, county, city, village, 13570
township, and school district units, and records pertaining to the 13571
delivery of educational services by an alternative school in this 13572
state kept by the nonprofit or for-profit entity operating the 13573
alternative school pursuant to section 3313.533 of the Revised 13574
Code. "Public record" does not mean any of the following: 13575

(a) Medical records; 13576

(b) Records pertaining to probation and parole proceedings or 13577
to proceedings related to the imposition of community control 13578
sanctions and post-release control sanctions; 13579

(c) Records pertaining to actions under section 2151.85 and 13580
division (C) of section 2919.121 of the Revised Code and to 13581
appeals of actions arising under those sections; 13582

(d) Records pertaining to adoption proceedings, including the 13583
contents of an adoption file maintained by the department of 13584
health under section 3705.12 of the Revised Code; 13585

(e) Information in a record contained in the putative father 13586
registry established by section 3107.062 of the Revised Code, 13587
regardless of whether the information is held by the department of 13588
job and family services or, pursuant to section 3111.69 of the 13589
Revised Code, the office of child support in the department or a 13590
child support enforcement agency; 13591

(f) Records listed in division (A) of section 3107.42 of the 13592
Revised Code or specified in division (A) of section 3107.52 of 13593
the Revised Code; 13594

(g) Trial preparation records;	13595
(h) Confidential law enforcement investigatory records;	13596
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	13597 13598
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	13599 13600
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	13601 13602 13603 13604
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	13605 13606 13607 13608
(m) Intellectual property records;	13609
(n) Donor profile records;	13610
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	13611 13612
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, <u>or investigator of the bureau of criminal identification and investigation</u> residential and familial information;	13613 13614 13615 13616 13617
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	13618 13619 13620 13621 13622
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	13623 13624

(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;

(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;

(z) Records listed in section 5101.29 of the Revised Code.

(aa) Discharges recorded with a county recorder under section 13656
317.24 of the Revised Code, as specified in division (B)(2) of 13657
that section. 13658

(2) "Confidential law enforcement investigatory record" means 13659
any record that pertains to a law enforcement matter of a 13660
criminal, quasi-criminal, civil, or administrative nature, but 13661
only to the extent that the release of the record would create a 13662
high probability of disclosure of any of the following: 13663

(a) The identity of a suspect who has not been charged with 13664
the offense to which the record pertains, or of an information 13665
source or witness to whom confidentiality has been reasonably 13666
promised; 13667

(b) Information provided by an information source or witness 13668
to whom confidentiality has been reasonably promised, which 13669
information would reasonably tend to disclose the source's or 13670
witness's identity; 13671

(c) Specific confidential investigatory techniques or 13672
procedures or specific investigatory work product; 13673

(d) Information that would endanger the life or physical 13674
safety of law enforcement personnel, a crime victim, a witness, or 13675
a confidential information source. 13676

(3) "Medical record" means any document or combination of 13677
documents, except births, deaths, and the fact of admission to or 13678
discharge from a hospital, that pertains to the medical history, 13679
diagnosis, prognosis, or medical condition of a patient and that 13680
is generated and maintained in the process of medical treatment. 13681

(4) "Trial preparation record" means any record that contains 13682
information that is specifically compiled in reasonable 13683
anticipation of, or in defense of, a civil or criminal action or 13684
proceeding, including the independent thought processes and 13685
personal trial preparation of an attorney. 13686

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, ~~or~~ EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in 13719
an employee assistance program; 13720

(c) The social security number, the residential telephone 13721
number, any bank account, debit card, charge card, or credit card 13722
number, or the emergency telephone number of, or any medical 13723
information pertaining to, a peace officer, parole officer, 13724
prosecuting attorney, assistant prosecuting attorney, correctional 13725
employee, youth services employee, firefighter, ~~or~~ EMT, or 13726
investigator of the bureau of criminal identification and 13727
investigation; 13728

(d) The name of any beneficiary of employment benefits, 13729
including, but not limited to, life insurance benefits, provided 13730
to a peace officer, parole officer, prosecuting attorney, 13731
assistant prosecuting attorney, correctional employee, youth 13732
services employee, firefighter, ~~or~~ EMT, or investigator of the 13733
bureau of criminal identification and investigation by the peace 13734
officer's, parole officer's, prosecuting attorney's, assistant 13735
prosecuting attorney's, correctional employee's, youth services 13736
employee's, firefighter's, ~~or~~ EMT's, or investigator of the bureau 13737
of criminal identification and investigation's employer; 13738

(e) The identity and amount of any charitable or employment 13739
benefit deduction made by the peace officer's, parole officer's, 13740
prosecuting attorney's, assistant prosecuting attorney's, 13741
correctional employee's, youth services employee's, firefighter's, 13742
~~or~~ EMT's, or investigator of the bureau of criminal identification 13743
and investigation's employer from the peace officer's, parole 13744
officer's, prosecuting attorney's, assistant prosecuting 13745
attorney's, correctional employee's, youth services employee's, 13746
firefighter's, ~~or~~ EMT's, or investigator of the bureau of criminal 13747
identification and investigation's compensation unless the amount 13748
of the deduction is required by state or federal law; 13749

(f) The name, the residential address, the name of the 13750

employer, the address of the employer, the social security number, 13751
the residential telephone number, any bank account, debit card, 13752
charge card, or credit card number, or the emergency telephone 13753
number of the spouse, a former spouse, or any child of a peace 13754
officer, parole officer, prosecuting attorney, assistant 13755
prosecuting attorney, correctional employee, youth services 13756
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 13757
criminal identification and investigation; 13758

(g) A photograph of a peace officer who holds a position or 13759
has an assignment that may include undercover or plain clothes 13760
positions or assignments as determined by the peace officer's 13761
appointing authority. 13762

As used in divisions (A)(7) and (B)(9) of this section, 13763
"peace officer" has the same meaning as in section 109.71 of the 13764
Revised Code and also includes the superintendent and troopers of 13765
the state highway patrol; it does not include the sheriff of a 13766
county or a supervisory employee who, in the absence of the 13767
sheriff, is authorized to stand in for, exercise the authority of, 13768
and perform the duties of the sheriff. 13769

As used in divisions (A)(7) and (B)(5) of this section, 13770
"correctional employee" means any employee of the department of 13771
rehabilitation and correction who in the course of performing the 13772
employee's job duties has or has had contact with inmates and 13773
persons under supervision. 13774

As used in divisions (A)(7) and (B)(5) of this section, 13775
"youth services employee" means any employee of the department of 13776
youth services who in the course of performing the employee's job 13777
duties has or has had contact with children committed to the 13778
custody of the department of youth services. 13779

As used in divisions (A)(7) and (B)(9) of this section, 13780
"firefighter" means any regular, paid or volunteer, member of a 13781

lawfully constituted fire department of a municipal corporation, 13782
township, fire district, or village. 13783

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 13784
means EMTs-basic, EMTs-I, and paramedics that provide emergency 13785
medical services for a public emergency medical service 13786
organization. "Emergency medical service organization," 13787
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 13788
section 4765.01 of the Revised Code. 13789

As used in divisions (A)(7) and (B)(9) of this section, 13790
"investigator of the bureau of criminal identification and 13791
investigation" has the meaning defined in section 2903.11 of the 13792
Revised Code. 13793

(8) "Information pertaining to the recreational activities of 13794
a person under the age of eighteen" means information that is kept 13795
in the ordinary course of business by a public office, that 13796
pertains to the recreational activities of a person under the age 13797
of eighteen years, and that discloses any of the following: 13798

(a) The address or telephone number of a person under the age 13799
of eighteen or the address or telephone number of that person's 13800
parent, guardian, custodian, or emergency contact person; 13801

(b) The social security number, birth date, or photographic 13802
image of a person under the age of eighteen; 13803

(c) Any medical record, history, or information pertaining to 13804
a person under the age of eighteen; 13805

(d) Any additional information sought or required about a 13806
person under the age of eighteen for the purpose of allowing that 13807
person to participate in any recreational activity conducted or 13808
sponsored by a public office or to use or obtain admission 13809
privileges to any recreational facility owned or operated by a 13810
public office. 13811

(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 13812
13813

(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 13814
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(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. 13816
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(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code. 13820
13821

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. 13822
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(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize 13841
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and maintain public records in a manner that they can be made 13843
available for inspection or copying in accordance with division 13844
(B) of this section. A public office also shall have available a 13845
copy of its current records retention schedule at a location 13846
readily available to the public. If a requester makes an ambiguous 13847
or overly broad request or has difficulty in making a request for 13848
copies or inspection of public records under this section such 13849
that the public office or the person responsible for the requested 13850
public record cannot reasonably identify what public records are 13851
being requested, the public office or the person responsible for 13852
the requested public record may deny the request but shall provide 13853
the requester with an opportunity to revise the request by 13854
informing the requester of the manner in which records are 13855
maintained by the public office and accessed in the ordinary 13856
course of the public office's or person's duties. 13857

(3) If a request is ultimately denied, in part or in whole, 13858
the public office or the person responsible for the requested 13859
public record shall provide the requester with an explanation, 13860
including legal authority, setting forth why the request was 13861
denied. If the initial request was provided in writing, the 13862
explanation also shall be provided to the requester in writing. 13863
The explanation shall not preclude the public office or the person 13864
responsible for the requested public record from relying upon 13865
additional reasons or legal authority in defending an action 13866
commenced under division (C) of this section. 13867

(4) Unless specifically required or authorized by state or 13868
federal law or in accordance with division (B) of this section, no 13869
public office or person responsible for public records may limit 13870
or condition the availability of public records by requiring 13871
disclosure of the requester's identity or the intended use of the 13872
requested public record. Any requirement that the requester 13873
disclose the requestor's identity or the intended use of the 13874

requested public record constitutes a denial of the request. 13875

(5) A public office or person responsible for public records 13876
may ask a requester to make the request in writing, may ask for 13877
the requester's identity, and may inquire about the intended use 13878
of the information requested, but may do so only after disclosing 13879
to the requester that a written request is not mandatory and that 13880
the requester may decline to reveal the requester's identity or 13881
the intended use and when a written request or disclosure of the 13882
identity or intended use would benefit the requester by enhancing 13883
the ability of the public office or person responsible for public 13884
records to identify, locate, or deliver the public records sought 13885
by the requester. 13886

(6) If any person chooses to obtain a copy of a public record 13887
in accordance with division (B) of this section, the public office 13888
or person responsible for the public record may require that 13889
person to pay in advance the cost involved in providing the copy 13890
of the public record in accordance with the choice made by the 13891
person seeking the copy under this division. The public office or 13892
the person responsible for the public record shall permit that 13893
person to choose to have the public record duplicated upon paper, 13894
upon the same medium upon which the public office or person 13895
responsible for the public record keeps it, or upon any other 13896
medium upon which the public office or person responsible for the 13897
public record determines that it reasonably can be duplicated as 13898
an integral part of the normal operations of the public office or 13899
person responsible for the public record. When the person seeking 13900
the copy makes a choice under this division, the public office or 13901
person responsible for the public record shall provide a copy of 13902
it in accordance with the choice made by the person seeking the 13903
copy. Nothing in this section requires a public office or person 13904
responsible for the public record to allow the person seeking a 13905
copy of the public record to make the copies of the public record. 13906

(7) Upon a request made in accordance with division (B) of 13907
this section and subject to division (B)(6) of this section, a 13908
public office or person responsible for public records shall 13909
transmit a copy of a public record to any person by United States 13910
mail or by any other means of delivery or transmission within a 13911
reasonable period of time after receiving the request for the 13912
copy. The public office or person responsible for the public 13913
record may require the person making the request to pay in advance 13914
the cost of postage if the copy is transmitted by United States 13915
mail or the cost of delivery if the copy is transmitted other than 13916
by United States mail, and to pay in advance the costs incurred 13917
for other supplies used in the mailing, delivery, or transmission. 13918

Any public office may adopt a policy and procedures that it 13919
will follow in transmitting, within a reasonable period of time 13920
after receiving a request, copies of public records by United 13921
States mail or by any other means of delivery or transmission 13922
pursuant to this division. A public office that adopts a policy 13923
and procedures under this division shall comply with them in 13924
performing its duties under this division. 13925

In any policy and procedures adopted under this division, a 13926
public office may limit the number of records requested by a 13927
person that the office will transmit by United States mail to ten 13928
per month, unless the person certifies to the office in writing 13929
that the person does not intend to use or forward the requested 13930
records, or the information contained in them, for commercial 13931
purposes. For purposes of this division, "commercial" shall be 13932
narrowly construed and does not include reporting or gathering 13933
news, reporting or gathering information to assist citizen 13934
oversight or understanding of the operation or activities of 13935
government, or nonprofit educational research. 13936

(8) A public office or person responsible for public records 13937
is not required to permit a person who is incarcerated pursuant to 13938

a criminal conviction or a juvenile adjudication to inspect or to 13939
obtain a copy of any public record concerning a criminal 13940
investigation or prosecution or concerning what would be a 13941
criminal investigation or prosecution if the subject of the 13942
investigation or prosecution were an adult, unless the request to 13943
inspect or to obtain a copy of the record is for the purpose of 13944
acquiring information that is subject to release as a public 13945
record under this section and the judge who imposed the sentence 13946
or made the adjudication with respect to the person, or the 13947
judge's successor in office, finds that the information sought in 13948
the public record is necessary to support what appears to be a 13949
justiciable claim of the person. 13950

(9) Upon written request made and signed by a journalist on 13951
or after December 16, 1999, a public office, or person responsible 13952
for public records, having custody of the records of the agency 13953
employing a specified peace officer, parole officer, prosecuting 13954
attorney, assistant prosecuting attorney, correctional employee, 13955
youth services employee, firefighter, ~~or~~ EMT, or investigator of 13956
the bureau of criminal identification and investigation shall 13957
disclose to the journalist the address of the actual personal 13958
residence of the peace officer, parole officer, prosecuting 13959
attorney, assistant prosecuting attorney, correctional employee, 13960
youth services employee, firefighter, ~~or~~ EMT, or investigator of 13961
the bureau of criminal identification and investigation and, if 13962
the peace officer's, parole officer's, prosecuting attorney's, 13963
assistant prosecuting attorney's, correctional employee's, youth 13964
services employee's, firefighter's, ~~or~~ EMT's, or investigator of 13965
the bureau of criminal identification and investigation's spouse, 13966
former spouse, or child is employed by a public office, the name 13967
and address of the employer of the peace officer's, parole 13968
officer's, prosecuting attorney's, assistant prosecuting 13969
attorney's, correctional employee's, youth services employee's, 13970
firefighter's, ~~or~~ EMT's, or investigator of the bureau of criminal 13971

identification and investigation's spouse, former spouse, or 13972
child. The request shall include the journalist's name and title 13973
and the name and address of the journalist's employer and shall 13974
state that disclosure of the information sought would be in the 13975
public interest. 13976

As used in this division, "journalist" means a person engaged 13977
in, connected with, or employed by any news medium, including a 13978
newspaper, magazine, press association, news agency, or wire 13979
service, a radio or television station, or a similar medium, for 13980
the purpose of gathering, processing, transmitting, compiling, 13981
editing, or disseminating information for the general public. 13982

(C)(1) If a person allegedly is aggrieved by the failure of a 13983
public office or the person responsible for public records to 13984
promptly prepare a public record and to make it available to the 13985
person for inspection in accordance with division (B) of this 13986
section or by any other failure of a public office or the person 13987
responsible for public records to comply with an obligation in 13988
accordance with division (B) of this section, the person allegedly 13989
aggrieved may commence a mandamus action to obtain a judgment that 13990
orders the public office or the person responsible for the public 13991
record to comply with division (B) of this section, that awards 13992
court costs and reasonable attorney's fees to the person that 13993
instituted the mandamus action, and, if applicable, that includes 13994
an order fixing statutory damages under division (C)(1) of this 13995
section. The mandamus action may be commenced in the court of 13996
common pleas of the county in which division (B) of this section 13997
allegedly was not complied with, in the supreme court pursuant to 13998
its original jurisdiction under Section 2 of Article IV, Ohio 13999
Constitution, or in the court of appeals for the appellate 14000
district in which division (B) of this section allegedly was not 14001
complied with pursuant to its original jurisdiction under Section 14002
3 of Article IV, Ohio Constitution. 14003

If a requestor transmits a written request by hand delivery 14004
or certified mail to inspect or receive copies of any public 14005
record in a manner that fairly describes the public record or 14006
class of public records to the public office or person responsible 14007
for the requested public records, except as otherwise provided in 14008
this section, the requestor shall be entitled to recover the 14009
amount of statutory damages set forth in this division if a court 14010
determines that the public office or the person responsible for 14011
public records failed to comply with an obligation in accordance 14012
with division (B) of this section. 14013

The amount of statutory damages shall be fixed at one hundred 14014
dollars for each business day during which the public office or 14015
person responsible for the requested public records failed to 14016
comply with an obligation in accordance with division (B) of this 14017
section, beginning with the day on which the requester files a 14018
mandamus action to recover statutory damages, up to a maximum of 14019
one thousand dollars. The award of statutory damages shall not be 14020
construed as a penalty, but as compensation for injury arising 14021
from lost use of the requested information. The existence of this 14022
injury shall be conclusively presumed. The award of statutory 14023
damages shall be in addition to all other remedies authorized by 14024
this section. 14025

The court may reduce an award of statutory damages or not 14026
award statutory damages if the court determines both of the 14027
following: 14028

(a) That, based on the ordinary application of statutory law 14029
and case law as it existed at the time of the conduct or 14030
threatened conduct of the public office or person responsible for 14031
the requested public records that allegedly constitutes a failure 14032
to comply with an obligation in accordance with division (B) of 14033
this section and that was the basis of the mandamus action, a 14034
well-informed public office or person responsible for the 14035

requested public records reasonably would believe that the conduct 14036
or threatened conduct of the public office or person responsible 14037
for the requested public records did not constitute a failure to 14038
comply with an obligation in accordance with division (B) of this 14039
section; 14040

(b) That a well-informed public office or person responsible 14041
for the requested public records reasonably would believe that the 14042
conduct or threatened conduct of the public office or person 14043
responsible for the requested public records would serve the 14044
public policy that underlies the authority that is asserted as 14045
permitting that conduct or threatened conduct. 14046

(2)(a) If the court issues a writ of mandamus that orders the 14047
public office or the person responsible for the public record to 14048
comply with division (B) of this section and determines that the 14049
circumstances described in division (C)(1) of this section exist, 14050
the court shall determine and award to the relator all court 14051
costs. 14052

(b) If the court renders a judgment that orders the public 14053
office or the person responsible for the public record to comply 14054
with division (B) of this section, the court may award reasonable 14055
attorney's fees subject to reduction as described in division 14056
(C)(2)(c) of this section. The court shall award reasonable 14057
attorney's fees, subject to reduction as described in division 14058
(C)(2)(c) of this section when either of the following applies: 14059

(i) The public office or the person responsible for the 14060
public records failed to respond affirmatively or negatively to 14061
the public records request in accordance with the time allowed 14062
under division (B) of this section. 14063

(ii) The public office or the person responsible for the 14064
public records promised to permit the relator to inspect or 14065
receive copies of the public records requested within a specified 14066

period of time but failed to fulfill that promise within that 14067
specified period of time. 14068

(c) Court costs and reasonable attorney's fees awarded under 14069
this section shall be construed as remedial and not punitive. 14070
Reasonable attorney's fees shall include reasonable fees incurred 14071
to produce proof of the reasonableness and amount of the fees and 14072
to otherwise litigate entitlement to the fees. The court may 14073
reduce an award of attorney's fees to the relator or not award 14074
attorney's fees to the relator if the court determines both of the 14075
following: 14076

(i) That, based on the ordinary application of statutory law 14077
and case law as it existed at the time of the conduct or 14078
threatened conduct of the public office or person responsible for 14079
the requested public records that allegedly constitutes a failure 14080
to comply with an obligation in accordance with division (B) of 14081
this section and that was the basis of the mandamus action, a 14082
well-informed public office or person responsible for the 14083
requested public records reasonably would believe that the conduct 14084
or threatened conduct of the public office or person responsible 14085
for the requested public records did not constitute a failure to 14086
comply with an obligation in accordance with division (B) of this 14087
section; 14088

(ii) That a well-informed public office or person responsible 14089
for the requested public records reasonably would believe that the 14090
conduct or threatened conduct of the public office or person 14091
responsible for the requested public records as described in 14092
division (C)(2)(c)(i) of this section would serve the public 14093
policy that underlies the authority that is asserted as permitting 14094
that conduct or threatened conduct. 14095

(D) Chapter 1347. of the Revised Code does not limit the 14096
provisions of this section. 14097

(E)(1) To ensure that all employees of public offices are 14098
appropriately educated about a public office's obligations under 14099
division (B) of this section, all elected officials or their 14100
appropriate designees shall attend training approved by the 14101
attorney general as provided in section 109.43 of the Revised 14102
Code. In addition, all public offices shall adopt a public records 14103
policy in compliance with this section for responding to public 14104
records requests. In adopting a public records policy under this 14105
division, a public office may obtain guidance from the model 14106
public records policy developed and provided to the public office 14107
by the attorney general under section 109.43 of the Revised Code. 14108
Except as otherwise provided in this section, the policy may not 14109
limit the number of public records that the public office will 14110
make available to a single person, may not limit the number of 14111
public records that it will make available during a fixed period 14112
of time, and may not establish a fixed period of time before it 14113
will respond to a request for inspection or copying of public 14114
records, unless that period is less than eight hours. 14115

(2) The public office shall distribute the public records 14116
policy adopted by the public office under division (E)(1) of this 14117
section to the employee of the public office who is the records 14118
custodian or records manager or otherwise has custody of the 14119
records of that office. The public office shall require that 14120
employee to acknowledge receipt of the copy of the public records 14121
policy. The public office shall create a poster that describes its 14122
public records policy and shall post the poster in a conspicuous 14123
place in the public office and in all locations where the public 14124
office has branch offices. The public office may post its public 14125
records policy on the internet web site of the public office if 14126
the public office maintains an internet web site. A public office 14127
that has established a manual or handbook of its general policies 14128
and procedures for all employees of the public office shall 14129
include the public records policy of the public office in the 14130

manual or handbook. 14131

(F)(1) The bureau of motor vehicles may adopt rules pursuant 14132
to Chapter 119. of the Revised Code to reasonably limit the number 14133
of bulk commercial special extraction requests made by a person 14134
for the same records or for updated records during a calendar 14135
year. The rules may include provisions for charges to be made for 14136
bulk commercial special extraction requests for the actual cost of 14137
the bureau, plus special extraction costs, plus ten per cent. The 14138
bureau may charge for expenses for redacting information, the 14139
release of which is prohibited by law. 14140

(2) As used in division (F)(1) of this section: 14141

(a) "Actual cost" means the cost of depleted supplies, 14142
records storage media costs, actual mailing and alternative 14143
delivery costs, or other transmitting costs, and any direct 14144
equipment operating and maintenance costs, including actual costs 14145
paid to private contractors for copying services. 14146

(b) "Bulk commercial special extraction request" means a 14147
request for copies of a record for information in a format other 14148
than the format already available, or information that cannot be 14149
extracted without examination of all items in a records series, 14150
class of records, or data base by a person who intends to use or 14151
forward the copies for surveys, marketing, solicitation, or resale 14152
for commercial purposes. "Bulk commercial special extraction 14153
request" does not include a request by a person who gives 14154
assurance to the bureau that the person making the request does 14155
not intend to use or forward the requested copies for surveys, 14156
marketing, solicitation, or resale for commercial purposes. 14157

(c) "Commercial" means profit-seeking production, buying, or 14158
selling of any good, service, or other product. 14159

(d) "Special extraction costs" means the cost of the time 14160
spent by the lowest paid employee competent to perform the task, 14161

the actual amount paid to outside private contractors employed by 14162
the bureau, or the actual cost incurred to create computer 14163
programs to make the special extraction. "Special extraction 14164
costs" include any charges paid to a public agency for computer or 14165
records services. 14166

(3) For purposes of divisions (F)(1) and (2) of this section, 14167
"surveys, marketing, solicitation, or resale for commercial 14168
purposes" shall be narrowly construed and does not include 14169
reporting or gathering news, reporting or gathering information to 14170
assist citizen oversight or understanding of the operation or 14171
activities of government, or nonprofit educational research. 14172

Sec. 149.45. (A) As used in this section: 14173

(1) "Personal information" means any of the following: 14174

(a) An individual's social security number; 14175

(b) An individual's federal tax identification number; 14176

(c) An individual's driver's license number or state 14177
identification number; 14178

(d) An individual's checking account number, savings account 14179
number, or credit card number. 14180

(2) "Public record" and "peace officer, parole officer, 14181
prosecuting attorney, assistant prosecuting attorney, correctional 14182
employee, youth services employee, firefighter, ~~or~~ EMT, or 14183
investigator of the bureau of criminal identification and 14184
investigation residential and familial information" have the same 14185
meanings as in section 149.43 of the Revised Code. 14186

(3) "Truncate" means to redact all but the last four digits 14187
of an individual's social security number. 14188

(B)(1) No public office or person responsible for a public 14189
office's public records shall make available to the general public 14190

on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number.

(2) A public office or person responsible for a public office's public records that prior to the effective date of this section made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document.

(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password.

(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made available to the general public on the internet. An individual who makes a request for redaction pursuant to this division shall make the request in writing on a form developed by the attorney general and shall specify the personal information to be redacted and provide any information that identifies the location of that personal information within a document that contains that personal information.

(2) Upon receiving a request for a redaction pursuant to division (C)(1) of this section, a public office or a person responsible for a public office's public records shall act within five business days in accordance with the request to redact the personal information of the individual from any record made available to the general public on the internet, if practicable. If a redaction is not practicable, the public office or person responsible for the public office's public records shall verbally or in writing within five business days after receiving the written request explain to the individual why the redaction is

impracticable. 14223

(3) The attorney general shall develop a form to be used by 14224
an individual to request a redaction pursuant to division (C)(1) 14225
of this section. The form shall include a place to provide any 14226
information that identifies the location of the personal 14227
information to be redacted. 14228

(D)(1) A peace officer, parole officer, prosecuting attorney, 14229
assistant prosecuting attorney, correctional employee, youth 14230
services employee, firefighter, ~~or~~ EMT, or investigator of the 14231
bureau of criminal identification and investigation may request 14232
that a public office other than a county auditor or a person 14233
responsible for the public records of a public office other than a 14234
county auditor redact the address of the person making the request 14235
from any record made available to the general public on the 14236
internet that includes peace officer, parole officer, prosecuting 14237
attorney, assistant prosecuting attorney, correctional employee, 14238
youth services employee, firefighter, ~~or~~ EMT, or investigator of 14239
the bureau of criminal identification and investigation 14240
residential and familial information of the person making the 14241
request. A person who makes a request for a redaction pursuant to 14242
this division shall make the request in writing and on a form 14243
developed by the attorney general. 14244

(2) Upon receiving a written request for a redaction pursuant 14245
to division (D)(1) of this section, a public office other than a 14246
county auditor or a person responsible for the public records of a 14247
public office other than a county auditor shall act within five 14248
business days in accordance with the request to redact the address 14249
of the peace officer, parole officer, prosecuting attorney, 14250
assistant prosecuting attorney, correctional employee, youth 14251
services employee, firefighter, ~~or~~ EMT, or investigator of the 14252
bureau of criminal identification and investigation making the 14253
request from any record made available to the general public on 14254

the internet that includes peace officer, parole officer, 14255
prosecuting attorney, assistant prosecuting attorney, correctional 14256
employee, youth services employee, firefighter, ~~or~~ EMT, or 14257
investigator of the bureau of criminal identification and 14258
investigation residential and familial information of the person 14259
making the request, if practicable. If a redaction is not 14260
practicable, the public office or person responsible for the 14261
public office's public records shall verbally or in writing within 14262
five business days after receiving the written request explain to 14263
the peace officer, parole officer, prosecuting attorney, assistant 14264
prosecuting attorney, correctional employee, youth services 14265
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14266
criminal identification and investigation why the redaction is 14267
impracticable. 14268

(3) Except as provided in this section and section 319.28 of 14269
the Revised Code, a public office other than an employer of a 14270
peace officer, parole officer, prosecuting attorney, assistant 14271
prosecuting attorney, correctional employee, youth services 14272
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14273
criminal identification and investigation or a person responsible 14274
for the public records of the employer is not required to redact 14275
the residential and familial information of the peace officer, 14276
parole officer, prosecuting attorney, assistant prosecuting 14277
attorney, correctional employee, youth services employee, 14278
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 14279
identification and investigation from other records maintained by 14280
the public office. 14281

(4) The attorney general shall develop a form to be used by a 14282
peace officer, parole officer, prosecuting attorney, assistant 14283
prosecuting attorney, correctional employee, youth services 14284
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14285
criminal identification and investigation to request a redaction 14286

pursuant to division (D)(1) of this section. The form shall 14287
include a place to provide any information that identifies the 14288
location of the address of a peace officer, parole officer, 14289
prosecuting attorney, assistant prosecuting attorney, correctional 14290
employee, youth services employee, firefighter, ~~or~~ EMT, or 14291
investigator of the bureau of criminal identification and 14292
investigation to be redacted. 14293

(E)(1) If a public office or a person responsible for a 14294
public office's public records becomes aware that an electronic 14295
record of that public office that is made available to the general 14296
public on the internet contains an individual's social security 14297
number that was mistakenly not redacted, encrypted, or truncated 14298
as required by division (B)(1) or (2) of this section, the public 14299
office or person responsible for the public office's public 14300
records shall redact, encrypt, or truncate the individual's social 14301
security number within a reasonable period of time. 14302
14303

(2) A public office or a person responsible for a public 14304
office's public records is not liable in damages in a civil action 14305
for any harm an individual allegedly sustains as a result of the 14306
inclusion of that individual's personal information on any record 14307
made available to the general public on the internet or any harm a 14308
peace officer, parole officer, prosecuting attorney, assistant 14309
prosecuting attorney, correctional employee, youth services 14310
employee, firefighter, ~~or~~ EMT, or investigator of the bureau of 14311
criminal identification and investigation sustains as a result of 14312
the inclusion of the address of the peace officer, parole officer, 14313
prosecuting attorney, assistant prosecuting attorney, correctional 14314
employee, youth services employee, firefighter, ~~or~~ EMT, or 14315
investigator of the bureau of criminal identification and 14316
investigation on any record made available to the general public 14317
on the internet in violation of this section unless the public 14318

office or person responsible for the public office's public 14319
records acted with malicious purpose, in bad faith, or in a wanton 14320
or reckless manner or division (A)(6)(a) or (c) of section 2744.03 14321
of the Revised Code applies. 14322

Sec. 150.01. (A) As used in this chapter: 14323

(1) "Authority" means the Ohio venture capital authority 14324
created under section 150.02 of the Revised Code. 14325

(2) "Issuer" means a port authority organized and existing 14326
under applicable provisions of Chapter 4582. of the Revised Code 14327
that, pursuant to an agreement entered into under division (E) of 14328
section 150.02 of the Revised Code, issues or issued obligations 14329
to fund one or more loans to the program fund. 14330

(3) "Lender" means any person that lends money to the program 14331
fund as provided in this chapter and includes any lender and any 14332
trustee. 14333

~~(3)~~(4) "Loss" means a loss incurred with respect to a 14334
lender's loan to the program fund. Such a loss is incurred only if 14335
and to the extent a program administrator fails to satisfy its 14336
obligations to the lender to make timely payments of principal or 14337
interest as provided in the loan agreement between the lender and 14338
the program administrator. "Loss" does not include either of the 14339
following: 14340

(a) Any loss incurred by the program fund, including a loss 14341
attributable to any investment made by a program administrator; 14342

(b) Any loss of the capital required to be provided by a 14343
program administrator, or income accruing to that capital, under 14344
the agreement entered into under division (B) of section 150.05 of 14345
the Revised Code. 14346

~~(4)~~(5) "Ohio-based business enterprise" means a person that 14347
is engaged in business, that employs at least one individual on a 14348

full-time or part-time basis at a place of business in this state, 14349
including a person engaged in business if that person is a 14350
self-employed individual, and that is in the seed or early stage 14351
of business development requiring initial or early stage funding 14352
or is an established business enterprise developing new methods or 14353
technologies. 14354

~~(5)~~(6) "Ohio-based venture capital fund" means a venture 14355
capital fund having its principal office in this state, where the 14356
majority of the fund's staff are employed and where at least one 14357
investment professional is employed who has at least five years of 14358
experience in venture capital investment. 14359

~~(6)~~(7) "Ohio co-investment fund" means an Ohio-based venture 14360
capital fund managed by the program administrator or a fund 14361
manager appointed by the program administrator that is capitalized 14362
exclusively by program fund investments in accordance with the 14363
investment policy adopted under section 150.03 of the Revised 14364
Code. 14365

(8) "Program fund" means the fund created under section 14366
150.03 of the Revised Code. 14367

(9) "Research and development purposes" has the same meaning 14368
as used in Section 2p of Article VIII, Ohio Constitution, and 14369
includes the development of sites and facilities in this state for 14370
and in support of those research and development purposes. 14371

(10) "Trustee" means a trust company or a bank with corporate 14372
trust powers, in either case having a place of business in this 14373
state and acting in its capacity as a trustee pursuant to a trust 14374
agreement under which an issuer issues obligations to fund loans 14375
to the program fund. 14376

(B) The general assembly declares that its purpose in 14377
enacting Chapter 150. of the Revised Code is to increase the 14378
amount of private investment capital available in this state for 14379

Ohio-based business enterprises in the seed or early stages of 14380
business development and requiring initial or early stage funding, 14381
as well as established Ohio-based business enterprises developing 14382
new methods or technologies, including the promotion of research 14383
and development purposes, thereby increasing employment, creating 14384
additional wealth, and otherwise benefiting the economic welfare 14385
of the people of this state. Accordingly, it is the intention of 14386
the general assembly that the program fund make its investments in 14387
support of Ohio-based business enterprises and that the Ohio 14388
venture capital authority focus its investment policy principally 14389
on venture capital funds investing in such Ohio-based business 14390
enterprises. The general assembly finds and determines that this 14391
chapter and the investment policy, and actions taken under and 14392
consistent therewith, will promote and implement the public 14393
purposes of Section 2p of Article VIII, Ohio Constitution. 14394

Sec. 150.02. (A) There is hereby created the Ohio venture 14395
capital authority, which shall exercise the powers and perform the 14396
duties prescribed by this chapter. The exercise by the authority 14397
of its powers and duties is hereby declared to be an essential 14398
state governmental function. The authority is subject to all laws 14399
generally applicable to state agencies and public officials, 14400
including, but not limited to, Chapter 119. and sections 121.22 14401
and 149.43 of the Revised Code, to the extent those laws do not 14402
conflict with this chapter. 14403

(B) The authority shall consist of nine members. Seven of the 14404
members shall be appointed by the governor, with the advice and 14405
consent of the senate, from among the general public. All 14406
appointed members shall have experience in the field of banking, 14407
investments, commercial law, or industry relevant to the purpose 14408
of the Ohio venture capital program as stated in section 150.01 of 14409
the Revised Code. The director of development and tax commissioner 14410
or their designees shall be ex officio, nonvoting members. 14411

14412

Initial gubernatorial appointees to the authority shall serve 14413
staggered terms, with one term expiring on January 31, 2004, two 14414
terms expiring on January 31, 2005, two terms expiring on January 14415
31, 2006, and two terms expiring on January 31, 2007. Thereafter, 14416
terms of office for all appointees shall be for four years, with 14417
each term ending on the same day of the same month as did the term 14418
that it succeeds. A vacancy on the authority shall be filled in 14419
the same manner as the original appointment, except that a person 14420
appointed to fill a vacancy shall be appointed to the remainder of 14421
the unexpired term. Any appointed member of the authority is 14422
eligible for reappointment. 14423

A member of the authority may be removed by the member's 14424
appointing authority for misfeasance, malfeasance, willful neglect 14425
of duty, or other cause, after notice and a public hearing, unless 14426
the notice and hearing are waived in writing by the member. 14427

(C) Members of the authority shall serve without 14428
compensation, but shall receive their reasonable and necessary 14429
expenses incurred in the conduct of authority business. The 14430
governor shall designate a member of the authority to serve as 14431
chairperson. A majority of the voting members of the authority 14432
constitutes a quorum, and the affirmative vote of a majority of 14433
the voting members present is necessary for any action taken by 14434
the authority. A vacancy in the voting membership of the authority 14435
does not impair the right of a quorum to exercise all rights and 14436
perform all duties of the authority. 14437

(D) The department of development shall provide the authority 14438
with office space and such technical assistance as the authority 14439
requires. 14440

(E) The authority and an issuer may cooperate in promoting 14441
the public purposes of the Ohio venture capital program as stated 14442

in section 150.01 of the Revised Code and shall enter into such 14443
agreements as the authority and the issuer shall deem appropriate, 14444
with a view to cooperative action and safeguarding of the 14445
respective interests of the parties thereto. Any agreement shall 14446
provide for the rights, duties, and responsibilities of the 14447
parties and any limitations thereon, shall provide for the terms 14448
on which any tax credits to be issued to the issuer or a trustee 14449
pursuant to section 150.07 of the Revised Code shall be issued and 14450
claimed, and shall provide terms as may be mutually satisfactory 14451
to the parties including, but not limited to, requirements for 14452
reporting, and a plan, prepared by the program administrator and 14453
acceptable to the authority and the issuer, designed to evidence 14454
and ensure compliance with division (D) of section 150.03 of the 14455
Revised Code and Section 2p of Article VIII, Ohio Constitution. 14456

Sec. 150.03. Within ninety days after ~~the effective date of~~ 14457
~~this section~~ April 9, 2003, the authority shall establish, and 14458
subsequently may modify as it considers necessary, a written 14459
investment policy governing the investment of money from the 14460
program fund, which is hereby created. The program fund shall 14461
consist of the proceeds of loans acquired by a program 14462
administrator. The authority is subject to Chapter 119. of the 14463
Revised Code with respect to the establishment or modification of 14464
the policy. The policy shall meet all the following requirements: 14465

(A) It is consistent with the purpose of the program stated 14466
in section 150.01 of the Revised Code. 14467

(B) Subject to divisions (C), (D), and (E) of this section, 14468
it permits the investment of money from the program fund in 14469
private, for-profit venture capital funds, including funds of 14470
funds, that invest in enterprises in the seed or early stage of 14471
business development or established business enterprises 14472
developing new methods or technologies, and that demonstrate 14473

potential to generate high levels of successful investment 14474
performance. 14475

(C) It specifies that, exclusive of any program fund money 14476
invested in an Ohio co-investment fund, a program administrator or 14477
fund manager employed by the program administrator shall invest 14478
not less than seventy-five per cent of program fund money under 14479
its investment authority in Ohio-based venture capital funds. 14480

(D) It specifies ~~that~~ all of the following: 14481

(1) That not less than an amount equal to fifty per cent of 14482
program fund money invested in any venture capital fund ~~be~~ is 14483
invested by the venture capital fund in Ohio-based business 14484
enterprises; 14485

(2) That one hundred per cent of program fund money invested 14486
in any Ohio co-investment fund is invested by the Ohio 14487
co-investment fund in Ohio-based business enterprises; and 14488

(3) That, commencing with the first program fund investment 14489
in each venture capital fund, the aggregate amount invested in 14490
Ohio-based business enterprises by all venture capital funds in 14491
which the program fund has invested is not less than the aggregate 14492
amount of all program fund money invested in those venture capital 14493
funds. 14494

(E) It specifies that a program administrator or fund manager 14495
employed by the program administrator shall not invest money from 14496
the program fund in a venture capital fund to the extent that the 14497
total amount of program fund money invested in the venture capital 14498
fund, ~~when combined with any program fund money invested in a~~ 14499
~~venture capital fund under the same management as that venture~~ 14500
~~capital fund,~~ exceeds the ~~lesser of the~~ following: 14501

(1) In the case of an Ohio co-investment fund, the lesser of 14502
the following: 14503

<u>(a) One hundred million dollars;</u>	14504
<u>(b) Fifty per cent of the total amount of capital committed to all venture capital funds by the program fund.</u>	14505 14506
<u>(2) In the case of any venture capital fund that is not an Ohio co-investment fund, the lesser of the following:</u>	14507 14508
<u>(a) Ten million dollars;</u>	14509
(2)(a) <u>(b)(i) In the case of an Ohio-based venture capital fund, fifty per cent of the total amount of capital committed to the fund from all sources, after accounting for capital committed from the program fund;</u>	14510 14511 14512 14513
(b) <u>(ii) In the case of any other venture capital fund, twenty per cent of the total amount of capital committed to the fund from all sources, after accounting for capital committed from the program fund.</u>	14514 14515 14516 14517
(F) It specifies that a program administrator or fund manager employed by the program administrator shall not commit capital from the program fund to a venture capital fund <u>other than an Ohio co-investment fund</u> until the venture capital fund receives commitment of at least the same amount from other investors in the fund, <u>and shall not permit capital from an Ohio co-investment fund to be committed to any investment until the Ohio-based business enterprise in which the investment is to be made receives a commitment of at least the same amount from other investors that are independent of and under management independent of the program administrator and any fund manager employed by the program administrator.</u>	14518 14519 14520 14521 14522 14523 14524 14525 14526 14527 14528 14529
(G) It specifies the general conditions a private, for-profit investment fund must meet to be selected as a program administrator under section 150.05 of the Revised Code, including, as a significant selection standard, direct experience managing external or nonproprietary capital in private equity fund of funds	14530 14531 14532 14533 14534

formats. 14535

(H) It specifies the criteria the authority must consider 14536
when making a determination under division (B)(1) of section 14537
150.04 of the Revised Code. 14538

(I) It includes investment standards and general limitations 14539
on allowable investments that the authority considers reasonable 14540
and necessary to achieve the purposes of this chapter as stated in 14541
division (B) of section 150.01 of the Revised Code, minimize the 14542
need for the authority to grant tax credits under section 150.07 14543
of the Revised Code, ensure compliance of the program 14544
administrators with all applicable laws of this state and the 14545
United States, and ensure the safety and soundness of investments 14546
of money from the program fund. 14547

(J) It prohibits the investment of money from the program 14548
fund directly in persons other than venture capital funds, except 14549
for temporary investment in investment grade debt securities or 14550
temporary deposit in interest-bearing accounts or funds pending 14551
permanent investment in venture capital funds. 14552

Sec. 150.04. (A) The investment policy established or 14553
modified under section 150.03 of the Revised Code shall specify 14554
the terms and conditions under which the authority may grant tax 14555
credits under section 150.07 of the Revised Code, subject to that 14556
section and division (B) of this section, to provide security 14557
against lenders' losses. 14558

(B) Nothing in this chapter authorizes the providing of 14559
security against losses on any bases other than the following: 14560

(1) The application first of moneys of the Ohio venture 14561
capital fund, created under section 150.08 of the Revised Code, 14562
that the authority, under the criteria in its investment policy, 14563
determines may be expended without adversely affecting the ability 14564

of the authority to continue fulfilling the purpose of this 14565
chapter as stated in section 150.01 of the Revised Code; and then 14566

(2) The granting of tax credits pursuant to section 150.07 of 14567
the Revised Code, but only to the extent moneys under division 14568
(B)(1) of this section are insufficient, including to fund 14569
reserves maintained by or on behalf of an issuer to the extent 14570
consistent with an agreement between the authority and the issuer 14571
entered into under division (E) of section 150.02 of the Revised 14572
Code. 14573

Sec. 150.07. (A) For the purpose stated in section 150.01 of 14574
the Revised Code, the authority may authorize a lender to claim 14575
one of the refundable tax credits allowed under section 5707.031, 14576
5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised 14577
Code. The credits shall be authorized by a written contract with 14578
the lender. The contract shall specify the terms under which the 14579
lender may claim the credit, including the amount of loss, if any, 14580
the lender must incur before the lender may claim the credit; 14581
specify that the credit shall not exceed the amount of the loss; 14582
and specify that the lender may claim the credit only for a loss 14583
certified by a program administrator to the authority under the 14584
procedures prescribed under division (B)(6) of section 150.05 of 14585
the Revised Code. 14586

(B) Tax credits may be authorized at any time after the 14587
authority establishes the investment policy under section 150.03 14588
of the Revised Code, but a tax credit so authorized may not be 14589
claimed until the beginning of the fifth year after the authority 14590
establishes the investment policy. A tax credit may not be claimed 14591
after June 30, ~~2026~~ 2036. 14592

(C)(1) Upon receiving certification of a lender's loss from a 14593
program administrator pursuant to the procedures in the investment 14594
policy, the authority shall issue a tax credit certificate to the 14595

lender, except as otherwise provided in division (D) of this section. 14596
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(2) If the lender is a pass-through entity, as defined in section 5733.04 of the Revised Code, then each equity investor in the lender pass-through entity shall be entitled to claim one of the tax credits allowed under division (A) of this section for that equity investor's taxable year in which or with which ends the taxable year of the lender pass-through entity in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. If all equity investors of the lender pass-through entity are not eligible to claim a credit against the same tax set forth in division (A) of this section, then each equity investor may elect to claim a credit against the tax to which the equity investor is subject to in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. 14598
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(3) The certificate shall state the amount of the credit and the calendar year under section 5707.031, 5725.19, 5727.241, or 5729.08, the tax year under section 5733.49, or the taxable year under section 5747.80 of the Revised Code for which the credit may be claimed. The authority, in conjunction with the tax commissioner, shall develop a system for issuing tax credit certificates for the purpose of verifying that any credit claimed is a credit issued under this section and is properly taken in the year specified in the certificate and in compliance with division (B) of this section. 14613
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(D) The authority shall not, in any fiscal year, issue tax credit certificates in a total amount exceeding twenty million dollars. 14623
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(E) Notwithstanding anything in this section or in any other section of this chapter or in Chapter 5707., 5725., 5727., 5729., 14626
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5733., or 5747. of the Revised Code, an issuer or a trustee on 14628
behalf of an issuer shall have, subject to the terms of the 14629
agreement entered into by the issuer and the authority under 14630
division (E) of section 150.02 of the Revised Code, the right to 14631
receive and claim the credits authorized under this section and 14632
solely for those purposes shall be deemed a taxpayer under 14633
applicable provisions of each such chapter, entitled to file a tax 14634
return, an amended tax return, or an estimated tax return at such 14635
times as are permitted or required under the applicable chapter, 14636
but solely for the purpose of claiming credits issued to the 14637
issuer or the trustee. Nothing in this section shall require an 14638
issuer or a trustee to file a tax return under any chapter for any 14639
purpose other than claiming such credits if the issuer or trustee 14640
is not otherwise required to make such a filing. 14641

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 14642
152.33 of the Revised Code: 14643

(1) "Obligations" means bonds, notes, or other evidences of 14644
obligation, including interest coupons pertaining thereto, issued 14645
pursuant to sections 152.09 to 152.33 of the Revised Code. 14646

(2) "State agencies" means the state of Ohio and branches, 14647
officers, boards, commissions, authorities, departments, 14648
divisions, courts, general assembly, or other units or agencies of 14649
the state. "State agency" also includes counties, municipal 14650
corporations, and governmental entities of this state that enter 14651
into leases with the Ohio building authority pursuant to section 14652
152.31 of the Revised Code or that are designated by law as state 14653
agencies for the purpose of performing a state function that is to 14654
be housed by a capital facility for which the Ohio building 14655
authority is authorized to issue revenue obligations pursuant to 14656
sections 152.09 to 152.33 of the Revised Code. 14657

(3) "Bond service charges" means principal, including 14658

mandatory sinking fund requirements for retirement of obligations, 14659
and interest, and redemption premium, if any, required to be paid 14660
by the Ohio building authority on obligations. 14661

(4) "Capital facilities" means buildings, structures, and 14662
other improvements, and equipment, real estate, and interests in 14663
real estate therefor, within the state, and any one, part of, or 14664
combination of the foregoing, for housing of branches and agencies 14665
of state government, including capital facilities for the purpose 14666
of housing personnel, equipment, or functions, or any combination 14667
thereof that the state agencies are responsible for housing, for 14668
which the Ohio building authority is authorized to issue 14669
obligations pursuant to Chapter 152. of the Revised Code, and 14670
includes storage and parking facilities related to such capital 14671
facilities. For purposes of sections 152.10 to 152.15 of the 14672
Revised Code, "capital facilities" includes community or technical 14673
college capital facilities. 14674

(5) "Cost of capital facilities" means the costs of 14675
assessing, planning, acquiring, constructing, reconstructing, 14676
rehabilitating, remodeling, renovating, enlarging, improving, 14677
altering, maintaining, equipping, furnishing, repairing, painting, 14678
decorating, managing, or operating capital facilities, and the 14679
financing thereof, including the cost of clearance and preparation 14680
of the site and of any land to be used in connection with capital 14681
facilities, the cost of participating in capital facilities 14682
pursuant to section 152.33 of the Revised Code, the cost of any 14683
indemnity and surety bonds and premiums on insurance, all related 14684
direct administrative expenses and allocable portions of direct 14685
costs of the authority and lessee state agencies, cost of 14686
engineering and architectural services, designs, plans, 14687
specifications, surveys, and estimates of cost, legal fees, fees 14688
and expenses of trustees, depositories, and paying agents for the 14689
obligations, cost of issuance of the obligations and financing 14690

charges and fees and expenses of financial advisers and 14691
consultants in connection therewith, interest on obligations from 14692
the date thereof to the time when interest is to be covered from 14693
sources other than proceeds of obligations, amounts that represent 14694
the portion of investment earnings to be rebated or to be paid to 14695
the federal government in order to maintain the exclusion from 14696
gross income for federal income tax purposes of interest on those 14697
obligations pursuant to section 148(f) of the Internal Revenue 14698
Code, amounts necessary to establish reserves as required by the 14699
resolutions or the obligations, trust agreements, or indentures, 14700
costs of audits, the reimbursement of all moneys advanced or 14701
applied by or borrowed from any governmental entity, whether to or 14702
by the authority or others, from whatever source provided, for the 14703
payment of any item or items of cost of the capital facilities, 14704
any share of the cost undertaken by the authority pursuant to 14705
arrangements made with governmental entities under division (J) of 14706
section 152.21 of the Revised Code, and all other expenses 14707
necessary or incident to assessing, planning, or determining the 14708
feasibility or practicability with respect to capital facilities, 14709
and such other expenses as may be necessary or incident to the 14710
assessment, planning, acquisition, construction, reconstruction, 14711
rehabilitation, remodeling, renovation, enlargement, improvement, 14712
alteration, maintenance, equipment, furnishing, repair, painting, 14713
decoration, management, or operation of capital facilities, the 14714
financing thereof and the placing of the same in use and 14715
operation, including any one, part of, or combination of such 14716
classes of costs and expenses. 14717

(6) "Governmental entity" means any state agency, municipal 14718
corporation, county, township, school district, and any other 14719
political subdivision or special district in this state 14720
established pursuant to law, and, except where otherwise 14721
indicated, also means the United States or any of the states or 14722
any department, division, or agency thereof, and any agency, 14723

commission, or authority established pursuant to an interstate 14724
compact or agreement. 14725

(7) "Governing body" means: 14726

(a) In the case of a county, the board of county 14727
commissioners or other legislative authority; in the case of a 14728
municipal corporation, the legislative authority; in the case of a 14729
township, the board of township trustees; in the case of a school 14730
district, the board of education; 14731

(b) In the case of any other governmental entity, the 14732
officer, board, commission, authority, or other body having the 14733
general management of the entity or having jurisdiction or 14734
authority in the particular circumstances. 14735

(8) "Available receipts" means fees, charges, revenues, 14736
grants, subsidies, income from the investment of moneys, proceeds 14737
from the sale of goods or services, and all other revenues or 14738
receipts received by or on behalf of any state agency for which 14739
capital facilities are financed with obligations issued under 14740
Chapter 152. of the Revised Code, any state agency participating 14741
in capital facilities pursuant to section 152.33 of the Revised 14742
Code, or any state agency by which the capital facilities are 14743
constructed or financed; revenues or receipts derived by the 14744
authority from the operation, leasing, or other disposition of 14745
capital facilities, and the proceeds of obligations issued under 14746
Chapter 152. of the Revised Code; and also any moneys appropriated 14747
by a governmental entity, gifts, grants, donations, and pledges, 14748
and receipts therefrom, available for the payment of bond service 14749
charges on such obligations. 14750

(9) "Available community or technical college receipts" means 14751
all money received by a community or technical college or 14752
community or technical college district, including income, 14753
revenues, and receipts from the operation, ownership, or control 14754

of facilities, grants, gifts, donations, and pledges and receipts 14755
therefrom, receipts from fees and charges, the allocated state 14756
share of instruction as defined in section 3333.90 of the Revised 14757
Code, and the proceeds of the sale of obligations, including 14758
proceeds of obligations issued to refund obligations previously 14759
issued, but excluding any special fee, and receipts therefrom, 14760
charged pursuant to division (D) of section 154.21 of the Revised 14761
Code. 14762

(10) "Community or technical college," "college," "community 14763
or technical college district," and "district" have the same 14764
meanings as in section 3333.90 of the Revised Code. 14765

(11) "Community or technical college capital facilities" 14766
means auxiliary facilities, education facilities, and housing and 14767
dining facilities, as those terms are defined in section 3345.12 14768
of the Revised Code, to the extent permitted to be financed by the 14769
issuance of obligations under division (A)(2) of section 3357.112 14770
of the Revised Code, that are authorized by sections 3354.121, 14771
3357.112, and 3358.10 of the Revised Code to be financed by 14772
obligations issued by a community or technical college district, 14773
and for which the Ohio building authority is authorized to issue 14774
obligations pursuant to Chapter 152. of the Revised Code, and 14775
includes any one, part of, or any combination of the foregoing, 14776
and further includes site improvements, utilities, machinery, 14777
furnishings, and any separate or connected buildings, structures, 14778
improvements, sites, open space and green space areas, utilities, 14779
or equipment to be used in, or in connection with the operation or 14780
maintenance of, or supplementing or otherwise related to the 14781
services or facilities to be provided by, such facilities. 14782

(12) "Cost of community or technical college capital 14783
facilities" means the costs of acquiring, constructing, 14784
reconstructing, rehabilitating, remodeling, renovating, enlarging, 14785
improving, equipping, or furnishing community or technical college 14786

capital facilities, and the financing thereof, including the cost 14787
of clearance and preparation of the site and of any land to be 14788
used in connection with community or technical college capital 14789
facilities, the cost of any indemnity and surety bonds and 14790
premiums on insurance, all related direct administrative expenses 14791
and allocable portions of direct costs of the authority, community 14792
or technical college or community or technical college district, 14793
cost of engineering, architectural services, design, plans, 14794
specifications and surveys, estimates of cost, legal fees, fees 14795
and expenses of trustees, depositories, bond registrars, and 14796
paying agents for the obligations, cost of issuance of the 14797
obligations and financing costs and fees and expenses of financial 14798
advisers and consultants in connection therewith, interest on the 14799
obligations from the date thereof to the time when interest is to 14800
be covered by available receipts or other sources other than 14801
proceeds of the obligations, amounts that represent the portion of 14802
investment earnings to be rebated or to be paid to the federal 14803
government in order to maintain the exclusion from gross income 14804
for federal income tax purposes of interest on those obligations 14805
pursuant to section 148(f) of the Internal Revenue Code, amounts 14806
necessary to establish reserves as required by the bond 14807
proceedings, costs of audits, the reimbursements of all moneys 14808
advanced or applied by or borrowed from the community or technical 14809
college, community or technical college district, or others, from 14810
whatever source provided, including any temporary advances from 14811
state appropriations, for the payment of any item or items of cost 14812
of community or technical college facilities, and all other 14813
expenses necessary or incident to planning or determining 14814
feasibility or practicability with respect to such facilities, and 14815
such other expenses as may be necessary or incident to the 14816
acquisition, construction, reconstruction, rehabilitation, 14817
remodeling, renovation, enlargement, improvement, equipment, and 14818
furnishing of community or technical college capital facilities, 14819

the financing thereof and the placing of them in use and 14820
operation, including any one, part of, or combination of such 14821
classes of costs and expenses. 14822

(B) Pursuant to the powers granted to the general assembly 14823
under Section 2i of Article VIII, Ohio Constitution, to authorize 14824
the issuance of revenue obligations and other obligations, the 14825
owners or holders of which are not given the right to have excises 14826
or taxes levied by the general assembly for the payment of 14827
principal thereof or interest thereon, the Ohio building authority 14828
may issue obligations, in accordance with Chapter 152. of the 14829
Revised Code, and shall cause the net proceeds thereof, after any 14830
deposits of accrued interest for the payment of bond service 14831
charges and after any deposit of all or such lesser portion as the 14832
authority may direct of the premium received upon the sale of 14833
those obligations for the payment of the bond service charges, to 14834
be applied to the costs of capital facilities designated by or 14835
pursuant to act of the general assembly for housing state agencies 14836
as authorized by Chapter 152. of the Revised Code. The authority 14837
shall provide by resolution for the issuance of such obligations. 14838
The bond service charges and all other payments required to be 14839
made by the trust agreement or indenture securing such obligations 14840
shall be payable solely from available receipts of the authority 14841
pledged thereto as provided in such resolution. The available 14842
receipts pledged and thereafter received by the authority are 14843
immediately subject to the lien of such pledge without any 14844
physical delivery thereof or further act, and the lien of any such 14845
pledge is valid and binding against all parties having claims of 14846
any kind against the authority, irrespective of whether those 14847
parties have notice thereof, and creates a perfected security 14848
interest for all purposes of Chapter 1309. of the Revised Code and 14849
a perfected lien for purposes of any real property interest, all 14850
without the necessity for separation or delivery of funds or for 14851
the filing or recording of the resolution, trust agreement, 14852

indenture, or other agreement by which such pledge is created or 14853
any certificate, statement, or other document with respect 14854
thereto; and the pledge of such available receipts is effective 14855
and the money therefrom and thereof may be applied to the purposes 14856
for which pledged. Every pledge, and every covenant and agreement 14857
made with respect to the pledge, made in the resolution may 14858
therein be extended to the benefit of the owners and holders of 14859
obligations authorized by Chapter 152. of the Revised Code, the 14860
net proceeds of which are to be applied to the costs of capital 14861
facilities, and to any trustee therefor, for the further securing 14862
of the payment of the bond service charges, and all or any rights 14863
under any agreement or lease made under this section may be 14864
assigned for such purpose. Obligations may be issued at one time 14865
or from time to time, and each issue shall be dated, shall mature 14866
at such time or times as determined by the authority not exceeding 14867
forty years from the date of issue, and may be redeemable before 14868
maturity at the option of the authority at such price or prices 14869
and under such terms and conditions as are fixed by the authority 14870
prior to the issuance of the obligations. The authority shall 14871
determine the form of the obligations, fix their denominations, 14872
establish their interest rate or rates, which may be a variable 14873
rate or rates, or the maximum interest rate, and establish within 14874
or without this state a place or places of payment of bond service 14875
charges. 14876

(C) The obligations shall be signed by the authority 14877
chairperson, vice-chairperson, and secretary-treasurer, and the 14878
authority seal shall be affixed. The signatures may be facsimile 14879
signatures and the seal affixed may be a facsimile seal, as 14880
provided by resolution of the authority. Any coupons attached may 14881
bear the facsimile signature of the chairperson. In case any 14882
officer who has signed any obligations, or caused the officer's 14883
facsimile signature to be affixed thereto, ceases to be such 14884
officer before such obligations have been delivered, such 14885

obligations may, nevertheless, be issued and delivered as though 14886
the person who had signed the obligations or caused the person's 14887
facsimile signature to be affixed thereto had not ceased to be 14888
such officer. 14889

Any obligations may be executed on behalf of the authority by 14890
an officer who, on the date of execution, is the proper officer 14891
although on the date of such obligations such person was not the 14892
proper officer. 14893

(D) All obligations issued by the authority shall have all 14894
the qualities and incidents of negotiable instruments and may be 14895
issued in coupon or in registered form, or both, as the authority 14896
determines. Provision may be made for the registration of any 14897
obligations with coupons attached thereto as to principal alone or 14898
as to both principal and interest, their exchange for obligations 14899
so registered, and for the conversion or reconversion into 14900
obligations with coupons attached thereto of any obligations 14901
registered as to both principal and interest, and for reasonable 14902
charges for such registration, exchange, conversion, and 14903
reconversion. The authority may sell its obligations in any manner 14904
and for such prices as it determines, except that the authority 14905
shall sell obligations sold at public or private sale in 14906
accordance with section 152.091 of the Revised Code. 14907

(E) The obligations of the authority, principal, interest, 14908
and any proceeds from their sale or transfer, are exempt from all 14909
taxation within this state. 14910

(F) The authority is authorized to issue revenue obligations 14911
and other obligations under Section 2i of Article VIII, Ohio 14912
Constitution, for the purpose of paying the cost of capital 14913
facilities for housing of branches and agencies of state 14914
government, including capital facilities for the purpose of 14915
housing personnel, equipment, or functions, or any combination 14916
thereof that the state agencies are responsible for housing, as 14917

are authorized by Chapter 152. of the Revised Code, and that are 14918
authorized by the general assembly by the appropriation of lease 14919
payments or other moneys for such capital facilities or by any 14920
other act of the general assembly, but not including the 14921
appropriation of moneys for feasibility studies for such capital 14922
facilities. This division does not authorize the authority to 14923
issue obligations pursuant to Section 2i of Article VIII, Ohio 14924
Constitution, to pay the cost of capital facilities for mental 14925
hygiene and retardation, parks and recreation, or state-supported 14926
or state-assisted institutions of higher education. 14927

(G) The authority is authorized to issue revenue obligations 14928
under Section 2i of Article VIII, Ohio Constitution, on behalf of 14929
a community or technical college district and shall cause the net 14930
proceeds thereof, after any deposits of accrued interest for the 14931
payment of bond service charges and after any deposit of all or 14932
such lesser portion as the authority may direct of the premium 14933
received upon the sale of those obligations for the payment of the 14934
bond service charges, to be applied to the cost of community or 14935
technical college capital facilities, provided that the issuance 14936
of such obligations is subject to the execution of a written 14937
agreement in accordance with division (C) of section 3333.90 of 14938
the Revised Code for the withholding and depositing of funds 14939
otherwise due the district, or the college it operates, in respect 14940
of its allocated state share of instruction. 14941

The authority shall provide by resolution for the issuance of 14942
such obligations. The bond service charges and all other payments 14943
required to be made by the trust agreement or indenture securing 14944
the obligations shall be payable solely from available community 14945
or technical college receipts pledged thereto as provided in the 14946
resolution. The available community or technical college receipts 14947
pledged and thereafter received by the authority are immediately 14948
subject to the lien of such pledge without any physical delivery 14949

thereof or further act, and the lien of any such pledge is valid 14950
and binding against all parties having claims of any kind against 14951
the authority, irrespective of whether those parties have notice 14952
thereof, and creates a perfected security interest for all 14953
purposes of Chapter 1309. of the Revised Code and a perfected lien 14954
for purposes of any real property interest, all without the 14955
necessity for separation or delivery of funds or for the filing or 14956
recording of the resolution, trust agreement, indenture, or other 14957
agreement by which such pledge is created or any certificate, 14958
statement, or other document with respect thereto; and the pledge 14959
of such available community or technical college receipts is 14960
effective and the money therefrom and thereof may be applied to 14961
the purposes for which pledged. Every pledge, and every covenant 14962
and agreement made with respect to the pledge, made in the 14963
resolution may therein be extended to the benefit of the owners 14964
and holders of obligations authorized by this division, and to any 14965
trustee therefor, for the further securing of the payment of the 14966
bond service charges, and all or any rights under any agreement or 14967
lease made under this section may be assigned for such purpose. 14968
Obligations may be issued at one time or from time to time, and 14969
each issue shall be dated, shall mature at such time or times as 14970
determined by the authority not exceeding forty years from the 14971
date of issue, and may be redeemable before maturity at the option 14972
of the authority at such price or prices and under such terms and 14973
conditions as are fixed by the authority prior to the issuance of 14974
the obligations. The authority shall determine the form of the 14975
obligations, fix their denominations, establish their interest 14976
rate or rates, which may be a variable rate or rates, or the 14977
maximum interest rate, and establish within or without this state 14978
a place or places of payment of bond service charges. 14979

Sec. 152.10. The resolution of the Ohio building authority 14980
authorizing the issuance of authority obligations may contain 14981

provisions which shall be part of the contract with the holders of 14982
the obligations as to: 14983

(A) Pledging all or such portion as it determines of the 14984
available receipts of the authority for the payment of bond 14985
service charges and all other payments required to be made by the 14986
trust agreement or indenture securing such obligations, or 14987
restricting the security for a particular issue of obligations to 14988
specific revenues or receipts of the authority; 14989

(B) The acquisition, construction, reconstruction, equipment, 14990
furnishing, improvement, operation, alteration, enlargement, 14991
maintenance, insurance, and repair of capital facilities and sites 14992
therefor, and the duties of the authority with reference thereto; 14993

(C) Other terms of the obligations; 14994

(D) Limitations on the purposes to which the proceeds of the 14995
obligations may be applied; 14996

(E) The rate of rentals or other charges for the use of 14997
capital facilities, the revenues from which are pledged to the 14998
obligations authorized by such resolution, including limitations 14999
upon the power of the authority to modify such rentals or other 15000
charges; 15001

(F) The use of and the expenditures of the revenues of the 15002
authority in such manner and to such extent as shall be 15003
determined, which may include provision for the payment of the 15004
expenses of the operation, maintenance, and repair of capital 15005
facilities, and the operation and administration of the authority 15006
so that such expenses shall be paid or provided as a charge prior 15007
to the payment of bond service charges and all other payments 15008
required to be made by the trust agreement or indenture securing 15009
such obligations; 15010

(G) Limitations on the issuance of additional obligations; 15011

(H) The terms of any trust agreement or indenture securing 15012
the obligations or under which the same may be issued; 15013

(I) Any other or additional agreements with the holders of 15014
the obligations, or the trustee therefor with respect to the 15015
operation of the authority and with respect to its property, 15016
funds, and revenues, and insurance thereof, and of the authority, 15017
its members, officers, and employees; 15018

(J) The deposit and application of funds and the safeguarding 15019
of funds on hand or on deposit without regard to Chapter 131. of 15020
the Revised Code, including any deposits of accrued interest for 15021
the payment of bond service charges and any deposits of premium 15022
for the payment of bond service charges or for the application to 15023
the payment of costs of capital facilities; 15024

(K) Municipal bond insurance, letters of credit, and other 15025
related agreements, the cost of which may be included in the costs 15026
of issuance of the obligations, and the pledge, holding, and 15027
disposition of the proceeds thereof; 15028

(L) A covenant that the state and any using state agency or 15029
any using community or technical college or community or technical 15030
college district shall, so long as such obligations are 15031
outstanding, cause to be charged and collected such revenues and 15032
receipts of, or from, any such using state agency or any such 15033
using community or technical college or community or technical 15034
college district constituting available receipts under the 15035
resolution sufficient in amount to provide for the payment of bond 15036
service charges on such obligations and for the establishment and 15037
maintenance of any reserves, as provided in the resolution for 15038
such obligations, which covenant shall be controlling 15039
notwithstanding any other provision of law pertaining to such 15040
revenues and receipts; provided that no covenant shall require the 15041
general assembly to appropriate money derived from the levying of 15042
excises or taxes for the payment of rent or bond service charges. 15043

Sec. 152.12. (A) As used in this section, "prior community or technical college obligations" means bonds or notes previously issued by a community or technical college district under section 3354.121, 3357.112, or 3358.10 of the Revised Code to pay costs of community or technical college capital facilities.

(B) The Ohio building authority may authorize and issue obligations for the refunding of prior obligations or prior community or technical college obligations for any of the following purposes:

~~(A)(1)~~ Refunding any obligations previously issued by the authority or any prior community or technical college obligations, when the revenues pledged for the payment of such obligations are insufficient to pay obligations or prior community or technical college obligations which have matured or are about to mature or to maintain reserve or other funds required by the resolution or trust agreement or indenture;

~~(B)(2)~~ Refunding any obligations previously issued by the authority or any prior community or technical college obligations as an incident to providing funds for reconstructing, equipping, furnishing, improving, extending, or enlarging any capital facilities of the authority or any community or technical college district or community or technical college;

~~(C)(3)~~ Refunding all of the outstanding obligations or prior community or technical college obligations of any issue, both matured and unmatured, when the revenues pledged for the payment of such obligations or prior community or technical college obligations are insufficient to pay obligations which have matured or are about to mature or to maintain reserve or other funds required by the resolution or trust agreement or indenture, if such outstanding obligations or prior community or technical college obligations can be retired by call or at maturity or with

the consent of the holders, whether from the proceeds of the sale 15075
of the refunding obligations or by exchange for the refunding 15076
obligations, provided the principal amount of the refunding 15077
obligations shall not exceed in amount the aggregate of the par 15078
value of the obligations or prior community or technical college 15079
obligations to be retired, any redemption premium, past due and 15080
future interest to the date of maturity or call that cannot 15081
otherwise be paid, and funds to reconstruct, equip, furnish, 15082
improve, enlarge, or extend any capital facilities of the 15083
authority or any community or technical college district or 15084
community or technical college; 15085

~~(D)~~(4) Refunding any obligations previously issued by the 15086
authority or any prior community or technical college obligations 15087
when the refunding obligations will bear interest at a lower rate 15088
than the obligations or prior community or technical college 15089
obligations to be refunded, or when the interest cost of the 15090
refunding obligations computed to the absolute maturity will be 15091
less than the interest cost of the obligations or prior community 15092
or technical college obligations to be refunded; 15093

~~(E)~~(5) Refunding any obligations issued pursuant to section 15094
152.23 of the Revised Code. 15095

(C) Obligations issued pursuant to division ~~(A)~~(B)(1) of this 15096
section shall mature not later than twenty years after their 15097
issuance and obligations issued pursuant to division (B)(2), 15098
~~(C)~~(3), ~~(D)~~(4), or ~~(E)~~(5) of this section shall mature not later 15099
than forty years after their issuance. Except as provided in this 15100
section, the terms of issuance and sale of obligations issued 15101
under this section shall be as provided in ~~Chapter 152. of the~~ 15102
~~Revised Code~~ this chapter for any other obligations for the 15103
benefit of state agencies, community or technical colleges, or 15104
community or technical college districts, as the context requires. 15105
Obligations authorized under this section shall be deemed to be 15106

issued for those purposes for which such prior obligations or 15107
prior community or technical college obligations were issued, and 15108
may be issued in amounts sufficient for funding and retirement of 15109
prior obligations or prior community or technical college 15110
obligations, for establishment of reserves as required by the 15111
refunding obligations or the resolution authorizing such refunding 15112
obligations or the trust agreement or indenture securing the 15113
refunding obligations, and for payment of any fees and expenses 15114
incurred or to be incurred in connection with such issuance and 15115
such refunding. 15116

Sec. 152.15. Obligations issued by the Ohio building 15117
authority do not, and they shall state that they do not, represent 15118
or constitute a debt of the state or any political subdivision, 15119
nor a pledge of the faith and credit of the state or any political 15120
subdivision. Pursuant to Section 2i of Article VIII, Ohio 15121
Constitution, such obligations shall not be deemed to be debts or 15122
bonded indebtedness of the state under other provisions of the 15123
Ohio Constitution. 15124

The holders or owners of obligations issued by the authority 15125
shall have no right to have excises or taxes levied by the general 15126
assembly for the payment of the bond service charges thereon. The 15127
right of such holders and owners to payment of such bond service 15128
charges shall be limited to the available receipts or available 15129
community or technical college receipts pledged thereto in 15130
accordance with ~~Chapter 152. of the Revised Code~~ this chapter, and 15131
each such obligation shall bear on its face a statement to that 15132
effect. Any available receipts or available community or technical 15133
college receipts may be so pledged only to obligations issued for 15134
capital facilities which are in whole or in part useful to, 15135
constructed by, or financed by the department, board, commission, 15136
authority, community or technical college, community or technical 15137
college district, or other agency or instrumentality that receives 15138

the available receipts or available community or technical college 15139
receipts so pledged. 15140

Sec. 152.33. (A) The Ohio building authority is authorized 15141
under Chapter 152. of the Revised Code to issue revenue 15142
obligations and other obligations to pay the cost of capital 15143
facilities described in ~~section~~ sections 111.26 and 307.021 of the 15144
Revised Code and the cost of capital facilities in which one or 15145
more state agencies are participating with the federal government, 15146
municipal corporations, counties, or other governmental entities 15147
or any one or more of them, and in which that portion of the 15148
facility allocated to the participating state agencies is to be 15149
used for the purpose stated in division (F) of section 152.09 of 15150
the Revised Code, when authorized by the general assembly in 15151
accordance with that division. Such participation may be by 15152
grants, loans, or contributions to other participating 15153
governmental entities for any of such capital facilities. Such 15154
obligations shall be deemed to be issued under sections 152.09 and 15155
152.23 of the Revised Code and shall conform to all requirements 15156
of sections 152.09 to 152.17 and 152.23 of the Revised Code. The 15157
right of holders and owners of obligations issued under this 15158
section to payment of bond service charges shall be limited to the 15159
revenues and receipts of the authority derived from rentals or 15160
other charges for use of the capital facilities constructed with 15161
the proceeds of the obligations to which such revenues and 15162
receipts are pledged, including revenues and receipts from or on 15163
behalf of any participating governmental entity. 15164

(B) Any lease of space by a state agency in a capital 15165
facility described in division (A) of this section shall conform 15166
to the requirements of division (D) of section 152.24 of the 15167
Revised Code. 15168

Sec. 156.01. As used in ~~this chapter~~ sections 156.01 to 15169

<u>156.05 of the Revised Code:</u>	15170
(A) <u>"Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.</u>	15171 15172 15173 15174 15175
(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes any of the following:	15176 15177 15178 15179
(1) Installation or modification of insulation in the building structure and systems within the building;	15180 15181
(2) Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs;	15182 15183 15184 15185 15186 15187
(3) Installation or modification of automatic energy control systems;	15188 15189
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	15190 15191
(5) Application of caulking and weather stripping;	15192
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	15193 15194 15195 15196 15197
(7) Installation or modification of energy recovery systems;	15198
(8) Installation or modification of cogeneration systems that	15199

produce steam or forms of energy such as heat, as well as 15200
electricity, for use primarily within a building or complex of 15201
buildings; 15202

(9) Any other modification, installation, or remodeling 15203
approved by the director of administrative services as an energy 15204
conservation measure for one or more buildings owned by the state. 15205

~~(B)~~(C) "Energy saving measure" means the acquisition and 15206
installation, by purchase, lease, lease-purchase, lease with an 15207
option to buy, or installment purchase, of an energy conservation 15208
measure and any attendant architectural and engineering consulting 15209
services. 15210

(D) "Energy, water, or wastewater cost savings" means a 15211
measured reduction in, as applicable, the cost of fuel, energy or 15212
water consumption, wastewater production, or stipulated operation 15213
or maintenance resulting from the implementation of one or more 15214
energy or water conservation measures, when compared to an 15215
established baseline for previous such costs, respectively. 15216

(E) "Operating cost savings" means a measured reduction in 15217
the cost of stipulated operation or maintenance created by the 15218
installation of new equipment or implementation of a new service, 15219
when compared with an established baseline for previous such 15220
stipulated costs. 15221

(F) "Water conservation measure" means an installation or 15222
modification of an installation in, or a remodeling of, an 15223
existing building or the surrounding grounds in order to reduce 15224
water consumption. The term includes any of the following: 15225

(1) Water-conserving fixture, appliance, or equipment, or the 15226
substitution of a nonwater-using fixture, appliance, or equipment; 15227

(2) Water-conserving, landscape irrigation equipment; 15228

(3) Landscaping measure that reduces storm water runoff 15229

demand and capture and hold applied water and rainfall, including 15230
landscape contouring such as the use of a berm, swale, or terrace 15231
and including the use of a soil amendment, including compost, that 15232
increases the water-holding capacity of the soil; 15233

(4) Rainwater harvesting equipment or equipment to make use 15234
of water collected as part of a storm water system installed for 15235
water quality control; 15236

(5) Equipment for recycling or reuse of water originating on 15237
the premises or from another source, including treated, municipal 15238
effluent; 15239

(6) Equipment needed to capture water for nonpotable uses 15240
from any nonconventional, alternate source, including air 15241
conditioning condensate or gray water; 15242

(7) Any other modification, installation, or remodeling 15243
approved by the board of trustees of a state institution of higher 15244
education as defined in section 3345.011 of the Revised Code as a 15245
water conservation measure for one or more buildings or the 15246
surrounding grounds owned by the institution. 15247

(G) "Water saving measure" means the acquisition and 15248
installation, by the purchase, lease, lease-purchase, lease with 15249
an option to buy, or installment purchases of a water conservation 15250
measure and any attendant architectural and engineering consulting 15251
services. 15252

Sec. 156.02. (A) The director of administrative services may 15253
contract with an energy services company, contractor, architect, 15254
professional engineer, or other person experienced in the design 15255
and implementation of energy conservation measures for a report 15256
containing an analysis and recommendations pertaining to the 15257
implementation of energy conservation measures that would 15258
significantly reduce energy consumption and operating costs in any 15259

buildings owned by the state and, upon request of its board of trustees or managing authority, any building owned by an institution of higher education as defined in section 3345.12 of the Revised Code. The report shall include estimates of all costs of such measures, including the costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the amounts by which energy consumption and operating costs would be reduced.

(B) Upon the request of the board of trustees or managing authority of a state institution of higher education as defined in section 3345.011 of the Revised Code, the director may contract with a water services company, architect, professional engineer, contractor, or other person experienced in the design and implementation of energy or water conservation measures for a report containing an analysis and recommendations pertaining to the implementation of energy or water conservation measures that result in energy, water, or wastewater cost savings, operating cost savings, or avoided capital costs for the institution. The report shall include estimates of all costs of such installations, including the costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the energy, water, or wastewater cost savings, operating cost savings, and avoided capital costs created.

Sec. 156.03. (A) If the director of administrative services wishes to enter into an installment payment contract pursuant to section 156.04 of the Revised Code or any other contract to implement one or more energy saving measures or, in the case of a state institution of higher education pursuant to division (B) of section 156.02 of the Revised Code, energy or water saving measures, he the director may proceed under Chapter 153. of the Revised Code, or, alternatively, he the director may request the controlling board to exempt the contract from Chapter 153. of the

Revised Code. 15292

If the controlling board by a majority vote approves an 15293
exemption, that chapter shall not apply to the contract and 15294
instead the director shall request proposals from at least three 15295
parties for the implementation of the energy or water saving 15296
measures. Prior to providing any interested party a copy of any 15297
such request, the director shall advertise, in a newspaper of 15298
general circulation in the county where the contract is to be 15299
performed, ~~his~~ the director's intent to request proposals for the 15300
implementation of the energy or water saving measures. The notice 15301
shall invite interested parties to submit proposals for 15302
consideration and shall be published at least thirty days prior to 15303
the date for accepting proposals. 15304

(B) Upon receiving the proposals, the director shall analyze 15305
them and, after considering the cost estimates of each proposal 15306
and the availability of funds to pay for each with current 15307
appropriations or by financing the cost of each through an 15308
installment payment contract under section 156.04 of the Revised 15309
Code, may select one or more proposals or reject all proposals. In 15310
selecting proposals, the director shall select the one or more 15311
proposals most likely to result in the greatest savings when the 15312
cost of the proposal is compared to the reduced energy and 15313
operating costs that will result from implementing the proposal. 15314
However, in the case of a state institution of higher education 15315
pursuant to division (B) of section 156.02 of the Revised Code, 15316
the director shall select the one or more proposals most likely to 15317
result in the greatest energy, water, or wastewater savings, 15318
operating costs savings, and avoided capital costs created. 15319

(C)(1) No contract shall be awarded to implement energy 15320
saving measures under this section, other than in the case of a 15321
state institution of higher education, unless the director finds 15322
that one or both of the following circumstances exists, as 15323

applicable: 15324

~~(A)~~(a) In the case of a contract for a cogeneration system 15325
described in division (H) of section 156.01 of the Revised Code, 15326
the cost of the contract is not likely to exceed the amount of 15327
money that would be saved in energy and operating costs over no 15328
more than five years; 15329

~~(B)~~(b) In the case of any contract for any energy saving 15330
measure other than a cogeneration system, the cost of the contract 15331
is not likely to exceed the amount of money that would be saved in 15332
energy and operating costs over no more than ten years. 15333

(2) In the case of a state institution of higher education 15334
pursuant to division (B) of section 156.02 of the Revised Code, no 15335
contract shall be awarded to implement energy or water saving 15336
measures for the institution under this section unless the 15337
director finds that both of the following circumstances exists: 15338

(a) Not less than one-fifteenth of the costs of the contract 15339
shall be paid within two years from the date of purchase; 15340

(b) The remaining balance of the cost of the contract shall 15341
be paid within fifteen years from the date of purchase. 15342

Sec. 156.04. (A) In accordance with this section and section 15343
156.03 of the Revised Code, the director of administrative 15344
services may enter into an installment payment contract for the 15345
implementation of one or more energy or water saving measures. If 15346
the director wishes an installment payment contract to be exempted 15347
from Chapter 153. of the Revised Code, the director shall proceed 15348
pursuant to section 156.03 of the Revised Code. 15349

(B)(1) Any installment payment contract under this section, 15350
other than in the case of a state institution of higher education, 15351
for one or more energy saving measures shall provide that all 15352
payments, except payments for repairs and obligations on 15353

termination of the contract prior to its expiration, are to be a 15354
stated percentage of calculated savings of energy and operating 15355
costs attributable to the one or more measures over a defined 15356
period of time and are to be made only to the extent that those 15357
savings actually occur. No such contract shall contain any of the 15358
following: 15359

~~(1)~~(a) A requirement of any additional capital investment or 15360
contribution of funds, other than funds available from state or 15361
federal grants; 15362

~~(2)~~(b) In the case of a contract for an energy saving measure 15363
that is a cogeneration system described in division (H) of section 15364
156.01 of the Revised Code, a payment term longer than five years; 15365

~~(3)~~(c) In the case of a contract for any energy saving 15366
measure that is not a cogeneration system, a payment term longer 15367
than ten years. 15368

(2) Any installment payment contract under this section for 15369
one or more energy or water saving measures for a state 15370
institution of higher education pursuant to division (B) of 15371
section 156.02 of the Revised Code, shall provide that all 15372
payments, except payments for repairs and obligations on 15373
termination of the contract prior to its expiration, are to be a 15374
stated percentage of calculated energy, water, or wastewater cost 15375
savings, operating costs, and avoided capital costs attributable 15376
to the one or more measures over a defined period of time and are 15377
to be made only to the extent that those calculated amounts 15378
actually occur. No such contract shall contain either of the 15379
following: 15380

(a) A requirement of any additional capital investment or 15381
contribution of funds, other than funds available from state or 15382
federal grants; 15383

(b) A payment term longer than fifteen years. 15384

(C) Any installment payment contract entered into under this 15385
section shall terminate no later than the last day of the fiscal 15386
biennium for which funds have been appropriated to the department 15387
of administrative services by the general assembly and shall be 15388
renewed in each succeeding fiscal biennium in which any balance of 15389
the contract remains unpaid, provided that both an appropriation 15390
for that succeeding fiscal biennium and the certification required 15391
by section 126.07 of the Revised Code are made. 15392

Sec. 166.07. (A) The director of development, with the 15393
approval of the controlling board and subject to the other 15394
applicable provisions of this chapter, may lend moneys in the 15395
facilities establishment fund to persons for the purpose of paying 15396
allowable costs of an eligible project if the director determines 15397
that: 15398

(1) The project is an eligible project and is economically 15399
sound; 15400

(2) The borrower is unable to finance the necessary allowable 15401
costs through ordinary financial channels upon comparable terms; 15402

(3) The amount to be lent from the facilities establishment 15403
fund will not exceed seventy-five per cent of the total allowable 15404
costs of the eligible project, except that if any part of the 15405
amount to be lent from the facilities establishment fund is 15406
derived from the issuance and sale of project financing 15407
obligations the amount to be lent will not exceed ninety per cent 15408
of the total allowable costs of the eligible project; 15409

(4) The eligible project could not be achieved in the local 15410
area in which it is to be located if the portion of the project to 15411
be financed by the loan instead were to be financed by a loan 15412
guaranteed under section 166.06 of the Revised Code; 15413

(5) The repayment of the loan from the facilities 15414

establishment fund will be adequately secured by a mortgage, 15415
assignment, pledge, or lien provided for under section 9.661 of 15416
the Revised Code, at such level of priority as the director may 15417
require; 15418

(6) The borrower will hold at least a ten per cent equity 15419
interest in the eligible project at the time the loan is made. 15420

(B) The determinations of the director under division (A) of 15421
this section shall be conclusive for purposes of the validity of a 15422
loan commitment evidenced by a loan agreement signed by the 15423
director. 15424

(C) In furtherance of the public policy of this chapter, 15425
there is hereby established the micro-lending program for the 15426
purpose of paying the allowable costs of eligible projects of 15427
eligible small businesses. From any amount of the facilities 15428
establishment fund that the general assembly designates for the 15429
purpose of the micro-lending program, the director of development 15430
shall, either directly or indirectly, make loans under this 15431
section to eligible small businesses. The director shall establish 15432
eligibility criteria and loan terms for the program that 15433
supplement eligibility criteria and loan terms otherwise 15434
prescribed for loans under this section, and may prescribe reduced 15435
service charges and fees. For the purpose of lending under the 15436
micro-lending program, the director of development shall give 15437
precedence to projects of eligible small businesses that foster 15438
the development of small entrepreneurial enterprises, 15439
notwithstanding the considerations prescribed by divisions 15440
(A)(1)(a) and (b) of section 166.05 of the Revised Code to the 15441
extent those considerations otherwise may have the effect of 15442
disqualifying projects of eligible small businesses. The director 15443
may enter into agreements with for-profit or non-profit 15444
organizations in this state to originate and administer loans made 15445
under the micro-lending program. 15446

(D) Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of and security for loans made from the facilities establishment fund pursuant to this section shall be such as the director determines to be appropriate and in furtherance of the purpose for which the loans are made. The moneys used in making such loans shall be disbursed from the facilities establishment fund upon order of the director. The director shall give special consideration in setting the required job creation ratios and interest rates for loans that are for voluntary actions.

~~(D)~~(E) The director may take actions necessary or appropriate to collect or otherwise deal with any loan made under this section, including any action authorized by section 9.661 of the Revised Code.

~~(E)~~(F) The director may fix service charges for the making of a loan. Such charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director.

Sec. 167.081. If sections 153.50, 153.51, and 153.52 of the Revised Code do not apply, the council may enter into a contract that establishes a unit price for, and provides upon a per unit basis, materials, labor, services, overhead, profit, and associated expenses for the repair, enlargement, improvement, or demolition of a building or structure if the contract is awarded pursuant to a competitive bidding procedure of a county, municipal corporation, or township or a special district, school district, or other political subdivision that is a council member; a statewide consortium of which the council is a member; or a multistate consortium of which the council is a member.

A public notice requirement pertaining to the contract shall be considered as having been met if the public notice is given once a week for at least two consecutive weeks in a newspaper of

general circulation within a county in this state in which the 15478
council has members and if the notice is posted on the council's 15479
internet web site for at least two consecutive weeks before the 15480
date specified for receiving bids. 15481

A county, municipal corporation, or township and a special 15482
district, school district, or other political subdivision that is 15483
a council member may participate in a contract entered into under 15484
this section. Purchases under a contract entered into under this 15485
section are exempt from any competitive selection or bidding 15486
requirements otherwise required by law. A county, municipal 15487
corporation, or township or a special district, school district, 15488
or other political subdivision that is a member of the council is 15489
not entitled to participate in a contract entered into under this 15490
section if it has received bids for the same work under another 15491
contract, unless participation in a contract under this section 15492
will enable the member to obtain the same work, upon the same 15493
terms, conditions, and specifications, at a lower price. 15494

Sec. 169.08. (A) Any person claiming a property interest in 15495
unclaimed funds delivered or reported to the state under Chapter 15496
169. of the Revised Code, including the office of child support in 15497
the department of job and family services, pursuant to section 15498
3123.88 of the Revised Code, may file a claim thereto on the form 15499
prescribed by the director of commerce. 15500

(B) The director shall consider matters relevant to any claim 15501
filed under division (A) of this section and shall hold a formal 15502
hearing if requested or considered necessary and receive evidence 15503
concerning such claim. A finding and decision in writing on each 15504
claim filed shall be prepared, stating the substance of any 15505
evidence received or heard and the reasons for allowance or 15506
disallowance of the claim. The evidence and decision shall be a 15507
public record. No statute of limitations shall bar the allowance 15508

of a claim. 15509

(C) For the purpose of conducting any hearing, the director 15510
may require the attendance of such witnesses and the production of 15511
such books, records, and papers as the director desires, and the 15512
director may take the depositions of witnesses residing within or 15513
without this state in the same manner as is prescribed by law for 15514
the taking of depositions in civil actions in the court of common 15515
pleas, and for that purpose the director may issue a subpoena for 15516
any witness or a subpoena duces tecum to compel the production of 15517
any books, records, or papers, directed to the sheriff of the 15518
county where such witness resides or is found, which shall be 15519
served and returned. The fees of the sheriff shall be the same as 15520
that allowed in the court of common pleas in criminal cases. 15521
Witnesses shall be paid the fees and mileage provided for under 15522
section 119.094 of the Revised Code. Fees and mileage shall be 15523
paid from the unclaimed funds trust fund. 15524

(D) Interest is not payable to claimants of unclaimed funds 15525
held by the state. Claims shall be paid from the trust fund. If 15526
the amount available in the trust fund is not sufficient to pay 15527
pending claims, or other amounts disbursable from the trust fund, 15528
the treasurer of state shall certify such fact to the director, 15529
who shall then withdraw such amount of funds from the mortgage 15530
accounts as the director determines necessary to reestablish the 15531
trust fund to a level required to pay anticipated claims but not 15532
more than ten per cent of the net unclaimed funds reported to 15533
date. 15534

The director ~~shall retain in the trust fund, as a fee for~~ 15535
~~administering the funds, five per cent of the total amount of~~ 15536
~~unclaimed funds payable to the claimant and~~ may withdraw the funds 15537
paid to the director by the holders and deposited by the director 15538
with the treasurer of state or in a financial institution as agent 15539
for such funds. Whenever these funds are inadequate to meet the 15540

requirements for the trust fund, the director shall provide for a 15541
withdrawal of funds, within a reasonable time, in such amount as 15542
is necessary to meet the requirements, from financial institutions 15543
in which such funds were retained or placed by a holder and from 15544
other holders who have retained funds, in an equitable manner as 15545
prescribed by the director. In the event that the amount to be 15546
withdrawn from any one such holder is less than five hundred 15547
dollars, the amount to be withdrawn shall be at the discretion of 15548
the director. Such funds may be reimbursed in the amounts 15549
withdrawn when the trust fund has a surplus over the amount 15550
required to pay anticipated claims. Whenever the trust fund has a 15551
surplus over the amount required to pay anticipated claims, the 15552
director may transfer such surplus to the mortgage accounts. 15553

(E) If a claim which is allowed under this section relates to 15554
funds which have been retained by the reporting holder, and if the 15555
funds, on deposit with the treasurer of state pursuant to this 15556
chapter, are insufficient to pay claims, the director may notify 15557
such holder in writing of the payment of the claim and such holder 15558
shall immediately reimburse the state in the amount of such claim. 15559
The reimbursement shall be credited to the unclaimed funds trust 15560
fund. 15561

(F) Any person, including the office of child support, 15562
adversely affected by a decision of the director may appeal such 15563
decision in the manner provided in Chapter 119. of the Revised 15564
Code. 15565

In the event the claimant prevails, the claimant shall be 15566
reimbursed for reasonable attorney's fees and costs. 15567

(G) Notwithstanding anything to the contrary in this chapter, 15568
any holder who has paid moneys to or entered into an agreement 15569
with the director pursuant to section 169.05 of the Revised Code 15570
on certified checks, cashiers' checks, bills of exchange, letters 15571
of credit, drafts, money orders, or travelers' checks, may make 15572

payment to any person entitled thereto, including the office of 15573
child support, and upon surrender of the document, except in the 15574
case of travelers' checks, and proof of such payment, the director 15575
shall reimburse the holder for such payment without interest. 15576

Sec. 173.08. (A) The resident services coordinator program is 15577
established in the department of aging to fund resident services 15578
coordinators. The coordinators shall provide information to 15579
low-income and special-needs tenants, including the elderly, who 15580
live in financially assisted rental housing complexes, and assist 15581
those tenants in identifying and obtaining community and program 15582
services and other benefits for which they are eligible. 15583

(B) The resident services coordinator program fund is hereby 15584
created in the state treasury to support the resident services 15585
coordinator program established pursuant to this section. The fund 15586
consists of all moneys the department of development sets aside 15587
pursuant to division (A)~~(4)~~(3) of section 174.02 of the Revised 15588
Code and moneys the general assembly appropriates to the fund. 15589

Sec. 173.28. (A)(1) As used in this division, "incident" 15590
means the occurrence of a violation with respect to a resident or 15591
recipient, as those terms are defined in section 173.14 of the 15592
Revised Code. A violation is a separate incident for each day it 15593
occurs and for each resident who is subject to it. 15594

In lieu of the fine that may be imposed under division (A) of 15595
section 173.99 of the Revised Code, the director of aging may, 15596
under Chapter 119. of the Revised Code, fine a long-term care 15597
provider or other entity, or a person employed by a long-term care 15598
provider or other entity, for a violation of division (C) of 15599
section 173.24 of the Revised Code. The fine shall not exceed one 15600
thousand dollars per incident. 15601

(2) In lieu of the fine that may be imposed under division 15602

(C) of section 173.99 of the Revised Code, the director may, under Chapter 119. of the Revised Code, fine a long-term care provider or other entity, or a person employed by a long-term care provider or other entity, for violating division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsperson program the access required by that division. The fine shall not exceed five hundred dollars for each day the violation continued.

(B) On request of the director, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (A)(1) or (2) of this section that remains unpaid thirty days after the violator's final appeal is exhausted.

(C) All fines collected under this section shall be deposited into the state treasury to the credit of the state long-term care ombudsperson program fund created under section 173.26 of the Revised Code.

Sec. 173.35. (A) As used in this section, "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.

(B) The department of aging shall administer the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care.

(C) For an individual to be eligible for residential state

supplement payments, all of the following must be the case: 15634

(1) Except as provided by division (G) of this section, the 15635
individual must reside in one of the following: 15636

(a) An adult foster home certified under section 173.36 of 15637
the Revised Code; 15638

(b) A home or facility, other than a nursing home or nursing 15639
home unit of a home for the aging, licensed by the department of 15640
health under Chapter 3721. or 3722. of the Revised Code and 15641
certified in accordance with standards established by the director 15642
of aging under division (D)(2) of this section; 15643

~~(c) A community alternative home licensed under section 15644
3724.03 of the Revised Code and certified in accordance with 15645
standards established by the director of aging under division 15646
(D)(2) of this section; 15647~~

~~(d)~~ A residential facility as defined in division 15648
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 15649
the department of mental health and certified in accordance with 15650
standards established by the director of aging under division 15651
(D)(2) of this section; 15652

~~(e)~~(d) An apartment or room used to provide community mental 15653
health housing services certified by the department of mental 15654
health under section 5119.611 of the Revised Code and approved by 15655
a board of alcohol, drug addiction, and mental health services 15656
under division (A)(14) of section 340.03 of the Revised Code and 15657
certified in accordance with standards established by the director 15658
of aging under division (D)(2) of this section. 15659

(2) Effective July 1, 2000, a PASSPORT administrative agency 15660
must have determined that the environment in which the individual 15661
will be living while receiving the payments is appropriate for the 15662
individual's needs. If the individual is eligible for supplemental 15663
security income payments or social security disability insurance 15664

benefits because of a mental disability, the PASSPORT 15665
administrative agency shall refer the individual to a community 15666
mental health agency for the community mental health agency to 15667
issue in accordance with section 340.091 of the Revised Code a 15668
recommendation on whether the PASSPORT administrative agency 15669
should determine that the environment in which the individual will 15670
be living while receiving the payments is appropriate for the 15671
individual's needs. Division (C)(2) of this section does not apply 15672
to an individual receiving residential state supplement payments 15673
on June 30, 2000, until the individual's first eligibility 15674
redetermination after that date. 15675

(3) The individual satisfies all eligibility requirements 15676
established by rules adopted under division (D) of this section. 15677

(D)(1) The directors of aging and job and family services 15678
shall adopt rules in accordance with section 111.15 of the Revised 15679
Code as necessary to implement the residential state supplement 15680
program. 15681

To the extent permitted by Title XVI of the "Social Security 15682
Act," and any other provision of federal law, the director of job 15683
and family services shall adopt rules establishing standards for 15684
adjusting the eligibility requirements concerning the level of 15685
impairment a person must have so that the amount appropriated for 15686
the program by the general assembly is adequate for the number of 15687
eligible individuals. The rules shall not limit the eligibility of 15688
disabled persons solely on a basis classifying disabilities as 15689
physical or mental. The director of job and family services also 15690
shall adopt rules that establish eligibility standards for aged, 15691
blind, or disabled individuals who reside in one of the homes or 15692
facilities specified in division (C)(1) of this section but who, 15693
because of their income, do not receive supplemental security 15694
income payments. The rules may provide that these individuals may 15695
include individuals who receive other types of benefits, 15696

including, social security disability insurance benefits provided 15697
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 15698
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 15699
section, such payments may be made if funds are available for 15700
them. 15701

The director of aging shall adopt rules establishing the 15702
method to be used to determine the amount an eligible individual 15703
will receive under the program. The amount the general assembly 15704
appropriates for the program shall be a factor included in the 15705
method that department establishes. 15706

(2) The director of aging shall adopt rules in accordance 15707
with Chapter 119. of the Revised Code establishing standards for 15708
certification of living facilities described in division (C)(1) of 15709
this section. 15710

The directors of aging and mental health shall enter into an 15711
agreement to certify facilities that apply for certification and 15712
meet the standards established by the director of aging under this 15713
division. 15714

(E) The county department of job and family services of the 15715
county in which an applicant for the residential state supplement 15716
program resides shall determine whether the applicant meets income 15717
and resource requirements for the program. 15718

(F) The department of aging shall maintain a waiting list of 15719
any individuals eligible for payments under this section but not 15720
receiving them because moneys appropriated to the department for 15721
the purposes of this section are insufficient to make payments to 15722
all eligible individuals. An individual may apply to be placed on 15723
the waiting list even though the individual does not reside in one 15724
of the homes or facilities specified in division (C)(1) of this 15725
section at the time of application. The director of aging, by 15726
rules adopted in accordance with Chapter 119. of the Revised Code, 15727

shall specify procedures and requirements for placing an 15728
individual on the waiting list and priorities for the order in 15729
which individuals placed on the waiting list are to begin to 15730
receive residential state supplement payments. The rules 15731
specifying priorities may give priority to individuals placed on 15732
the waiting list on or after July 1, 2006, who receive 15733
supplemental security income benefits under Title XVI of the 15734
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 15735
amended. The rules shall not affect the place on the waiting list 15736
of any person who was on the list on July 1, 2006. The rules 15737
specifying priorities may also set additional priorities based on 15738
living arrangement, such as whether an individual resides in a 15739
facility listed in division (C)(1) of this section or has been 15740
admitted to a nursing facility. 15741

(G) An individual in a licensed or certified living 15742
arrangement receiving state supplementation on November 15, 1990, 15743
under former section 5101.531 of the Revised Code shall not become 15744
ineligible for payments under this section solely by reason of the 15745
individual's living arrangement as long as the individual remains 15746
in the living arrangement in which the individual resided on 15747
November 15, 1990. 15748

(H) The department of aging shall notify each person denied 15749
approval for payments under this section of the person's right to 15750
a hearing. On request, the hearing shall be provided by the 15751
department of job and family services in accordance with section 15752
5101.35 of the Revised Code. 15753

Sec. 173.392. (A) The department of aging may pay a person or 15754
government entity for providing community-based long-term care 15755
services under a program the department administers, even though 15756
the person or government entity is not certified under section 15757
173.391 of the Revised Code, if all of the following are the case: 15758

(1) The person or government entity has a contract with the department of aging or the department's designee to provide the services in accordance with the contract or has received a grant from the department or its designee to provide the services in accordance with a grant agreement;

(2) The contract or grant agreement includes detailed conditions of participation for providers of services under a program the department administers and service standards that the person or government entity is required to satisfy;

(3) The person or government entity complies with the contract or grant agreement;

(4) The contract or grant is not for medicaid-funded services, other than services provided under the PACE program administered by the department of aging under section 173.50 of the Revised Code.

(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code governing both of the following:

(1) Contracts and grant agreements between the department of aging or its designee and persons and government entities regarding community-based long-term care services provided under a program the department administers;

(2) The department's payment for community-based long-term care services ~~provided under such a contract~~ this section.

Sec. 173.40. ~~There~~ As used in sections 173.40 to 173.402 of the Revised Code, "PASSPORT program" means the program created under this section.

~~There~~ is hereby created a ~~medicaid waiver component, as defined in section 5111.85 of the Revised Code, to be known as the~~ preadmission screening system providing options and resources

today program, or PASSPORT. The PASSPORT program shall provide 15789
home and community-based services as an alternative to nursing 15790
facility placement for aged and disabled medicaid recipients. The 15791
program shall be operated ~~pursuant to a home and community based~~ 15792
as a separate medicaid waiver granted by component, as defined in 15793
section 5111.85 of the Revised Code, until the United States 15794
secretary of health and human services approves the consolidated 15795
federal medicaid waiver sought under section ~~1915 of the "Social~~ 15796
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended~~ 15797
5111.861 of the Revised Code. The program shall be part of the 15798
consolidated federal medicaid waiver sought under that section if 15799
the United States secretary approves the waiver. The department of 15800
aging shall administer the program through a contract entered into 15801
with the department of job and family services under section 15802
5111.91 of the Revised Code. The director of job and family 15803
services shall adopt rules under section 5111.85 of the Revised 15804
Code and the director of aging shall adopt rules in accordance 15805
with Chapter 119. of the Revised Code to implement the program. 15806

Sec. 173.401. (A) As used in this section: 15807

"Area agency on aging" has the same meaning as in section 15808
173.14 of the Revised Code. 15809

"Long-term care consultation program" means the program the 15810
department of aging is required to develop under section 173.42 of 15811
the Revised Code. 15812

"Long-term care consultation program administrator" or 15813
"administrator" means the department of aging or, if the 15814
department contracts with an area agency on aging or other entity 15815
to administer the long-term care consultation program for a 15816
particular area, that agency or entity. 15817

"Nursing facility" has the same meaning as in section 5111.20 15818
of the Revised Code. 15819

~~"PASSPORT program" means the program created under section 15820
173.40 of the Revised Code. 15821~~

"PASSPORT waiver" means the federal medicaid waiver granted 15822
by the United States secretary of health and human services that 15823
authorizes the PASSPORT program. 15824

(B) The director of job and family services shall submit to 15825
the United States secretary of health and human services an 15826
amendment to the PASSPORT waiver that authorizes additional 15827
enrollments in the PASSPORT program pursuant to this section. 15828
Beginning with the month following the month in which the United 15829
States secretary approves the amendment and each month thereafter, 15830
each area agency on aging shall determine whether individuals who 15831
reside in the area that the area agency on aging serves and are on 15832
a waiting list for the PASSPORT program have been admitted to a 15833
nursing facility. If an area agency on aging determines that such 15834
an individual has been admitted to a nursing facility, the agency 15835
shall notify the long-term care consultation program administrator 15836
serving the area in which the individual resides about the 15837
determination. The administrator shall determine whether the 15838
PASSPORT program is appropriate for the individual and whether the 15839
individual would rather participate in the PASSPORT program than 15840
continue residing in the nursing facility. If the administrator 15841
determines that the PASSPORT program is appropriate for the 15842
individual and the individual would rather participate in the 15843
PASSPORT program than continue residing in the nursing facility, 15844
the administrator shall so notify the department of aging. On 15845
receipt of the notice from the administrator, the department of 15846
aging shall approve the individual's enrollment in the PASSPORT 15847
program regardless of the PASSPORT program's waiting list and even 15848
though the enrollment causes enrollment in the program to exceed 15849
the limit that would otherwise apply. Each quarter, the department 15850
of aging shall certify to the director of budget and management 15851

the estimated increase in costs of the PASSPORT program resulting 15852
from enrollment of individuals in the PASSPORT program pursuant to 15853
this section. 15854

~~(C) Not later than the last day of each calendar year, the 15855
director of job and family services shall submit to the general 15856
assembly a report regarding the number of individuals enrolled in 15857
the PASSPORT program pursuant to this section and the costs 15858
incurred and savings achieved as a result of the enrollments. 15859~~

Sec. 173.402. An individual enrolled in the PASSPORT program 15860
may request that home-delivered meals provided to the individual 15861
under the PASSPORT program be kosher. If such a request is made, 15862
the department of aging or the department's designee shall ensure 15863
that each home-delivered meal provided to the individual under the 15864
PASSPORT program is kosher. In complying with this requirement, 15865
the department or department's designee shall require each entity 15866
that provides home-delivered meals to the individual to provide 15867
the individual with meals that meet, as much as possible, the 15868
requirements established in rules adopted under section 173.40 of 15869
the Revised Code governing the home-delivered meal service while 15870
complying with kosher practices for meal preparation and dietary 15871
restrictions. 15872

An entity that provides a kosher home-delivered meal to a 15873
PASSPORT program enrollee pursuant to this section shall be 15874
reimbursed for the meal at a rate equal to the rate for 15875
home-delivered meals furnished to PASSPORT program enrollees 15876
requiring a therapeutic diet. 15877

Sec. 173.403. "Choices program" means the program created 15878
under this section. 15879

There is hereby created the choices program. The program 15880
shall provide home and community-based services. The choices 15881

program shall be operated as a separate medicaid waiver component, 15882
as defined in section 5111.85 of the Revised Code, until the 15883
United States secretary of health and human services approves the 15884
consolidated federal medicaid waiver sought under section 5111.861 15885
of the Revised Code. The program shall be part of the consolidated 15886
federal medicaid waiver sought under that section if the United 15887
States secretary approves the waiver. The department of aging 15888
shall administer the program through a contract entered into with 15889
the department of job and family services under section 5111.91 of 15890
the Revised Code. Subject to federal approval, the program shall 15891
be available statewide. 15892

Sec. 173.404. As used in this section, "medicaid waiver 15893
component" has the same meaning as in section 5111.85 of the 15894
Revised Code. 15895

An individual enrolled in a medicaid waiver component the 15896
department of aging administers may not receive any of the 15897
following medicaid state plan services unless the services are 15898
provided in conjunction with medicaid case management services 15899
provided to the individual: 15900

(A) Home health services; 15901

(B) Private duty nursing services; 15902

(C) Durable medical equipment; 15903

(D) Services of a clinical nurse specialist; 15904

(E) Services of a certified nurse practitioner. 15905

Sec. 173.42. (A) As used in ~~this section~~ sections 173.42 to 15906
173.434 of the Revised Code: 15907

(1) "Area agency on aging" means a public or private 15908
nonprofit entity designated under section 173.011 of the Revised 15909
Code to administer programs on behalf of the department of aging. 15910

(2) <u>"Department of aging-administered medicaid waiver component" means each of the following:</u>	15911
	15912
<u>(a) The PASSPORT program created under section 173.40 of the Revised Code;</u>	15913
	15914
<u>(b) The choices program created under section 173.403 of the Revised Code;</u>	15915
	15916
<u>(c) The assisted living program created under section 5111.89 of the Revised Code;</u>	15917
	15918
<u>(d) Any other medicaid waiver component, as defined in section 5111.85 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code.</u>	15919
	15920
	15921
	15922
	15923
<u>(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:</u>	15924
	15925
	15926
<u>(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;</u>	15927
	15928
<u>(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 of the Revised Code:</u>	15929
	15930
	15931
	15932
<u>(i) Home health services;</u>	15933
<u>(ii) Private duty nursing services;</u>	15934
<u>(iii) Durable medical equipment;</u>	15935
<u>(iv) Services of a clinical nurse specialist;</u>	15936
<u>(v) Services of a certified nurse practitioner.</u>	15937
<u>(c) Services available to a participant of the PACE program.</u>	15938
<u>(4) "Long-term care consultation" or "consultation" means the</u>	15939

~~process used to provide services under consultation service made 15940
available by the department of aging or a program administrator 15941
through the long-term care consultation program established 15942
pursuant to this section, ~~including, but not limited to, such~~ 15943
~~services as the provision of information about long term care~~ 15944
~~options and costs, the assessment of an individual's functional~~ 15945
~~capabilities, and the conduct of all or part of the reviews,~~ 15946
~~assessments, and determinations specified in sections 5111.202,~~ 15947
~~5111.204, 5119.061, and 5123.021 of the Revised Code and the rules~~ 15948
~~adopted under these sections.~~ 15949~~

~~(3)(5) "Medicaid" means the medical assistance program 15950
established under Chapter 5111. of the Revised Code. 15951~~

~~(4)(6) "Nursing facility" has the same meaning as in section 15952
5111.20 of the Revised Code. 15953~~

~~(5)(7) "PACE program" means the component of the medicaid 15954
program the department of aging administers pursuant to section 15955
173.50 of the Revised Code. 15956~~

~~(8) "Program administrator" means an area agency on aging or 15957
other entity under contract with the department of aging to 15958
administer the long-term care consultation program in a geographic 15959
region specified in the contract. 15960~~

~~(9) "Representative" means a person acting on behalf of an 15961
individual ~~seeking a long term care consultation, applying for~~ 15962
~~admission to a nursing facility, or residing in a nursing facility~~ 15963
specified in division (G) of this section. A representative may be 15964
a family member, attorney, hospital social worker, or any other 15965
person chosen to act on behalf of the individual. 15966~~

~~(B) The department of aging shall develop a long-term care 15968
consultation program whereby individuals or their representatives 15969
are provided with long-term care consultations and receive through 15970~~

these professional consultations information about options 15971
available to meet long-term care needs and information about 15972
factors to consider in making long-term care decisions. The 15973
long-term care consultations provided under the program may be 15974
provided at any appropriate time, as permitted or required under 15975
this section and the rules adopted under it, including either 15976
prior to or after the individual who is the subject of a 15977
consultation has been admitted to a nursing facility or granted 15978
assistance in receiving home and community-based services covered 15979
by medicaid components the department of aging administers. 15980

(C)(1) The long-term care consultation program shall be 15981
administered by the department of aging, except that the 15982
department may ~~enter into a contract with an area agency on aging~~ 15983
~~or other entity selected by the department under which the program~~ 15984
~~for a particular area is administered by the area agency on aging~~ 15985
~~or other entity pursuant to the contract~~ have the program 15986
administered on a regional basis by one or more program 15987
administrators. The department and each program administrator 15988
shall administer the program in such a manner that all of the 15989
following are included: 15990

(a) Coordination and collaboration with respect to all 15991
available funding sources for long-term care services; 15992

(b) Assessments of individuals regarding their long-term care 15993
service needs; 15994

(c) Assessments of individuals regarding their on-going 15995
eligibility for long-term care services; 15996

(d) Procedures for assisting individuals in obtaining access 15997
to, and coordination of, health and supportive services; 15998

(e) Procedures for monitoring the quality of long-term care 15999
services and supports and the health and welfare of individuals 16000
receiving long-term care services and supports; 16001

(f) Priorities for using available resources efficiently and effectively. 16002
16003

(2) The procedures specified in division (C)(1)(e) of this section shall include procedures for assessing the extent to which long-term care services and supports are provided in a culturally competent manner. 16004
16005
16006
16007

(D) The program's long-term care consultations ~~provided for purposes of the program~~ shall be provided by individuals certified by the department under section ~~173.43~~ 173.422 of the Revised Code. 16008
16009
16010
16011

(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following: 16012
16013
16014

(1) The availability of any long-term care options open to the individual; 16015
16016

(2) Sources and methods of both public and private payment for long-term care services; 16017
16018

(3) Factors to consider when choosing among the available programs, services, and benefits; 16019
16020

(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community. 16021
16022
16023

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code. 16024
16025
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(G)(1) Unless an exemption specified in division (I) of this section is applicable, each ~~individual in~~ of the following 16030
16031

~~categories~~ shall be provided with a long-term care consultation: 16032

(a) ~~Individuals~~ An individual who ~~apply~~ applies or ~~indicate~~ indicates an intention to apply for admission to a nursing 16033
facility, regardless of the source of payment to be used for ~~their~~ 16034
the individual's care in a nursing facility; 16035
16036

(b) ~~Nursing facility residents who apply or indicate an~~ 16037
~~intention to apply for medicaid;~~ 16038

(c) ~~Nursing facility residents who are likely to spend down~~ 16039
~~their resources within six months after admission to a nursing~~ 16040
~~facility to a level at which they are financially eligible for~~ 16041
~~medicaid;~~ 16042

(d) ~~Individuals~~ An individual who ~~request~~ requests a 16043
long-term care consultation; 16044

(c) An individual identified by the department or a program 16045
administrator as being likely to benefit from a long-term care 16046
consultation. 16047

(2) In addition to the individuals ~~included in the categories~~ 16048
specified in division (G)(1) of this section, a long-term care 16049
~~consultations~~ consultation may be provided to a nursing facility 16050
~~residents who have not applied and have not indicated an intention~~ 16051
~~to apply for medicaid~~ resident regardless of the source of payment 16052
being used for the resident's care in the nursing facility. ~~The~~ 16053
~~purpose of the consultations provided to these individuals shall~~ 16054
~~be to determine continued need for nursing facility services, to~~ 16055
~~provide information on alternative services, and to make referrals~~ 16056
~~to alternative services.~~ 16057

(H)(1) ~~When~~ Except as provided in division (H)(2) or (3) of 16058
this section, a long-term care consultation ~~is required to be~~ 16059
provided pursuant to division (G)~~(1)~~ of this section, ~~the~~ 16060
~~consultation~~ shall be provided as follows ~~or pursuant to division~~ 16061
~~(H)(2) or (3) of this section:~~ 16062

(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section 5111.204 of the Revised Code, the consultation shall be completed in accordance with the applicable time frames specified in that section for providing a level of care determination based on the assessment.

(b) In all other cases, the consultation shall be provided not later than five calendar days after the department or the program administrator ~~under contract with the department~~ receives notice of the reason for which the consultation is ~~required~~ to be provided pursuant to division (G)~~(1)~~ of this section.

(2) An individual or the individual's representative may request that a long-term care consultation be provided on a date that is later than the date required under division (H)(1)(a) or (b) of this section.

(3) If a long-term care consultation cannot be completed within the number of days required by division (H)(1) or (2) of this section, the department or the program administrator ~~under contract with the department~~ may do any of the following:

(a) ~~Exempt~~ In the case of an individual specified in division (G)(1) of this section, exempt the individual from the consultation pursuant to rules that may be adopted under division (L) of this section;

(b) In the case of an applicant for admission to a nursing facility, provide the consultation after the individual is admitted to the nursing facility;

(c) In the case of a resident of a nursing facility, provide the consultation as soon as practicable.

(I) An individual is not required to be provided a long-term care consultation under division (G)(1) of this section if any of

the following apply: 16094

(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative chooses to forego participation in the consultation pursuant to criteria specified in rules adopted under division (L) of this section refuses to cooperate; 16095
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(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code; 16100
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(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care facility licensed under Chapter 3722. of the Revised Code, or an independent living arrangement; 16103
16104
16105
16106
16107
16108
16109

(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code; 16110
16111
16112

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code; 16113
16114
16115

(6) ~~The individual is to be transferred from another nursing facility;~~ 16116
16117

(7) ~~The individual is to be readmitted to a nursing facility following a period of hospitalization;~~ 16118
16119

(8) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section. 16120
16121
16122
16123

(J) ~~At the conclusion of an individual's~~ As part of the 16124
long-term care consultation program, the department or ~~the~~ program 16125
administrator ~~under contract with the department~~ shall ~~provide the~~ 16126
assist an individual or individual's representative ~~with a written~~ 16127
~~summary of options and resources available to meet the~~ 16128
individual's needs in accessing all sources of care and services 16129
that are appropriate for the individual and for which the 16130
individual is eligible, including all available home and 16131
community-based services covered by medicaid components the 16132
department of aging administers. Even though the summary may 16133
~~specify that a source of long term care other than care in a~~ 16134
~~nursing facility is appropriate and available, the individual is~~ 16135
~~not required to seek an alternative source of long term care and~~ 16136
~~may be admitted to or continue to reside in a nursing facility~~ The 16137
assistance shall include providing for the conduct of assessments 16138
or other evaluations and the development of individualized plans 16139
of care or services under section 173.424 of the Revised Code. 16140

(K) No nursing facility for which an operator has a provider 16142
agreement under section 5111.22, 5111.671, or 5111.672 of the 16143
Revised Code shall admit ~~or retain~~ any individual as a resident, 16144
unless the nursing facility has received evidence that a long-term 16145
care consultation has been completed for the individual or 16146
division (I) of this section is applicable to the individual. 16147

(L) The director of aging may adopt any rules the director 16148
considers necessary for the implementation and administration of 16149
this section. The rules shall be adopted in accordance with 16150
Chapter 119. of the Revised Code and may specify any or all of the 16151
following: 16152

(1) Procedures for providing long-term care consultations 16153
pursuant to this section; 16154

(2) Information to be provided through long-term care 16155

consultations regarding long-term care services that are available;	16156 16157
(3) Criteria under which an individual or the individual's representative may choose to forego participation in and <u>procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;</u>	16158 16159 16160 16161 16162
(4) Criteria for exempting individuals from the long-term care consultation requirement;	16163 16164
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	16165 16166 16167 16168
(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	16169 16170 16171
<u>(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;</u>	16172 16173 16174
<u>(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;</u>	16175 16176 16177 16178
<u>(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.</u>	16179 16180
<u>(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident</u>	16181 16182 16183 16184 16185

assessment instrument specified in rules adopted under section 16186
5111.02 of the Revised Code for purposes of the medicaid program. 16187
Except when prohibited by state or federal law, the department of 16188
health, department of job and family services, or nursing facility 16189
holding the data shall grant access to the data on receipt of the 16190
request from the department of aging or program administrator. 16191

(M)(N)(1) The director of aging, after providing notice and 16192
an opportunity for a hearing, may fine a nursing facility an 16193
amount determined by rules the director shall adopt in accordance 16194
with Chapter 119. of the Revised Code ~~if~~ for any of the following 16195
reasons: 16196

(a) The nursing facility admits or retains an individual, 16197
without evidence that a long-term care consultation has been 16198
provided, as required by this section; 16199

(b) The nursing facility denies a person attempting to 16200
provide a long-term care consultation access to the facility or a 16201
resident of the facility; 16202

(c) The nursing facility denies the department of aging or 16203
program administrator access to the facility or a resident of the 16204
facility, as the department or administrator considers necessary 16205
to administer the program. 16206

(2) In accordance with section 5111.62 of the Revised Code, 16207
all fines collected under ~~this~~ division (N)(1) of this section 16208
shall be deposited into the state treasury to the credit of the 16209
residents protection fund. 16210

Sec. 173.421. As part of the long-term care consultation 16211
program established under section 173.42 of the Revised Code, the 16212
department of aging may establish procedures for the conduct of 16213
periodic or follow-up long-term care consultations for residents 16214
of nursing facilities, including annual or more frequent 16215

reassessments of the residents' functional capabilities. If the 16216
procedures are established, the department or program 16217
administrator shall assign individuals to nursing facilities to 16218
serve as care managers within the facilities. The individuals 16219
assigned shall be individuals who are certified under section 16220
173.422 of the Revised Code to provide long-term care 16221
consultations. 16222

Sec. ~~173.43~~ 173.422. The department of aging shall certify 16223
individuals who meet certification requirements established by 16224
rule to provide long-term care consultations for purposes of 16225
~~section~~ sections 173.42 and 173.421 of the Revised Code. The 16226
director of aging shall adopt rules in accordance with Chapter 16227
119. of the Revised Code governing the certification process and 16228
requirements. The rules shall specify the education, experience, 16229
or training in long-term care a person must have to qualify for 16230
certification. 16231

Sec. 173.423. If an individual who is the subject of a 16232
long-term care consultation is eligible for and elects to receive 16233
home and community-based services covered by medicaid components 16234
the department of aging administers, the department of aging or 16235
program administrator shall monitor the individual by doing either 16236
or both of the following at least once each year: 16237

(A) Determining whether the services being provided to the 16238
individual are appropriate; 16239

(B) Determining whether changes in the types of services 16240
being provided to the individual should be made. 16241

Sec. 173.424. If, under federal law, an individual's 16242
eligibility for the home and community-based services covered by 16243
medicaid components the department of aging administers is 16244
dependent on the conduct of an assessment or other evaluation of 16245

the individual's needs and capabilities and the development of an individualized plan of care or services, the department shall develop and implement all procedures necessary to comply with the federal law. The procedures shall include the use of long-term care consultations. 16246
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Sec. 173.425. Annually, the department of aging shall prepare a report regarding the individuals who are the subjects of long-term care consultations and elect to receive home and community-based services covered by medicaid components the department of aging administers. The department shall prepare the report in consultation with the department of job and family services and office of budget and management. Each annual report shall include all of the following information: 16251
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(A) The total savings achieved by providing home and community-based services covered by medicaid components the department of aging administers rather than services that otherwise would be provided in a nursing facility; 16259
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(B) The average number of days that individuals receive home and community-based services covered by medicaid components the department of aging administers before and after receiving nursing facility services; 16263
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(C) A categorical analysis of the acuity levels of the individuals who receive home and community-based services covered by medicaid components the department of aging administers; 16267
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(D) Any other statistical information the department of aging considers appropriate for inclusion in the report. 16270
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Sec. 173.43. (A) Subject to section 173.433 of the Revised Code, the department of aging shall enter into an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code under which the department of 16272
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aging is required to establish for each biennium a unified 16276
long-term care budget for home and community-based services 16277
covered by medicaid components the department of aging 16278
administers. The interagency agreement shall require the 16279
department of aging to do all of the following: 16280

(1) Administer the unified long-term care budget in 16281
accordance with sections 173.43 to 173.434 of the Revised Code and 16282
the general assembly's appropriations for home and community-based 16283
services covered by medicaid components the department of aging 16284
administers for the applicable biennium; 16285

(2) Contract with each area agency on aging for assistance in 16286
the administration of the unified long-term care budget; 16287

(3) Provide individuals who are eligible for home and 16288
community-based services covered by medicaid components the 16289
department of aging administers a choice of services that meet the 16290
individuals' needs and improve their quality of life; 16291

(4) Provide a continuum of services that meet the life-long 16292
needs of individuals who are eligible for home and community-based 16293
services covered by medicaid components the department of aging 16294
administers. 16295

(B) The director of budget and management shall create new 16296
appropriation items as necessary for establishment of the unified 16297
long-term care budget. 16298

Sec. 173.431. Subject to section 173.433 of the Revised Code, 16299
the department of aging shall ensure that the unified long-term 16300
care budget established under section 173.43 of the Revised Code 16301
is administered in a manner that provides medicaid coverage of and 16302
expands access to all of the following as necessary to meet the 16303
needs of individuals receiving home and community-based services 16304
covered by medicaid components the department of aging 16305

<u>administers:</u>	16306
<u>(A) To the extent permitted by the medicaid waivers</u>	16307
<u>authorizing department of aging-administered medicaid waiver</u>	16308
<u>components, all of the following medicaid waiver services provided</u>	16309
<u>under department of aging-administered medicaid waiver components:</u>	16310
	16311
<u>(1) Personal care services;</u>	16312
<u>(2) Home-delivered meals;</u>	16313
<u>(3) Adult day-care;</u>	16314
<u>(4) Homemaker services;</u>	16315
<u>(5) Emergency response services;</u>	16316
<u>(6) Medical equipment and supplies;</u>	16317
<u>(7) Chore services;</u>	16318
<u>(8) Social work counseling;</u>	16319
<u>(9) Nutritional counseling;</u>	16320
<u>(10) Independent living assistance;</u>	16321
<u>(11) Medical transportation;</u>	16322
<u>(12) Nonmedical transportation;</u>	16323
<u>(13) Home care attendant services;</u>	16324
<u>(14) Assisted living services;</u>	16325
<u>(15) Community transition services;</u>	16326
<u>(16) Enhanced community living services;</u>	16327
<u>(17) All other medicaid waiver services provided under</u>	16328
<u>department of aging-administered medicaid waiver components.</u>	16329
<u>(B) All of the following state medicaid plan services as</u>	16330
<u>specified in rules adopted under section 5111.02 of the Revised</u>	16331
<u>Code:</u>	16332

<u>(1) Home health services;</u>	16333
<u>(2) Private duty nursing services;</u>	16334
<u>(3) Durable medical equipment;</u>	16335
<u>(4) Services of a clinical nurse specialist;</u>	16336
<u>(5) Services of a certified nurse practitioner.</u>	16337
<u>(C) The services that the PACE program provides.</u>	16338
<u>Sec. 173.432. Subject to section 173.433 of the Revised Code,</u>	16339
<u>the department of aging or its designee shall provide care</u>	16340
<u>management and authorization services with regard to the state</u>	16341
<u>plan services specified in division (B) of section 173.431 of the</u>	16342
<u>Revised Code that are provided to participants of department of</u>	16343
<u>aging-administered medicaid waiver components.</u>	16344
<u>Sec. 173.433. (A) The director of job and family services</u>	16345
<u>shall do one or more of the following as necessary for the</u>	16346
<u>implementation of sections 173.43 to 173.432 of the Revised Code:</u>	16347
<u>(1) Submit one or more state medicaid plan amendments to the</u>	16348
<u>United States secretary of health and human services;</u>	16349
<u>(2) Request one or more federal medicaid waivers from the</u>	16350
<u>United States secretary;</u>	16351
<u>(3) Submit one or more federal medicaid waiver amendments to</u>	16352
<u>the United States secretary.</u>	16353
<u>(B) No provision of sections 173.43 to 173.432 of the Revised</u>	16354
<u>Code that requires the approval of the United States secretary of</u>	16355
<u>health and human services shall be implemented until the United</u>	16356
<u>States secretary provides the approval.</u>	16357
<u>Sec. 173.434. The director of job and family services shall</u>	16358
<u>adopt rules under section 5111.85 of the Revised Code to authorize</u>	16359

the director of aging to adopt rules that are needed to implement sections 173.43 to 173.432 of the Revised Code. The director of aging's rules shall be adopted in accordance with Chapter 119. of the Revised Code."

Sec. 173.50. (A) Pursuant to a contract entered into with the department of job and family services as an interagency agreement under section 5111.91 of the Revised Code, the department of aging shall carry out the day-to-day administration of the component of the medicaid program established under Chapter 5111. of the Revised Code known as the program of all-inclusive care for the elderly or PACE. The department of aging shall carry out its PACE administrative duties in accordance with the provisions of the interagency agreement and all applicable federal laws, including the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4, as amended.

(B) The department of aging may adopt rules in accordance with Chapter 119. of the Revised Code regarding the PACE program, including rules establishing priorities for enrolling in the program pursuant to section 173.501 of the Revised Code. The department's rules are subject to both of the following:

(1) The rules shall be authorized by rules adopted by the department of job and family services.

(2) The rules shall address only those issues that are not addressed in rules adopted by the department of job and family services for the PACE program.

Sec. 173.501. (A) As used in this section:

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"PACE provider" has the same meaning as in 42 U.S.C. 1396u-4(a)(3).

(B) Each month, the department of aging shall determine whether individuals who are on a waiting list for the PACE program have been admitted to a nursing facility. If the department determines that such an individual has been admitted to a nursing facility, the department shall notify the PACE provider serving the area in which the individual resides about the determination. The PACE provider shall determine whether the PACE program is appropriate for the individual and whether the individual would rather participate in the PACE program than continue residing in the nursing facility. If the PACE provider determines that the PACE program is appropriate for the individual and the individual would rather participate in the PACE program than continue residing in the nursing facility, the PACE provider shall so notify the department of aging. On receipt of the notice from the PACE provider, the department of aging shall approve the individual's enrollment in the PACE program in accordance with priorities established in rules adopted under section 173.50 of the Revised Code. Each quarter, the department of aging shall certify to the director of budget and management the estimated increase in costs of the PACE program resulting from enrollment of individuals in the PACE program pursuant to this section.

Sec. 173.99. (A) A long-term care provider, person employed by a long-term care provider, other entity, or employee of such other entity that violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that

violates division (E) of section 173.19 of the Revised Code by 16421
denying a representative of the office of the state long-term care 16422
ombudsperson program the access required by that division is 16423
subject to a fine not to exceed five hundred dollars for each 16424
violation. 16425

(D) Whoever violates division (C) of section 173.44 of the 16426
Revised Code is subject to a fine of one hundred dollars. 16427

~~(E) Whoever violates division (B) of section 173.90 of the 16428
Revised Code is guilty of a misdemeanor of the first degree. 16429~~

Sec. 174.02. (A) The low- and moderate-income housing trust 16430
fund is hereby created in the state treasury. The fund consists of 16431
all appropriations made to the fund, housing trust fund fees 16432
collected by county recorders pursuant to section 317.36 of the 16433
Revised Code and deposited into the fund pursuant to section 16434
319.63 of the Revised Code, and all grants, gifts, loan 16435
repayments, and contributions of money made from any source to the 16436
department of development for deposit in the fund. All investment 16437
earnings of the fund shall be credited to the fund. The director 16438
of development shall allocate a portion of the money in the fund 16439
to an account of the Ohio housing finance agency. The department 16440
shall administer the fund. The agency shall use money allocated to 16441
it for implementing and administering its programs and duties 16442
under sections 174.03 and 174.05 of the Revised Code, and the 16443
department shall use the remaining money in the fund for 16444
implementing and administering its programs and duties under 16445
sections 174.03 to 174.06 of the Revised Code. Use of all money 16446
drawn from the fund is subject to the following restrictions: 16447

(1) ~~Not more than six per cent of any current year 16448
appropriation authority for the fund shall be used for the 16449
transitional and permanent housing program to make grants to 16450
municipal corporations, counties, townships, and nonprofit 16451~~

~~organizations for the acquisition, rehabilitation, renovation, 16452
construction, conversion, operation, and cost of supportive 16453
services for new and existing transitional and permanent housing 16454
for homeless persons. 16455~~

~~(2)~~(a) Not more than five per cent of the current year 16456
appropriation authority for the fund shall be allocated between 16457
grants to community development corporations for the community 16458
development corporation grant program and grants and loans to the 16459
Ohio community development finance fund, a private nonprofit 16460
corporation. 16461

(b) In any year in which the amount in the fund exceeds one 16462
hundred thousand dollars and at least that much is allocated for 16463
the uses described in this section, not less than one hundred 16464
thousand dollars shall be used to provide training, technical 16465
assistance, and capacity building assistance to nonprofit 16466
development organizations. 16467

~~(3)~~(2) Not more than ~~seven~~ ten per cent of any current year 16468
appropriation authority for the fund shall be used for the 16469
emergency shelter housing grants program to make grants to 16470
private, nonprofit organizations and municipal corporations, 16471
counties, and townships for emergency shelter housing for the 16472
homeless. The grants shall be distributed pursuant to rules the 16473
director adopts and qualify as matching funds for funds obtained 16474
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 16475
11371 to 11378. 16476

~~(4)~~(3) In any fiscal year in which the amount in the fund 16477
exceeds the amount awarded pursuant to division (A)~~(2)~~(1)(b) of 16478
this section by at least two hundred fifty thousand dollars, at 16479
least two hundred fifty thousand dollars from the fund shall be 16480
provided to the department of aging for the resident services 16481
coordinator program as established in section 173.08 of the 16482
Revised Code. 16483

~~(5)~~(4) Of all current year appropriation authority for the 16484
fund, not more than five per cent shall be used for 16485
administration. 16486

~~(6)~~(5) Not less than forty-five per cent of the funds awarded 16487
during any one fiscal year shall be for grants and loans to 16488
nonprofit organizations under section 174.03 of the Revised Code. 16489

~~(7)~~(6) Not less than fifty per cent of the funds awarded 16490
during any one fiscal year, excluding the amounts awarded pursuant 16491
to divisions (A)(1), (2), and ~~(3)~~(7) of this section, shall be for 16492
grants and loans for activities that provide housing and housing 16493
assistance to families and individuals in rural areas and small 16494
cities that are not eligible to participate as a participating 16495
jurisdiction under the "HOME Investment Partnerships Act," 104 16496
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 16497

~~(8)~~(7) No money in the fund shall be used to pay for any 16498
legal services other than the usual and customary legal services 16499
associated with the acquisition of housing. 16500

~~(9)~~(8) Not less than five per cent of the funds awarded 16501
during any one fiscal year shall be for grants and loans for 16502
activities that provide housing and housing assistance to 16503
honorably discharged veterans. 16504

(9) Money in the fund may be used as matching money for 16505
federal funds received by the state, counties, municipal 16506
corporations, and townships for the activities listed in section 16507
174.03 of the Revised Code. 16508

(B) If, after the second quarter of any year, it appears to 16509
the director that the full amount of the money in the fund 16510
designated in that year for activities that provide housing and 16511
housing assistance to families and individuals in rural areas and 16512
small cities under division (A) of this section will not be used 16513
for that purpose, the director may reallocate all or a portion of 16514

that amount for other housing activities. In determining whether 16515
or how to reallocate money under this division, the director may 16516
consult with and shall receive advice from the housing trust fund 16517
advisory committee. 16518

Sec. 174.03. (A) The department of development and the Ohio 16519
housing finance agency shall each develop programs under which, in 16520
accordance with rules adopted under this section, they may make 16521
grants, loans, loan guarantees, and loan subsidies to counties, 16522
municipal corporations, townships, local housing authorities, and 16523
nonprofit organizations and may make loans, loan guarantees, and 16524
loan subsidies to private developers and private lenders to assist 16525
in activities that provide housing and housing assistance for 16526
specifically targeted low- and moderate-income families and 16527
individuals. There is no minimum housing project size for awards 16528
under this division for any project that is developed for a 16529
special needs population and that is supported by a social service 16530
agency where the housing project is located. Activities for which 16531
grants, loans, loan guarantees, and loan subsidies may be made 16532
under this section include all of the following: 16533

(1) Acquiring, financing, constructing, leasing, 16534
rehabilitating, remodeling, improving, and equipping publicly or 16535
privately owned housing; 16536

(2) Providing supportive services related to housing and the 16537
homeless, including housing counseling. Not more than twenty per 16538
cent of the current year appropriation authority for the low- and 16539
moderate-income housing trust fund that remains after the award of 16540
funds made pursuant to divisions (A)(1), and (A)(2), ~~and (A)(3)~~ of 16541
section 174.02 of the Revised Code, shall be awarded in any fiscal 16542
year for supportive services. 16543

(3) Providing rental assistance payments or other project 16544
operating subsidies that lower tenant rents. 16545

(B) Activities listed under division (A) of this section may 16546
include emergency shelter care programs for unaccompanied youth 16547
seventeen years of age and younger. 16548

(C) Grants, loans, loan guarantees, and loan subsidies may be 16549
made to counties, municipal corporations, townships, and nonprofit 16550
organizations for the additional purposes of providing technical 16551
assistance, design and finance services and consultation, and 16552
payment of pre-development and administrative costs related to any 16553
of the activities listed above. 16554

(D) In developing programs under this section, the department 16555
and the agency shall invite, accept, and consider public comment, 16556
and recommendations from the housing trust fund advisory committee 16557
created under section 174.06 of the Revised Code, on how the 16558
programs should be designed to most effectively benefit low- and 16559
moderate-income families and individuals. The programs developed 16560
under this section shall respond collectively to housing and 16561
housing assistance needs of low- and moderate-income families and 16562
individuals statewide. 16563

(E) The department and the agency, in accordance with Chapter 16564
119. of the Revised Code, shall each adopt rules to administer 16565
programs developed under this section. The rules shall prescribe 16566
procedures and forms that counties, municipal corporations, 16567
townships, local housing authorities, and nonprofit organizations 16568
shall use in applying for grants, loans, loan guarantees, and loan 16569
subsidies and that private developers and private lenders shall 16570
use in applying for loans, loan guarantees, and loan subsidies; 16571
eligibility criteria for the receipt of funds; procedures for 16572
reviewing and granting or denying applications; procedures for 16573
paying out funds; conditions on the use of funds; procedures for 16574
monitoring the use of funds; and procedures under which a 16575
recipient shall be required to repay funds that are improperly 16576
used. The rules shall do both of the following: 16577

(1) Require each recipient of a grant or loan made from the low- and moderate-income housing trust fund for activities that provide, or assist in providing, a rental housing project, to reasonably ensure that the rental housing project will remain affordable to those families and individuals targeted for the rental housing project for the useful life of the rental housing project or for thirty years, whichever is longer;

(2) Require each recipient of a grant or loan made from the low- and moderate-income housing trust fund for activities that provide, or assist in providing, a housing project to prepare and implement a plan to reasonably assist any families and individuals displaced by the housing project in obtaining decent affordable housing.

(F) In prescribing eligibility criteria and conditions for the use of funds, neither the department nor the agency is limited to the criteria and conditions specified in this section and each may prescribe additional eligibility criteria and conditions that relate to the purposes for which grants, loans, loan guarantees, and loan subsidies may be made. However, the department and agency are limited by the following specifically targeted low- and moderate-income guidelines:

(1) Not less than seventy-five per cent of the money granted and loaned under this section in any fiscal year shall be for activities that provide affordable housing and housing assistance to families and individuals whose incomes are equal to or less than fifty per cent of the median income for the county in which they live, as determined by the department under section 174.04 of the Revised Code.

(2) Any money granted and loaned under this section in any fiscal year that is not granted or loaned pursuant to division (F)(1) of this section shall be for activities that provide affordable housing and housing assistance to families and

individuals whose incomes are equal to or less than eighty per 16610
cent of the median income for the county in which they live, as 16611
determined by the department under section 174.04 of the Revised 16612
Code. 16613

(G) In making grants, loans, loan guarantees, and loan 16614
subsidies under this section, the department and the agency shall 16615
give preference to viable projects and activities that benefit 16616
those families and individuals whose incomes are equal to or less 16617
than thirty-five per cent of the median income for the county in 16618
which they live, as determined by the department under section 16619
174.04 of the Revised Code. 16620

(H) The department and the agency shall monitor the programs 16621
developed under this section to ensure that money granted and 16622
loaned under this section is not used in a manner that violates 16623
division (H) of section 4112.02 of the Revised Code or 16624
discriminates against families with children. 16625

Sec. 174.06. (A) There is hereby created the housing trust 16626
fund advisory committee. The committee consists of fourteen 16627
members the governor appoints as follows to represent 16628
organizations committed to housing and housing assistance for low- 16629
and moderate-income persons: 16630

(1) One member to represent lenders. 16631

(2) One member to represent for-profit builders and 16632
developers. 16633

(3) One member to represent the families and individuals 16634
included in the income groups targeted for housing and housing 16635
assistance under divisions (F) and (G) of section 174.03 of the 16636
Revised Code. 16637

(4) One member to represent religious, civic, or social 16638
service organizations. 16639

(5) One member to represent counties.	16640
(6) One member to represent municipal corporations.	16641
(7) One member to represent townships.	16642
(8) One member to represent local housing authorities.	16643
(9) One member to represent fair housing organizations.	16644
(10) Three members to represent nonprofit organizations.	16645
(11) One member to represent real estate brokers licensed under Chapter 4735. of the Revised Code.	16646 16647
(12) One member to represent the for-profit rental housing industry.	16648 16649
(B)(1) Terms of office are for four years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner prescribed for the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of a term shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration of a term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.	16650 16651 16652 16653 16654 16655 16656 16657 16658 16659 16660
(2) The governor may remove a member for misfeasance, malfeasance, or willful neglect of duty.	16661 16662
(C)(1) The committee shall select a chairperson from among its members. The committee shall meet at least once each calendar year and upon the call of the chair. Members of the committee serve without compensation, but shall be reimbursed for reasonable and necessary expenses incurred in the discharge of duties.	16663 16664 16665 16666 16667
(2) The department of development shall provide the committee with a meeting place, supplies, and staff assistance as the	16668 16669

committee requests. 16670

(D) The committee shall assist the department and the Ohio 16671
housing finance agency in defining housing needs and priorities, 16672
recommend to the department and agency at least annually how the 16673
programs developed under section 174.02 of the Revised Code should 16674
be designed to most effectively benefit low- and moderate-income 16675
persons, consider an allocation of funds for projects of fifteen 16676
units or less, and advise the director of development on whether 16677
and how to reallocate money in the low- and moderate-income 16678
housing trust fund under division (B) of section 174.02 of the 16679
Revised Code. 16680

Sec. 175.01. As used in ~~this chapter~~ sections 175.01 to 16681
175.13 of the Revised Code: 16682

(A) "Bonds" means bonds, notes, debentures, refunding bonds, 16683
refunding notes, and other obligations. 16684

(B) "Financial assistance" means grants, loans, loan 16685
guarantees, an equity position in a project, and loan subsidies. 16686

(C) "Grant" means funding for which repayment is not 16687
required. 16688

(D) "Homeownership program" means any program for which the 16689
Ohio housing finance agency provides financing, directly or 16690
indirectly, for the purchase of housing for owner-occupancy. 16691

(E) "Housing" means housing for owner-occupancy and 16692
multifamily rental housing. 16693

(F) "Housing development fund" means the housing development 16694
fund created and administered pursuant to section 175.11 of the 16695
Revised Code. 16696

(G) "Housing finance agency personal services fund" means the 16697
housing finance agency personal services fund created and 16698
administered pursuant to section 175.051 of the Revised Code. 16699

(H) "Housing for owner-occupancy" means housing that is 16700
intended for occupancy by an owner as a principal residence. 16701
"Housing for owner-occupancy" may be any type of structure and may 16702
be owned in any form of ownership. 16703

(I) "Housing trust fund" means the low- and moderate-income 16704
housing trust fund created and administered pursuant to Chapter 16705
174. of the Revised Code. 16706

(J) "Improvement" means any alteration, remodeling, addition, 16707
or repair that substantially protects or improves the basic 16708
habitability or energy efficiency of housing. 16709

(K) "Lending institution" means any financial institution 16710
qualified to conduct business in this state, a subsidiary 16711
corporation that is wholly owned by a financial institution 16712
qualified to conduct business in this state, and a mortgage lender 16713
whose regular business is originating, servicing, or brokering 16714
real estate loans and who is qualified to do business in this 16715
state. 16716

(L) "Loan" means any extension of credit or other form of 16717
financing or indebtedness extended directly or indirectly to a 16718
borrower with the expectation that it will be repaid in accordance 16719
with the terms of the underlying loan agreement or other pertinent 16720
document. "Loan" includes financing the Ohio housing finance 16721
agency extends to lending institutions and indebtedness the agency 16722
purchases from lending institutions. 16723

(M) "Loan guarantee" means any agreement in favor of a 16724
lending institution, bondholder, or other lender in which the 16725
credit and resources of the housing finance agency or the housing 16726
trust fund are pledged to secure the payment or collection of 16727
financing extended to a borrower for the acquisition, 16728
construction, improvement, rehabilitation, or preservation of 16729
housing or to refinance any financing previously extended for 16730

those purposes. 16731

(N) "Loan subsidy" means any deposit of funds the Ohio 16732
housing finance agency holds or administers into a lending 16733
institution with the authorization or direction that the income or 16734
revenues the deposit earns, or could have earned at competitive 16735
rates, be applied directly or indirectly to the benefit of housing 16736
assistance or financial assistance. 16737

(O) "Low- and moderate-income persons" means individuals and 16738
families who qualify as low- and moderate-income persons pursuant 16739
to guidelines the agency establishes. 16740

(P) "Multifamily rental housing" means multiple unit housing 16741
intended for rental occupancy. 16742

(Q) "Nonprofit organization" means a nonprofit organization 16743
in good standing and qualified to conduct business in this state 16744
including any corporation whose members are members of a 16745
metropolitan housing authority. 16746

(R) "Owner" means any person who, jointly or severally, has 16747
legal or equitable title to housing together with the right to 16748
control or possess that housing. "Owner" includes a purchaser of 16749
housing pursuant to a land installment contract if that contract 16750
vests possession and maintenance responsibilities in the 16751
purchaser, and a person who has care or control of housing as 16752
executor, administrator, assignee, trustee, or guardian of the 16753
estate of the owner of that housing. 16754

(S) "Security interest" means any lien, encumbrance, pledge, 16755
assignment, mortgage, or other form of collateral the Ohio housing 16756
finance agency holds as security for financial assistance the 16757
agency extends or a loan the agency acquires. 16758

Sec. 175.04. (A) The governor shall appoint a chairperson 16759
from among the members of the Ohio housing finance agency. The 16760

agency members shall elect a member as vice-chairperson. The 16761
agency members may appoint other officers, who need not be members 16762
of the agency, as the agency deems necessary. 16763

(B) Six members of the agency constitute a quorum and the 16764
affirmative vote of six members is necessary for any action the 16765
agency takes. No vacancy in agency membership impairs the right of 16766
a quorum to exercise all of the agency's rights and perform all 16767
the agency's duties. Agency meetings may be held at any place 16768
within the state. Meetings shall comply with section 121.22 of the 16769
Revised Code. 16770

(C) The agency shall maintain accounting records in 16771
accordance with generally accepted accounting principals and other 16772
required accounting standards. 16773

(D) The agency shall develop policies and guidelines for the 16774
administration of its programs and annually shall conduct at least 16775
one public hearing to obtain input from any interested party 16776
regarding the administration of its programs. The hearing shall be 16777
held at a time and place as the agency determines and when a 16778
quorum of the agency is present. 16779

(E) The agency shall appoint committees and subcommittees 16780
comprised of members of the agency to handle matters it deems 16781
appropriate. 16782

(1) The agency shall adopt an annual plan to address this 16783
state's housing needs. The agency shall appoint an annual plan 16784
committee to develop the plan and present it to the agency for 16785
consideration. 16786

(2) The annual plan committee shall select an advisory board 16787
from a list of interested individuals the executive director 16788
provides or on its own recommendation. The advisory board shall 16789
provide input on the plan at committee meetings prior to the 16790
annual public hearing. At the public hearing, the committee shall 16791

discuss advisory board comments. The advisory board may include, 16792
but is not limited to, persons who represent state agencies, local 16793
governments, public corporations, nonprofit organizations, 16794
community development corporations, housing advocacy organizations 16795
for low- and moderate-income persons, realtors, syndicators, 16796
investors, lending institutions as recommended by a statewide 16797
banking organization, and other entities participating in the 16798
agency's programs. 16799

Each agency program that allows for loans to be made to 16800
finance housing for owner occupancy that benefits other than low- 16801
and moderate-income households, or for loans to be made to 16802
individuals under bonds issued pursuant to division (B) of section 16803
175.08 of the Revised Code, shall be presented to the advisory 16804
board and included in the annual plan as approved by the agency 16805
before the program's implementation. 16806

(F) The agency shall prepare an annual financial report 16807
describing its activities during the reporting year and submit 16808
that report to the governor, the speaker of the house of 16809
representatives, and the president of the senate within three 16810
months after the end of the reporting year. The report shall 16811
include the agency's audited financial statements, prepared in 16812
accordance with generally accepted accounting principles and 16813
appropriate accounting standards. 16814

(G) The agency shall prepare an annual report of its programs 16815
describing how the programs have met this state's housing needs. 16816
The agency shall submit the report to the governor, the speaker of 16817
the house of representatives, and the president of the senate 16818
within three months after the end of the reporting year. 16819

(H) The agency shall prepare an annual report regarding the 16820
grants for grads program created under section 175.31 of the 16821
Revised Code describing the number and dollar amount of grants 16822
awarded, and the activities of the agency under sections 175.30 to 16823

175.35 of the Revised Code, during the previous calendar year. The 16824
agency shall submit the report to the governor, director of 16825
development, chancellor of the Ohio board of regents, president of 16826
the senate, and speaker of the house of representatives. 16827

Sec. 175.30. As used in sections 175.30 to 175.35 of the 16828
Revised Code: 16829

(A) "First home" or "home" means the first residential real 16830
property located in this state to be purchased by a grantee who 16831
has not owned or had an ownership interest in a principal 16832
residence in the three years prior to the purchase. 16833

(B) "Graduate" means an individual who has graduated from an 16834
institution of higher education and who is eligible under division 16835
(B) of section 175.31 of the Revised Code to apply for a grant 16836
awarded under the grants for grads program. 16837

(C) "Grant" means a cash payment awarded to a grantee by the 16838
Ohio housing finance agency under section 175.32 of the Revised 16839
Code. 16840

(D) "Grantee" means an individual who has been awarded a 16841
grant under the program. 16842

(E) "Institution of higher education" means a state 16843
university or college located in this state, a private college or 16844
university located in this state that possesses a certificate of 16845
authorization issued by the Ohio board of regents under Chapter 16846
1713. of the Revised Code, or an accredited college or university 16847
located outside this state that is accredited by an accrediting 16848
organization or professional accrediting association recognized by 16849
the Ohio board of regents. 16850

(F) "Ohio resident" means any of the following: 16851

(1) An individual who was a resident of this state at the 16852
time of the individual's graduation from an Ohio public or 16853

nonpublic high school that is approved by the state board of education, and who is a resident of this state at the time of applying for the program; 16854
16855
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(2) An individual who was a resident of this state at the time of completing, through the twelfth-grade level, a home study program approved by the state board of education, and who is a resident of this state at the time of applying for the program; 16857
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(3) An individual whose parent was a resident of this state at the time of the individual's graduation from high school, and who graduated from either of the following: 16861
16862
16863

(a) An out-of-state high school that was accredited by a regional accrediting organization recognized by the United States department of education and met standards at least equivalent to those adopted by the state board of education for approval of nonpublic schools in this state; 16864
16865
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(b) A high school approved by the United States department of defense. 16869
16870

(G) "Program" means the grants for grads program created under section 175.31 of the Revised Code. 16871
16872

Sec. 175.31. (A) There is hereby created the grants for grads program for the purpose of providing grants to Ohio residents who have received an associate, baccalaureate, master's, doctoral, or other postgraduate degree, which grants shall be used by a grantee to pay for the down payment or closing costs on the purchase of a first home. The program shall be administered by the Ohio housing finance agency using moneys available to it. Participation in the program shall require a graduate to be eligible under division (B) of this section and to file an application for the grant in accordance with division (C) of this section. 16873
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(B)(1) A graduate is eligible to participate in the program 16884
if the graduate: 16885

(a) Is an Ohio resident who has received an associate, 16886
baccalaureate, master's, doctoral, or other postgraduate degree 16887
from an institution of higher education; 16888

(b) Is able to provide to the agency evidence documenting the 16889
graduate's Ohio residency and documenting graduation from a high 16890
school and an institution of higher education; 16891

(c) Intends to live and work in this state for at least five 16892
years after the graduate's graduation or completion of a degree 16893
described in division (B)(1)(a) of this section; and 16894

(d) Intends to purchase a first home in this state. 16895

(2) Married graduates may both apply for grants under the 16896
program and both graduates, if eligible, shall be included in the 16897
lottery pool under section 175.32 of the Revised Code. 16898

(3) A graduate who is married to an individual who has 16899
previously received a grant under the program is ineligible to 16900
apply for a grant under this section. 16901

(C) A graduate who is eligible under division (B) of this 16902
section to participate in the program shall file an application 16903
with the Ohio housing finance agency not later than the sixtieth 16904
day after the graduate's graduation date or date of completion of 16905
a degree described in division (B)(1)(a) of this section, except 16906
that for purposes of the initial lottery conducted under the 16907
program, a graduate is eligible to file an application if the 16908
graduate's graduation date or date of completion of a degree 16909
occurs on or after January 1, 2008. Married graduates who both are 16910
eligible for a grant under the program shall apply individually. 16911
The agency shall provide for the content and format of the 16912
application. A graduate who files an application under this 16913
division is ineligible to file an application for a grant in any 16914

other six-month period. 16915

(D) The application shall include information as determined 16916
by rule of the Ohio housing finance agency under section 175.34 of 16917
the Revised Code, but at a minimum shall include evidence of 16918
meeting the requirements in division (B) of this section. 16919

(E) A graduate who, at any time during the period from filing 16920
the application for a grant until a grant is awarded, has been 16921
found by the state to be delinquent in the payment of individual 16922
income taxes is ineligible to receive a grant under the program. 16923

Sec. 175.32. (A) After selecting graduates pursuant to 16924
division (B) of this section, the Ohio housing finance agency 16925
shall review each application selected for compliance and 16926
accuracy, and shall determine whether a graduate is eligible to 16927
receive a grant and the amount thereof, based on the information 16928
provided to the agency in the application. An application found by 16929
the agency to be insufficient may be resubmitted by the selected 16930
graduate within sixty days. If the application is not resubmitted 16931
or the resubmitted application is found to be insufficient, the 16932
selected graduate shall not receive a grant. 16933

(B)(1) Grants shall be provided from moneys in the grants for 16934
grads fund. A grant shall be given to a graduate whose application 16935
has been determined by the agency to meet the requirements of 16936
section 175.31 of the Revised Code and to be timely and complete, 16937
and who has been selected as one of one hundred fifty grantees in 16938
a random lottery conducted by the agency twice a year, by the 16939
thirty-first day of January and by the thirty-first day of July of 16940
each year. The lottery pool shall include all graduate applicants 16941
who have filed applications within the six months immediately 16942
preceding the date on which the lottery is conducted. In addition, 16943
fifty alternate grantees shall be selected in the random lottery 16944
to receive any additional moneys available in the grants for grads 16945

fund after grants are awarded to the eligible grantees first 16946
selected for that six-month period. The alternate grantees shall 16947
receive grants in the order they were selected in the lottery 16948
until moneys for the six-month period are exhausted. 16949

(2) If there are less than one hundred fifty applicants for 16950
grants in a given six-month period, the lottery shall be dispensed 16951
with and all applicants the agency determines under this section 16952
to be eligible for grants shall be awarded grants. 16953

(C) The awarding of a grant shall be evidenced by written 16954
notification to the grantee, which notification shall clearly 16955
state the amount of the grant and the starting and ending dates of 16956
the award period. The agency shall provide the notification to 16957
selected grantees within sixty days after completion of the 16958
lottery. The award period shall be from the start date through the 16959
last day of the twenty-fourth month thereafter. 16960

(D) The amount of each grant awarded to a grantee who 16961
received a notification under division (C) of this section shall 16962
be as follows: 16963

(1) For a grantee who received an associate degree, two 16964
thousand five hundred dollars; 16965

(2) For a grantee who received a baccalaureate degree, five 16966
thousand dollars; 16967

(3) For a grantee who received a post-graduate degree, ten 16968
thousand dollars. 16969

(E) The grant shall be provided to the grantee as a cash 16970
payment when the grantee obtains a mortgage loan, and the amount 16971
of the cash payment shall be applied in full only to pay all or a 16972
portion of the closing costs or down payment on the purchase of 16973
the grantee's first home. The grantee shall not receive any cash 16974
back at the time of the closing. The grantee must take receipt of 16975
the grant within the award period designated in the notification, 16976

and must use it within twenty-four months after taking receipt of 16977
the grant, after which the grant shall expire. 16978

Sec. 175.33. (A)(1) At the time a first home is purchased 16979
under the program, the Ohio housing finance agency shall secure 16980
the amount of the grant by a lien on the home for a period of five 16981
years. Such lien shall attach, and may be perfected, collected, 16982
and enforced in the same manner as a mortgage lien on the home, 16983
and shall otherwise have the same force and effect as a mortgage 16984
lien, except that it shall be subordinate to a mortgage lien 16985
securing any money loaned by a financial institution for the 16986
purchase of the home. 16987

(2) If the agency finds that a grantee failed to comply with 16988
the first home ownership criteria in division (A) of section 16989
175.30 of the Revised Code, or otherwise applied for a grant using 16990
fraudulent information, the agency shall enforce the lien. 16991

(B)(1) If a grantee becomes a resident of another state and 16993
does not reside at least five years in a first home purchased with 16994
a grant awarded under the program, the amount of the lien created 16995
in division (A) of this section that may be collected shall be 16996
determined as follows: 16997

<u>Months resided in first home</u>	<u>Collectable amount as per</u>	
	<u>cent of grant amount</u>	
<u>Less than 12 months</u>	<u>100%</u>	16999
<u>12 months and a day to 24 months</u>	<u>80%</u>	17000
<u>24 months and a day to 36 months</u>	<u>60%</u>	17001
<u>36 months and a day to 48 months</u>	<u>40%</u>	17002
<u>48 months and a day to 60 months</u>	<u>20%</u>	17003

The lien created under division (A) of this section shall be 17004
extinguished upon collection pursuant to this division. 17005

(2) A lien created under division (A)(1) of this section 17006

shall be extinguished if the grantee, within the five-year period, 17007
moves to another residence located in this state. 17008

Sec. 175.34. (A) The Ohio housing finance agency shall adopt 17009
rules under Chapter 119. of the Revised Code to carry out the 17010
purposes of the grants for grads program. 17011

(B) The agency shall internally audit the program and the 17012
grants for grads fund before the beginning of each calendar year. 17013
At the end of each calendar year, the agency shall prepare and 17014
submit an annual report to the advisory board created pursuant to 17015
section 175.04 of the Revised Code, specifying the internal audit 17016
work completed by the end of that calendar year and reporting on 17017
compliance with the annual internal audit program. 17018

Sec. 175.35. There is hereby created in the state treasury 17019
the grants for grads fund. The fund shall consist of all 17020
appropriations made to the fund and grants, gifts, and 17021
contributions of money made from any source to the Ohio housing 17022
finance agency for deposit in the fund. The fund shall be 17023
administered by the agency and is for use in providing grants to 17024
graduates participating in, and for implementing and 17025
administering, the program. Moneys in the fund shall be invested 17026
by the treasurer of state in the same manner as moneys in the 17027
general revenue fund, and earnings on the investments of the fund 17028
shall be deposited into the fund. 17029

Sec. 176.05. (A)(1) Notwithstanding any provision of law to 17030
the contrary, the rate of wages payable for the various 17031
occupations covered by sections 4115.03 to 4115.16 of the Revised 17032
Code to persons employed on a project who are not any of the 17033
following shall be determined according to this section: 17034

(a) Qualified volunteers; 17035

(b) Persons required to participate in a work activity, 17036
developmental activity, or alternative work activity under 17037
sections 5107.40 to 5107.69 of the Revised Code except those 17038
engaged in paid employment or subsidized employment pursuant to 17039
the activity; 17040

(c) ~~Food-stamp~~ Supplemental nutrition assistance program 17041
benefit recipients required to participate in employment and 17042
training activities established by rules adopted under section 17043
5101.54 of the Revised Code. 17044

An association representing the general contractors or 17045
subcontractors that engage in the business of residential 17046
construction in a certain locality shall negotiate with the 17047
applicable building and construction trades council in that 17048
locality an agreement or understanding that sets forth the 17049
residential prevailing rate of wages, payable on projects in that 17050
locality, for each of the occupations employed on those projects. 17051

(2) Notwithstanding any residential prevailing rate of wages 17052
established prior to July 1, 1995, if, by October 1, 1995, the 17053
parties are unable to agree under division (A)(1) of this section 17054
as to the rate of wages payable for each occupation covered by 17055
sections 4115.03 to 4115.16 of the Revised Code, the director of 17056
commerce shall establish the rate of wages payable for each 17057
occupation. 17058

(3) The residential prevailing rate of wages established 17059
under division (A)(1) or (2) of this section shall not be equal to 17060
or greater than the prevailing rate of wages determined by the 17061
director pursuant to sections 4115.03 to 4115.16 of the Revised 17062
Code for any of the occupations covered by those sections. 17063

(B) Except for the prevailing rate of wages determined by the 17064
director pursuant to sections 4115.03 to 4115.16 of the Revised 17065
Code, those sections and section 4115.99 of the Revised Code apply 17066

to projects. 17067

(C) The residential prevailing rate of wages established 17068
under division (A) of this section is not payable to any 17069
individual or member of that individual's family who provides 17070
labor in exchange for acquisition of the property for 17071
homeownership or who provides labor in place of or as a supplement 17072
to any rental payments for the property. 17073

(D) For the purposes of this section: 17074

(1) "Project" means any construction, rehabilitation, 17075
remodeling, or improvement of residential housing, whether on a 17076
single or multiple site for which a person, as defined in section 17077
1.59 of the Revised Code, or municipal corporation, county, or 17078
township receives financing, that is financed in whole or in part 17079
from state moneys or pursuant to this chapter, section 133.51 or 17080
307.698 of the Revised Code, or Chapter 174. or 175. of the 17081
Revised Code, except for any of the following: 17082

(a) The single-family mortgage revenue bonds homeownership 17083
program under Chapter 175. of the Revised Code, including 17084
owner-occupied dwellings of one to four units; 17085

(b) Projects consisting of fewer than six units developed by 17086
any entity that is not a nonprofit organization exempt from 17087
federal income tax under section 501(c)(3) of the Internal Revenue 17088
Code; 17089

(c) Projects of fewer than twenty-five units developed by any 17090
nonprofit organization that is exempt from federal income tax 17091
under section 501(c)(3) of the Internal Revenue Code; 17092

(d) Programs undertaken by any municipal corporation, county, 17093
or township, including lease-purchase programs, using mortgage 17094
revenue bond financing; 17095

(e) Any individual project, that is sponsored or developed by 17096

a nonprofit organization that is exempt from federal income tax 17097
under section 501(c)(3) of the Internal Revenue Code, for which 17098
the federal government or any of its agencies furnishes by loan, 17099
grant, low-income housing tax credit, or insurance more than 17100
twelve per cent of the costs of the project. For purposes of 17101
division (D)(2)(e) of this section, the value of the low-income 17102
housing tax credits shall be calculated as the proceeds from the 17103
sale of the tax credits, less the costs of the sale. 17104

As used in division (D)(1)(e) of this section, "sponsored" 17105
means that a general partner of a limited partnership owning the 17106
project or a managing member of a limited liability company owning 17107
the project is either a nonprofit organization that is exempt from 17108
federal income tax under section 501(c)(3) of the Internal Revenue 17109
Code or a person, as defined in section 1.59 of the Revised Code, 17110
or a limited liability company in which such a nonprofit 17111
organization maintains controlling interest. For purposes of this 17112
division, a general partner of a limited partnership that is a 17113
nonprofit organization described under this division is not 17114
required to be the sole general partner in the limited 17115
partnership, and a managing member of a limited liability company 17116
that is a nonprofit organization described under this division is 17117
not required to be the sole managing member in the limited 17118
liability company. 17119

Nothing in division (D)(1)(e) of this section shall be 17120
construed as permitting unrelated projects to be combined for the 17121
sole purpose of determining the total percentage of project costs 17122
furnished by the federal government or any of its agencies. 17123

(2) A "project" is a "public improvement" and the state or a 17124
political subdivision that undertakes or participates in the 17125
financing of a project is a "public authority," as both of the 17126
last two terms are defined in section 4115.03 of the Revised Code. 17127

(3) "Qualified volunteers" are volunteers who are working 17128

without compensation for a nonprofit organization that is exempt 17129
from federal income tax under section 501(c)(3) of the Internal 17130
Revenue Code, and that is providing housing or housing assistance 17131
only to families and individuals in a county whose incomes are not 17132
greater than one hundred forty per cent of the median income of 17133
that county as determined under section 174.04 of the Revised 17134
Code. 17135

Sec. 303.213. (A) As used in this section, "small wind farm" 17136
means wind turbines and associated facilities ~~that are~~ 17137
~~interconnected with a medium voltage power collection system and~~ 17138
~~communications network and are~~ with a single interconnection to 17139
the electrical grid and designed for, or capable of, operation at 17140
an aggregate capacity of less than five megawatts. 17141

(B) Notwithstanding division (A) of section 303.211 of the 17142
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 17143
power on a board of county commissioners or board of zoning 17144
appeals to adopt zoning regulations governing the location, 17145
erection, construction, reconstruction, change, alteration, 17146
maintenance, removal, use, or enlargement of any small wind farm, 17147
whether publicly or privately owned, or the use of land for that 17148
purpose, which regulations may be more strict than the regulations 17149
prescribed in rules adopted under division (C)(2) of section 17150
4906.20 of the Revised Code. 17151

(C) The designation under this section of a small wind farm 17152
as a public utility for purposes of sections 303.01 to 303.25 of 17153
the Revised Code shall not affect the classification of a small 17154
wind farm for purposes of state or local taxation. 17155

(D) Nothing in division (C) of this section shall be 17156
construed as affecting the classification of a telecommunications 17157
tower as defined in division (B) or (E) of section 303.211 of the 17158
Revised Code or any other public utility for purposes of state and 17159

local taxation. 17160

Sec. 305.20. For purposes of a statute or regulation that 17161
requires a county to publish a notice, advertisement, list, or 17162
other information more than once in a newspaper of general 17163
circulation, the second and subsequent publications are satisfied 17164
by posting the notice, advertisement, list, or other information 17165
on the county's internet web site if the first newspaper 17166
publication meets all the following conditions: 17167

(A) It states that the notice, advertisement, list, or other 17168
information is posted on the county's internet web site; 17169

(B) It includes the county's internet address on the 17170
worldwide web; and 17171

(C) It includes instructions for accessing the notice, 17172
advertisement, list, or other information on the county's internet 17173
web site. 17174

A notice, advertisement, list, or other information posted on 17175
a county's internet web site shall provide the same information as 17176
does the newspaper publication of the notice, advertisement, list, 17177
or other information except that the conditions outlined in 17178
divisions (A) to (C) of this section do not need to be included. 17179

If a county does not operate and maintain, or ceases to 17180
operate and maintain, an internet web site, the county is not 17181
entitled to publish a notice, advertisement, list, or other 17182
information under this section and shall comply with the statutory 17183
publication requirements that otherwise apply to the notice, 17184
advertisement, list, or other information. 17185

For purposes of this section, "county" means a board of 17186
county commissioners, a county elected official, or any 17187
contracting authority as defined in section 307.92 of the Revised 17188
Code. 17189

Sec. 307.12. (A) Except as otherwise provided in divisions 17190
(D), (E), and (G) of this section or in section 307.121 of the 17191
Revised Code, when the board of county commissioners finds, by 17192
resolution, that the county has personal property, including motor 17193
vehicles acquired for the use of county officers and departments, 17194
and road machinery, equipment, tools, or supplies, that is not 17195
needed for public use, is obsolete, or is unfit for the use for 17196
which it was acquired, and when the fair market value of the 17197
property to be sold or donated under this division is, in the 17198
opinion of the board, in excess of two thousand five hundred 17199
dollars, the board may do either of the following: 17200

(1) Sell the property at public auction or by sealed bid to 17201
the highest bidder. Notice of the time, place, and manner of the 17202
sale shall be published in a newspaper of general circulation in 17203
the county at least ten days prior to the sale, and a typewritten 17204
or printed notice of the time, place, and manner of the sale shall 17205
be posted at least ten days before the sale in the offices of the 17206
county auditor and the board of county commissioners. 17207

If a board conducts a sale of property by sealed bid, the 17208
form of the bid shall be as prescribed by the board, and each bid 17209
shall contain the name of the person submitting it. Bids received 17210
shall be opened and tabulated at the time stated in the notice. 17211
The property shall be sold to the highest bidder, except that the 17212
board may reject all bids and hold another sale, by public auction 17213
or sealed bid, in the manner prescribed by this section. 17214

(2) Donate any motor vehicle that does not exceed four 17215
thousand five hundred dollars in value to a nonprofit organization 17216
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 17217
and (c)(3) for the purpose of meeting the transportation needs of 17218
participants in the Ohio works first program established under 17219
Chapter 5107. of the Revised Code and participants in the 17220

prevention, retention, and contingency program established under 17221
Chapter 5108. of the Revised Code. 17222

(B) When the board of county commissioners finds, by 17223
resolution, that the county has personal property, including motor 17224
vehicles acquired for the use of county officers and departments, 17225
and road machinery, equipment, tools, or supplies, that is not 17226
needed for public use, is obsolete, or is unfit for the use for 17227
which it was acquired, and when the fair market value of the 17228
property to be sold or donated under this division is, in the 17229
opinion of the board, two thousand five hundred dollars or less, 17230
the board may do either of the following: 17231

(1) Sell the property by private sale, without advertisement 17232
or public notification; 17233

(2) Donate the property to an eligible nonprofit organization 17234
that is located in this state and is exempt from federal income 17235
taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating 17236
any property under this division, the board shall adopt a 17237
resolution expressing its intent to make unneeded, obsolete, or 17238
unfit-for-use county personal property available to these 17239
organizations. The resolution shall include guidelines and 17240
procedures the board considers necessary to implement a donation 17241
program under this division and shall indicate whether the county 17242
will conduct the donation program or the board will contract with 17243
a representative to conduct it. If a representative is known when 17244
the resolution is adopted, the resolution shall provide contact 17245
information such as the representative's name, address, and 17246
telephone number. 17247

The resolution shall include within its procedures a 17248
requirement that any nonprofit organization desiring to obtain 17249
donated property under this division shall submit a written notice 17250
to the board or its representative. The written notice shall 17251
include evidence that the organization is a nonprofit organization 17252

that is located in this state and is exempt from federal income 17253
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 17254
the organization's primary purpose; a description of the type or 17255
types of property the organization needs; and the name, address, 17256
and telephone number of a person designated by the organization's 17257
governing board to receive donated property and to serve as its 17258
agent. 17259

After adoption of the resolution, the board shall publish, in 17260
a newspaper of general circulation in the county, notice of its 17261
intent to donate unneeded, obsolete, or unfit-for-use county 17262
personal property to eligible nonprofit organizations. The notice 17263
shall include a summary of the information provided in the 17264
resolution and shall be published at least twice. The second and 17265
any subsequent notice shall be published not less than ten nor 17266
more than twenty days after the previous notice. A similar notice 17267
also shall be posted continually in a conspicuous place in the 17268
offices of the county auditor and the board of county 17269
commissioners, and, if the county maintains a web site on the 17270
internet, the notice shall be posted continually at that web site. 17271

The board or its representative shall maintain a list of all 17272
nonprofit organizations that notify the board or its 17273
representative of their desire to obtain donated property under 17274
this division and that the board or its representative determines 17275
to be eligible, in accordance with the requirements set forth in 17276
this section and in the donation program's guidelines and 17277
procedures, to receive donated property. 17278

The board or its representatives also shall maintain a list 17279
of all county personal property the board finds to be unneeded, 17280
obsolete, or unfit for use and to be available for donation under 17281
this division. The list shall be posted continually in a 17282
conspicuous location in the offices of the county auditor and the 17283
board of county commissioners, and, if the county maintains a web 17284

site on the internet, the list shall be posted continually at that 17285
web site. An item of property on the list shall be donated to the 17286
eligible nonprofit organization that first declares to the board 17287
or its representative its desire to obtain the item unless the 17288
board previously has established, by resolution, a list of 17289
eligible nonprofit organizations that shall be given priority with 17290
respect to the item's donation. Priority may be given on the basis 17291
that the purposes of a nonprofit organization have a direct 17292
relationship to specific public purposes of programs provided or 17293
administered by the board. A resolution giving priority to certain 17294
nonprofit organizations with respect to the donation of an item of 17295
property shall specify the reasons why the organizations are given 17296
that priority. 17297

(C) Members of the board of county commissioners shall 17298
consult with the Ohio ethics commission, and comply with the 17299
provisions of Chapters 102. and 2921. of the Revised Code, with 17300
respect to any sale or donation under division (A) or (B) of this 17301
section to a nonprofit organization of which a county 17302
commissioner, any member of the county commissioner's family, or 17303
any business associate of the county commissioner is a trustee, 17304
officer, board member, or employee. 17305

(D) Notwithstanding anything to the contrary in division (A), 17306
(B), or (E) of this section and regardless of the property's 17307
value, the board of county commissioners may sell or donate county 17308
personal property, including motor vehicles, to the federal 17309
government, the state, any political subdivision of the state, or 17310
a county land reutilization corporation without advertisement or 17311
public notification. 17312

(E) Notwithstanding anything to the contrary in division (A), 17313
(B), or (G) of this section and regardless of the property's 17314
value, the board of county commissioners may sell personal 17315
property, including motor vehicles acquired for the use of county 17316

officers and departments, and road machinery, equipment, tools, or 17317
supplies, that is not needed for public use, is obsolete, or is 17318
unfit for the use for which it was acquired, by internet auction. 17319
The board shall adopt, during each calendar year, a resolution 17320
expressing its intent to sell that property by internet auction. 17321
The resolution shall include a description of how the auctions 17322
will be conducted and shall specify the number of days for bidding 17323
on the property, which shall be no less than ten days, including 17324
Saturdays, Sundays, and legal holidays. The resolution shall 17325
indicate whether the county will conduct the auction or the board 17326
will contract with a representative to conduct the auction and 17327
shall establish the general terms and conditions of sale. If a 17328
representative is known when the resolution is adopted, the 17329
resolution shall provide contact information such as the 17330
representative's name, address, and telephone number. 17331

After adoption of the resolution, the board shall publish, in 17332
a newspaper of general circulation in the county, notice of its 17333
intent to sell unneeded, obsolete, or unfit-for-use county 17334
personal property by internet auction. The notice shall include a 17335
summary of the information provided in the resolution and shall be 17336
published at least twice. The second and any subsequent notice 17337
shall be published not less than ten nor more than twenty days 17338
after the previous notice. A similar notice also shall be posted 17339
continually throughout the calendar year in a conspicuous place in 17340
the offices of the county auditor and the board of county 17341
commissioners, and, if the county maintains a web site on the 17342
internet, the notice shall be posted continually throughout the 17343
calendar year at that web site. 17344

When property is to be sold by internet auction, the board or 17345
its representative may establish a minimum price that will be 17346
accepted for specific items and may establish any other terms and 17347
conditions for the particular sale, including requirements for 17348

pick-up or delivery, method of payment, and sales tax. This type 17349
of information shall be provided on the internet at the time of 17350
the auction and may be provided before that time upon request 17351
after the terms and conditions have been determined by the board 17352
or its representative. 17353

(F) When a county officer or department head determines that 17354
county-owned personal property under the jurisdiction of the 17355
officer or department head, including motor vehicles, road 17356
machinery, equipment, tools, or supplies, is not of immediate 17357
need, the county officer or department head may notify the board 17358
of county commissioners, and the board may lease that personal 17359
property to any municipal corporation, township, other political 17360
subdivision of the state, or to a county land reutilization 17361
corporation. The lease shall require the county to be reimbursed 17362
under terms, conditions, and fees established by the board, or 17363
under contracts executed by the board. 17364

(G) If the board of county commissioners finds, by 17365
resolution, that the county has vehicles, equipment, or machinery 17366
that is not needed, or is unfit for public use, and the board 17367
desires to sell the vehicles, equipment, or machinery to the 17368
person or firm from which it proposes to purchase other vehicles, 17369
equipment, or machinery, the board may offer to sell the vehicles, 17370
equipment, or machinery to that person or firm, and to have the 17371
selling price credited to the person or firm against the purchase 17372
price of other vehicles, equipment, or machinery. 17373

(H) If the board of county commissioners advertises for bids 17374
for the sale of new vehicles, equipment, or machinery to the 17375
county, it may include in the same advertisement a notice of the 17376
willingness of the board to accept bids for the purchase of 17377
county-owned vehicles, equipment, or machinery that is obsolete or 17378
not needed for public use, and to have the amount of those bids 17379
subtracted from the selling price of the other vehicles, 17380

equipment, or machinery as a means of determining the lowest 17381
responsible bidder. 17382

(I) If a board of county commissioners determines that county 17383
personal property is not needed for public use, or is obsolete or 17384
unfit for the use for which it was acquired, and that the property 17385
has no value, the board may discard or salvage that property. 17386

(J) A county engineer, in the engineer's discretion, may 17387
dispose of scrap construction materials on such terms as the 17388
engineer determines reasonable, including disposal without 17389
recovery of costs, if the total value of the materials does not 17390
exceed twenty-five thousand dollars. The engineer shall maintain 17391
records of all dispositions made under this division, including 17392
identification of the origin of the materials, the final 17393
disposition, and copies of all receipts resulting from the 17394
dispositions. 17395

As used in division ~~(I)~~(J) of this section, "scrap 17396
construction materials" means construction materials that result 17397
from a road or bridge improvement, remain after the improvement is 17398
completed, and are not reusable. Construction material that is 17399
metal and that results from a road or bridge improvement and 17400
remains after the improvement is completed is scrap construction 17401
material only if it cannot be used in any other road or bridge 17402
improvement or other project in its current state. 17403

Sec. 307.121. (A) As used in this section: 17404

(1) "Advertising" means internet advertising, including 17405
banners and icons that may contain links to commercial internet 17406
web sites. "Advertising" does not include "spyware," "malware," or 17407
any viruses or programs considered to be malicious. 17408

(2) "County official" includes the county auditor, county 17409
treasurer, county engineer, county recorder, county prosecuting 17410

attorney, county sheriff, county coroner, board of county 17411
commissioners, clerk of the probate court, clerk of the juvenile 17412
court, clerk of court for all divisions of the court of common 17413
pleas, clerk of a county-operated municipal court, and clerk of a 17414
county court. 17415

(3) "County web site" means any web site, internet page, or 17416
web page of a county office, with respective internet addresses or 17417
subdomains, that are intended to provide to the public information 17418
about services offered by the county office, including relevant 17419
forms and searchable data. 17420

(B) A board of county commissioners, by resolution adopted by 17421
a majority of the board's members, may authorize commercial 17422
advertising on a county web site under this section. The 17423
resolution shall include all of the following: 17424

(1) A specification of those county officials who, and of the 17425
county offices under those officials that, are authorized to place 17426
commercial advertisements on county web sites; 17427

(2) Criteria for choosing the advertisers and types of 17428
advertisements that may be placed on a county web site; 17429

(3) Requirements and procedures for making requests for 17430
proposals under this section; 17431

(4) Any other requirements or limitations necessary to 17432
authorize under this section commercial advertising on county web 17433
sites. 17434

(C) A board of county commissioners that adopts a resolution 17435
under this section shall send a copy of the resolution to each 17436
county official who is authorized by the resolution to place 17437
commercial advertisements on a county web site. After receiving 17438
the resolution, the county official shall provide written notice 17439
to the board if the official intends to implement the resolution. 17440
After providing such a written notice, the county official may 17441

make requests for proposals in the manner specified by the 17442
resolution for the purpose of identifying advertisers who, and 17443
whose advertisements will, meet the criteria, requirements, and 17444
limitations specified in the resolution. The board of county 17445
commissioners may enter into a contract with such an advertiser 17446
whereby the advertiser places an advertisement on the office's web 17447
site and pays a fee in consideration to the county general fund. 17448

(D) A county web site on which commercial advertising is 17449
placed under this section shall be used exclusively to provide 17450
information from a county office to the public, and shall not be 17451
used as a public forum. 17452

Sec. 307.626. (A) By the first day of April of each year, the 17453
person convening the child fatality review board shall prepare and 17454
submit to the Ohio department of health a report that ~~includes all~~ 17455
~~of~~ summarizes the following information with respect to ~~each~~ the 17456
child ~~death~~ deaths that ~~was~~ were reviewed by the review board in 17457
the previous calendar year: 17458

- (1) The cause of death; 17459
- (2) Factors contributing to death; 17460
- (3) Age; 17461
- (4) Sex; 17462
- (5) Race; 17463
- (6) The geographic location of death; 17464
- (7) The year of death. 17465

The report shall specify the number of child deaths that ~~have~~ 17466
~~not been reviewed since the effective date of this section~~ were 17467
not reviewed during the previous calendar year. 17468

The report may include recommendations for actions that might 17469
prevent other deaths, as well as any other information the review 17470

board determines should be included. 17471

(B) Reports prepared under division (A) of this section shall 17472
be considered public records under section 149.43 of the Revised 17473
Code. 17474

(C) The child fatality review board shall submit individual 17475
data with respect to each child death review into the Ohio 17476
department of health child death review database or the national 17477
child death review database. The individual data shall include the 17478
information specified in division (A) of this section and any 17479
other information the board considers relevant to the review. 17480
Individual data related to a child death review that is contained 17481
in the Ohio department of health child death review database is 17482
not a public record under section 149.43 of the Revised Code. 17483

Sec. 307.629. (A) Except as provided in sections 5153.171 to 17484
5153.173 of the Revised Code, any information, document, or report 17485
presented to a child fatality review board, all statements made by 17486
review board members during meetings of the review board, ~~and~~ all 17487
work products of the review board, and child fatality review data 17488
submitted by the child fatality review board to the department of 17489
health or a national child death review database, other than the 17490
report prepared pursuant to division (A) of section 307.626 of the 17491
Revised Code, are confidential and shall be used by the review 17492
board ~~and,~~ its members, and the department of health only in the 17493
exercise of the proper functions of the review board and the 17494
department. 17495

(B) No person shall permit or encourage the unauthorized 17496
dissemination of the confidential information described in 17497
division (A) of this section. 17498

(C) Whoever violates division (B) of this section is guilty 17499
of a misdemeanor of the second degree. 17500

Sec. 307.79. (A) The board of county commissioners may adopt, 17501
amend, and rescind rules establishing technically feasible and 17502
economically reasonable standards to achieve a level of management 17503
and conservation practices that will abate wind or water erosion 17504
of the soil or abate the degradation of the waters of the state by 17505
soil sediment in conjunction with land grading, excavating, 17506
filling, or other soil disturbing activities on land used or being 17507
developed for nonfarm commercial, industrial, residential, or 17508
other nonfarm purposes, and establish criteria for determination 17509
of the acceptability of those management and conservation 17510
practices. The rules shall be designed to implement the applicable 17511
areawide waste treatment management plan prepared under section 17512
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 17513
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 17514
the storm water program of the national pollutant discharge 17515
elimination system established in 40 C.F.R. Part 122. The rules to 17516
implement phase II of the storm water program of the national 17517
pollutant discharge elimination system shall not be inconsistent 17518
with, more stringent than, or broader in scope than the rules or 17519
regulations adopted by the environmental protection agency under 17520
40 C.F.R. Part 122. The rules adopted under this section shall not 17521
apply inside the limits of municipal corporations or the limits of 17522
townships with a limited home rule government that have adopted 17523
rules under section 504.21 of the Revised Code, to lands being 17524
used in a strip mine operation as defined in section 1513.01 of 17525
the Revised Code, or to land being used in a surface mine 17526
operation as defined in section 1514.01 of the Revised Code. 17527
17528

The rules adopted under this section may require persons to 17529
file plans governing erosion control, sediment control, and water 17530
management before clearing, grading, excavating, filling, or 17531
otherwise wholly or partially disturbing one or more contiguous 17532

acres of land owned by one person or operated as one development 17533
unit for the construction of nonfarm buildings, structures, 17534
utilities, recreational areas, or other similar nonfarm uses. If 17535
the rules require plans to be filed, the rules shall do all of the 17536
following: 17537

(1) Designate the board itself, its employees, or another 17538
agency or official to review and approve or disapprove the plans; 17539

(2) Establish procedures and criteria for the review and 17540
approval or disapproval of the plans; 17541

(3) Require the designated entity to issue a permit to a 17542
person for the clearing, grading, excavating, filling, or other 17543
project for which plans are approved and to deny a permit to a 17544
person whose plans have been disapproved; 17545

(4) Establish procedures for the issuance of the permits; 17546

(5) Establish procedures under which a person may appeal the 17547
denial of a permit. 17548

Areas of less than one contiguous acre shall not be exempt 17549
from compliance with other provisions of this section or rules 17550
adopted under this section. The rules adopted under this section 17551
may impose reasonable filing fees for plan review, permit 17552
processing, and field inspections. 17553

No permit or plan shall be required for a public highway, 17554
transportation, or drainage improvement or maintenance project 17555
undertaken by a government agency or political subdivision in 17556
accordance with a statement of its standard sediment control 17557
policies that is approved by the board or the chief of the 17558
division of soil and water ~~conservation~~ resources in the 17559
department of natural resources. 17560

(B) Rules or amendments may be adopted under this section 17561
only after public hearings at not fewer than two regular sessions 17562

of the board. The board of county commissioners shall cause to be 17563
published, in a newspaper of general circulation in the county, 17564
notice of the public hearings, including time, date, and place, 17565
once a week for two weeks immediately preceding the hearings. The 17566
proposed rules or amendments shall be made available by the board 17567
to the public at the board office or other location indicated in 17568
the notice. The rules or amendments shall take effect on the 17569
thirty-first day following the date of their adoption. 17570

(C) The board of county commissioners may employ personnel to 17571
assist in the administration of this section and the rules adopted 17572
under it. The board also, if the action does not conflict with the 17573
rules, may delegate duties to review sediment control and water 17574
management plans to its employees, and may enter into agreements 17575
with one or more political subdivisions, other county officials, 17576
or other government agencies, in any combination, in order to 17577
obtain reviews and comments on plans governing erosion control, 17578
sediment control, and water management or to obtain other services 17579
for the administration of the rules adopted under this section. 17580

(D) The board of county commissioners or any duly authorized 17581
representative of the board may, upon identification to the owner 17582
or person in charge, enter any land upon obtaining agreement with 17583
the owner, tenant, or manager of the land in order to determine 17584
whether there is compliance with the rules adopted under this 17585
section. If the board or its duly authorized representative is 17586
unable to obtain such an agreement, the board or representative 17587
may apply for, and a judge of the court of common pleas for the 17588
county where the land is located may issue, an appropriate 17589
inspection warrant as necessary to achieve the purposes of this 17590
chapter. 17591

(E)(1) If the board of county commissioners or its duly 17592
authorized representative determines that a violation of the rules 17593
adopted under this section exists, the board or representative may 17594

issue an immediate stop work order if the violator failed to 17595
obtain any federal, state, or local permit necessary for sediment 17596
and erosion control, earth movement, clearing, or cut and fill 17597
activity. In addition, if the board or representative determines 17598
such a rule violation exists, regardless of whether or not the 17599
violator has obtained the proper permits, the board or 17600
representative may authorize the issuance of a notice of 17601
violation. If, after a period of not less than thirty days has 17602
elapsed following the issuance of the notice of violation, the 17603
violation continues, the board or its duly authorized 17604
representative shall issue a second notice of violation. Except as 17605
provided in division (E)(3) of this section, if, after a period of 17606
not less than fifteen days has elapsed following the issuance of 17607
the second notice of violation, the violation continues, the board 17608
or its duly authorized representative may issue a stop work order 17609
after first obtaining the written approval of the prosecuting 17610
attorney of the county if, in the opinion of the prosecuting 17611
attorney, the violation is egregious. 17612

Once a stop work order is issued, the board or its duly 17613
authorize representative shall request, in writing, the 17614
prosecuting attorney of the county to seek an injunction or other 17615
appropriate relief in the court of common pleas to abate excessive 17616
erosion or sedimentation and secure compliance with the rules 17617
adopted under this section. If the prosecuting attorney seeks an 17618
injunction or other appropriate relief, then, in granting relief, 17619
the court of common pleas may order the construction of sediment 17620
control improvements or implementation of other control measures 17621
and may assess a civil fine of not less than one hundred or more 17622
than five hundred dollars. Each day of violation of a rule or stop 17623
work order issued under this section shall be considered a 17624
separate violation subject to a civil fine. 17625

(2) The person to whom a stop work order is issued under this 17626

section may appeal the order to the court of common pleas of the 17627
county in which it was issued, seeking any equitable or other 17628
appropriate relief from that order. 17629

(3) No stop work order shall be issued under this section 17630
against any public highway, transportation, or drainage 17631
improvement or maintenance project undertaken by a government 17632
agency or political subdivision in accordance with a statement of 17633
its standard sediment control policies that is approved by the 17634
board or the chief of the division of soil and water ~~conservation~~ 17635
resources in the department of natural resources. 17636

(F) No person shall violate any rule adopted or order issued 17637
under this section. Notwithstanding division (E) of this section, 17638
if the board of county commissioners determines that a violation 17639
of any rule adopted or administrative order issued under this 17640
section exists, the board may request, in writing, the prosecuting 17641
attorney of the county to seek an injunction or other appropriate 17642
relief in the court of common pleas to abate excessive erosion or 17643
sedimentation and secure compliance with the rules or order. In 17644
granting relief, the court of common pleas may order the 17645
construction of sediment control improvements or implementation of 17646
other control measures and may assess a civil fine of not less 17647
than one hundred or more than five hundred dollars. Each day of 17648
violation of a rule adopted or administrative order issued under 17649
this section shall be considered a separate violation subject to a 17650
civil fine. 17651

Sec. 311.17. Except as provided in a contract entered into 17652
under division (A) of section 3125.141 of the Revised Code, for 17653
the services specified in this section, the sheriff shall charge 17654
the following fees, which the court or its clerk shall tax in the 17655
bill of costs against the judgment debtor or those legally liable 17656
therefor for the judgment: 17657

(A) For the service and return of the following writs and orders:	17658 17659
(1) Execution:	17660
(a) When money is paid without levy or when no property is found, twenty <u>thirty</u> dollars;	17661 17662
(b) When levy is made on real property, for the first tract, twenty-five dollars, and for each additional tract, ten dollars;	17663 17664
(c) When levy is made on goods and chattels, including inventory, fifty dollars.	17665 17666
(2) Writ of attachment of property, except for purpose of garnishment, forty dollars;	17667 17668
(3) Writ of attachment for the purpose of garnishment, ten dollars;	17669 17670
(4) Writ of replevin, forty dollars;	17671
(5) Warrant to arrest, for each person named in the writ, ten <u>twenty</u> dollars;	17672 17673
(6) Attachment for contempt, for each person named in the writ, six dollars;	17674 17675
(7) Writ of possession or restitution, sixty dollars;	17676
(8) Subpoena, for each person named in the writ, in either a civil or criminal case, six <u>ten</u> dollars;	17677 17678
(9) Venire, for each person named in the writ, in either a civil or criminal case, six dollars;	17679 17680
(10) Summoning each juror, other than on venire, in either a civil or criminal case, six dollars;	17681 17682
(11) Writ of partition, twenty-five dollars;	17683
(12) Order of sale on partition, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	17684 17685

(13) Other order of sale of real property, for the first tract, fifty dollars, and for each additional tract, twenty-five dollars;	17686 17687 17688
(14) Administering oath to appraisers, three dollars each;	17689
(15) Furnishing copies for advertisements, one dollar for each hundred words;	17690 17691
(16) Copy of indictment, for each defendant, five dollars;	17692
(17) All summons, writs, orders, or notices, for the first name, six dollars, and for each additional name, one dollar.	17693 17694
(B) In addition to the fee for service and return:	17695
(1) On each summons, writ, order, or notice, a fee of one dollar <u>two dollars</u> per mile for the first mile, and fifty cents <u>one dollar</u> per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;	17696 17697 17698 17699
(2) Taking bail bond, three dollars;	17700
(3) Jail fees, as follows:	17701
(a) For receiving a prisoner, five dollars each time a prisoner is received, and for discharging or surrendering a prisoner, five dollars each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.	17702 17703 17704 17705 17706 17707 17708
(b) Taking a prisoner before a judge or court, per day, five dollars;	17709 17710
(c) Calling action, one dollar;	17711
(d) Calling jury, three dollars;	17712
(e) Calling each witness, three dollars;	17713
(f) Bringing prisoner before court on habeas corpus, six	17714

dollars. 17715

(4) Poundage on all moneys actually made and paid to the 17716
sheriff on execution, decree, or sale of real estate, one and 17717
one-half per cent; 17718

(5) Making and executing a deed of land sold on execution, 17719
decree, or order of the court, to be paid by the purchaser, fifty 17720
dollars. 17721

When any of the services described in division (A) or (B) of 17722
this section are rendered by an officer or employee, whose salary 17723
or per diem compensation is paid by the county, the applicable 17724
legal fees and any other extraordinary expenses, including 17725
overtime, provided for the service shall be taxed in the costs in 17726
the case and, when collected, shall be paid into the general fund 17727
of the county. 17728

The sheriff shall charge the same fees for the execution of 17729
process issued in any other state as the sheriff charges for the 17730
execution of process of a substantively similar nature that is 17731
issued in this state. 17732

Sec. 311.42. (A) Each county shall establish in the county 17733
treasury a sheriff's concealed handgun license issuance expense 17734
fund. The sheriff of that county shall deposit into that fund all 17735
fees paid by applicants for the issuance or renewal of a license 17736
or duplicate license to carry a concealed handgun under section 17737
2923.125 of the Revised Code, including the administrative fee 17738
prescribed pursuant to division (C) of section 109.731 of the 17739
Revised Code, and all fees paid by the person seeking a temporary 17740
emergency license to carry a concealed handgun under section 17741
2923.1213 of the Revised Code. The county shall ~~distribute the~~ 17742
~~fees deposited into the fund in accordance with the specifications~~ 17743
~~prescribed by the Ohio peace officer training commission under~~ 17744
~~division (C) of section 109.731 of the Revised Code~~ pay to the 17745

bureau of criminal identification and investigation the portion of 17746
the fund that consists of the administrative fee and the cost of 17747
any background check performed by the bureau of criminal 17748
identification and investigation. 17749

(B) The sheriff, with the approval of the board of county 17750
commissioners, may expend any county portion of the fees deposited 17751
into the sheriff's concealed handgun license issuance expense fund 17752
for any costs incurred by the sheriff in connection with 17753
performing any administrative functions related to the issuance of 17754
licenses or temporary emergency licenses to carry a concealed 17755
handgun under section 2923.125 or 2923.1213 of the Revised Code, 17756
including, but not limited to, personnel expenses and the costs of 17757
any handgun safety education program that the sheriff chooses to 17758
fund. 17759

Sec. 319.24. A county auditor shall use the information 17760
received pursuant to section 3705.031 of the Revised Code to 17761
assist the auditor in verifying whether real property or a 17762
manufactured or mobile home is eligible for a reduction in 17763
property taxes under division (A) or (B) of section 323.152 of the 17764
Revised Code or section 4503.065 of the Revised Code. 17765

Sec. 319.28. (A) Except as otherwise provided in division (B) 17766
of this section, on or before the first Monday of August, 17767
annually, the county auditor shall compile and make up a general 17768
tax list of real and public utility property in the county, either 17769
in tabular form and alphabetical order, or, with the consent of 17770
the county treasurer, by listing all parcels in a permanent parcel 17771
number sequence to which a separate alphabetical index is keyed, 17772
containing the names of the several persons, companies, firms, 17773
partnerships, associations, and corporations in whose names real 17774
property has been listed in each township, municipal corporation, 17775

special district, or separate school district, or part of either 17776
in the auditor's county, placing separately, in appropriate 17777
columns opposite each name, the description of each tract, lot, or 17778
parcel of real estate, the value of each tract, lot, or parcel, 17779
the value of the improvements thereon, and of the names of the 17780
several public utilities whose property, subject to taxation on 17781
the general tax list and duplicate, has been apportioned by the 17782
department of taxation to the county, and the amount so 17783
apportioned to each township, municipal corporation, special 17784
district, or separate school district or part of either in the 17785
auditor's county, as shown by the certificates of apportionment of 17786
public utility property. If the name of the owner of any tract, 17787
lot, or parcel of real estate is unknown to the auditor, "unknown" 17788
shall be entered in the column of names opposite said tract, lot, 17789
or parcel. Such lists shall be prepared in duplicate. On or before 17790
the first Monday of September in each year, the auditor shall 17791
correct such lists in accordance with the additions and deductions 17792
ordered by the tax commissioner and by the county board of 17793
revision, and shall certify and on the first day of October 17794
deliver one copy thereof to the county treasurer. The copies 17795
prepared by the auditor shall constitute the auditor's general tax 17796
list and treasurer's general duplicate of real and public utility 17797
property for the current year. 17798

Once a permanent parcel numbering system has been established 17799
in any county as provided by the preceding paragraph, such system 17800
shall remain in effect until otherwise agreed upon by the county 17801
auditor and county treasurer. 17802

(B)(1) A peace officer, parole officer, prosecuting attorney, 17803
assistant prosecuting attorney, correctional employee, youth 17804
services employee, firefighter, ~~or~~ EMT, or investigator of the 17805
bureau of criminal identification and investigation may submit a 17806
written request by affidavit to the county auditor requesting the 17807

county auditor to remove the name of the peace officer, parole 17808
officer, prosecuting attorney, assistant prosecuting attorney, 17809
correctional employee, youth services employee, firefighter, ~~or~~ 17810
EMT, or investigator of the bureau of criminal identification and 17811
investigation from any record made available to the general public 17812
on the internet or a publicly accessible database and the general 17813
tax list of real and public utility property and the general 17814
duplicate of real and public utility property and insert the 17815
initials of the peace officer, parole officer, prosecuting 17816
attorney, assistant prosecuting attorney, correctional employee, 17817
youth services employee, firefighter, ~~or~~ EMT, or investigator of 17818
the bureau of criminal identification and investigation on any 17819
record made available to the general public on the internet or a 17820
publicly accessible database and the general tax list of real and 17821
public utility property and the general duplicate of real and 17822
public utility property as the name of the peace ~~official~~ officer, 17823
parole officer, prosecuting attorney, assistant prosecuting 17824
attorney, correctional employee, youth services employee, 17825
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 17826
identification and investigation that appears on the deed. 17827
17828

(2) Upon receiving a written request by affidavit described 17829
in division (B)(1) of this section, the county auditor shall act 17830
within five business days in accordance with the request to remove 17831
the name of the peace officer, parole officer, prosecuting 17832
attorney, assistant prosecuting attorney, correctional employee, 17833
youth services employee, firefighter, ~~or~~ EMT, or investigator of 17834
the bureau of criminal identification and investigation from any 17835
record made available to the general public on the internet or a 17836
publicly accessible database and the general tax list of real and 17837
public utility property and the general duplicate of real and 17838
public utility property and insert initials of the peace officer, 17839
parole officer, prosecuting attorney, assistant prosecuting 17840

attorney, correctional employee, youth services employee, 17841
firefighter, ~~or~~ EMT, or investigator of the bureau of criminal 17842
identification and investigation on any record made available to 17843
the general public on the internet or a publicly accessible 17844
database and the general tax list of real and public utility 17845
property and the general duplicate of real and public utility 17846
property, if practicable. If the removal and insertion is not 17847
practicable, the county auditor shall verbally or in writing 17848
within five business days after receiving the written request 17849
explain to the peace officer, parole officer, prosecuting 17850
attorney, assistant prosecuting attorney, correctional employee, 17851
youth services employee, firefighter, ~~or~~ EMT, or investigator of 17852
the bureau of criminal identification and investigation why the 17853
removal and insertion is impracticable. 17854

Sec. 319.301. (A) ~~This~~ The reductions required by division 17855
(D) of this section does do not apply to any of the following: 17856

(1) Taxes levied at whatever rate is required to produce a 17857
specified amount of tax money, including a tax levied under 17858
section 5705.199 or 5705.211 of the Revised Code, or an amount to 17859
pay debt charges; 17860

(2) Taxes levied within the one per cent limitation imposed 17861
by Section 2 of Article XII, Ohio Constitution; 17862

(3) Taxes provided for by the charter of a municipal 17863
corporation. 17864

(B) As used in this section: 17865

(1) "Real property" includes real property owned by a 17866
railroad. 17867

(2) "Carryover property" means all real property on the 17868
current year's tax list except: 17869

(a) Land and improvements that were not taxed by the district 17870

in both the preceding year and the current year; 17871

(b) Land and improvements that were not in the same class in 17872
both the preceding year and the current year. 17873

(3) "Effective tax rate" means with respect to each class of 17874
property: 17875

(a) The sum of the total taxes that would have been charged 17876
and payable for current expenses against real property in that 17877
class if each of the district's taxes were reduced for the current 17878
year under division (D)(1) of this section without regard to the 17879
application of division (E)(3) of this section divided by 17880

(b) The taxable value of all real property in that class. 17881

(4) "Taxes charged and payable" means the taxes charged and 17882
payable prior to any reduction required by section 319.302 of the 17883
Revised Code. 17884

(C) The tax commissioner shall make the determinations 17885
required by this section each year, without regard to whether a 17886
taxing district has territory in a county to which section 5715.24 17887
of the Revised Code applies for that year. Separate determinations 17888
shall be made for each of the two classes established pursuant to 17889
section 5713.041 of the Revised Code. 17890

(D) With respect to each tax authorized to be levied by each 17891
taxing district, the tax commissioner, annually, shall do both of 17892
the following: 17893

(1) Determine by what percentage, if any, the sums levied by 17894
such tax against the carryover property in each class would have 17895
to be reduced for the tax to levy the same number of dollars 17896
against such property in that class in the current year as were 17897
charged against such property by such tax in the preceding year 17898
subsequent to the reduction made under this section but before the 17899
reduction made under section 319.302 of the Revised Code. In the 17900

case of a tax levied for the first time that is not a renewal of 17901
an existing tax, the commissioner shall determine by what 17902
percentage the sums that would otherwise be levied by such tax 17903
against carryover property in each class would have to be reduced 17904
to equal the amount that would have been levied if the full rate 17905
thereof had been imposed against the total taxable value of such 17906
property in the preceding tax year. A tax or portion of a tax that 17907
is designated a replacement levy under section 5705.192 of the 17908
Revised Code is not a renewal of an existing tax for purposes of 17909
this division. 17910

(2) Certify each percentage determined in division (D)(1) of 17911
this section, as adjusted under division (E) of this section, and 17912
the class of property to which that percentage applies to the 17913
auditor of each county in which the district has territory. The 17914
auditor, after complying with section 319.30 of the Revised Code, 17915
shall reduce the sum to be levied by such tax against each parcel 17916
of real property in the district by the percentage so certified 17917
for its class. Certification shall be made by the first day of 17918
September except in the case of a tax levied for the first time, 17919
in which case certification shall be made within fifteen days of 17920
the date the county auditor submits the information necessary to 17921
make the required determination. 17922

(E)(1) As used in division (E)(2) of this section, "pre-1982 17923
joint vocational taxes" means, with respect to a class of 17924
property, the difference between the following amounts: 17925

(a) The taxes charged and payable in tax year 1981 against 17926
the property in that class for the current expenses of the joint 17927
vocational school district of which the school district is a part 17928
after making all reductions under this section; 17929

(b) The following percentage of the taxable value of all real 17930
property in that class: 17931

(i) In 1987, five one-hundredths of one per cent;	17932
(ii) In 1988, one-tenth of one per cent;	17933
(iii) In 1989, fifteen one-hundredths of one per cent;	17934
(iv) In 1990 and each subsequent year, two-tenths of one per cent.	17935 17936
If the amount in division (E)(1)(b) of this section exceeds the amount in division (E)(1)(a) of this section, the pre-1982 joint vocational taxes shall be zero.	17937 17938 17939
As used in divisions (E)(2) and (3) of this section, "taxes charged and payable" has the same meaning as in division (B)(4) of this section and excludes any tax charged and payable in 1985 or thereafter under sections 5705.194 to 5705.197 or section 5705.199 or , <u>5705.213, or 5705.219</u> of the Revised Code.	17940 17941 17942 17943 17944
(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:	17945 17946 17947 17948 17949 17950 17951 17952 17953 17954 17955 17956
(a) The sum of the rates at which those taxes are authorized to be levied;	17957 17958
(b) Two per cent of the taxable value of the property in that class. The auditor shall use such percentages in making the reduction required by this section for that class.	17959 17960 17961

(3)(a) If in the case of a joint vocational school district 17962
any percentage required to be used in division (D)(2) of this 17963
section for either class of property could cause the total taxes 17964
charged and payable for current expenses for that class to be less 17965
than the designated amount, the commissioner shall determine what 17966
percentages would cause the district's total taxes charged and 17967
payable for current expenses for that class, after all reductions 17968
that would otherwise be made under this section, to equal the 17969
designated amount. The auditor shall use such percentages in 17970
making the reductions required by this section for that class. 17971

(b) As used in division (E)(3)(a) of this section, the 17972
designated amount shall equal the taxable value of all real 17973
property in the class that is subject to taxation by the district 17974
times the lesser of the following: 17975

(i) Two-tenths of one per cent; 17976

(ii) The district's effective rate plus the following 17977
percentage for the year indicated: 17978

WHEN COMPUTING THE	ADD THE FOLLOWING	
TAXES CHARGED FOR	PERCENTAGE:	
1987	0.025%	17981
1988	0.05%	17982
1989	0.075%	17983
1990	0.1%	17984
1991	0.125%	17985
1992	0.15%	17986
1993	0.175%	17987
1994 and thereafter	0.2%	17988

(F) No reduction shall be made under this section in the rate 17989
at which any tax is levied. 17990

(G) The commissioner may order a county auditor to furnish 17991
any information the commissioner needs to make the determinations 17992

required under division (D) or (E) of this section, and the 17993
auditor shall supply the information in the form and by the date 17994
specified in the order. If the auditor fails to comply with an 17995
order issued under this division, except for good cause as 17996
determined by the commissioner, the commissioner shall withhold 17997
from such county or taxing district therein fifty per cent of 17998
state revenues to local governments pursuant to section 5747.50 of 17999
the Revised Code or shall direct the department of education to 18000
withhold therefrom fifty per cent of state revenues to school 18001
districts pursuant to Chapter 3317. of the Revised Code. The 18002
commissioner shall withhold the distribution of such revenues 18003
until the county auditor has complied with this division, and the 18004
department shall withhold the distribution of such revenues until 18005
the commissioner has notified the department that the county 18006
auditor has complied with this division. 18007

(H) If the commissioner is unable to certify a tax reduction 18008
factor for either class of property in a taxing district located 18009
in more than one county by the last day of November because 18010
information required under division (G) of this section is 18011
unavailable, the commissioner may compute and certify an estimated 18012
tax reduction factor for that district for that class. The 18013
estimated factor shall be based upon an estimate of the 18014
unavailable information. Upon receipt of the actual information 18015
for a taxing district that received an estimated tax reduction 18016
factor, the commissioner shall compute the actual tax reduction 18017
factor and use that factor to compute the taxes that should have 18018
been charged and payable against each parcel of property for the 18019
year for which the estimated reduction factor was used. The amount 18020
by which the estimated factor resulted in an overpayment or 18021
underpayment in taxes on any parcel shall be added to or 18022
subtracted from the amount due on that parcel in the ensuing tax 18023
year. 18024

A percentage or a tax reduction factor determined or computed 18025
by the commissioner under this section shall be used solely for 18026
the purpose of reducing the sums to be levied by the tax to which 18027
it applies for the year for which it was determined or computed. 18028
It shall not be used in making any tax computations for any 18029
ensuing tax year. 18030

(I) In making the determinations under division (D)(1) of 18031
this section, the tax commissioner shall take account of changes 18032
in the taxable value of carryover property resulting from 18033
complaints filed under section 5715.19 of the Revised Code for 18034
determinations made for the tax year in which such changes are 18035
reported to the commissioner. Such changes shall be reported to 18036
the commissioner on the first abstract of real property filed with 18037
the commissioner under section 5715.23 of the Revised Code 18038
following the date on which the complaint is finally determined by 18039
the board of revision or by a court or other authority with 18040
jurisdiction on appeal. The tax commissioner shall account for 18041
such changes in making the determinations only for the tax year in 18042
which the change in valuation is reported. Such a valuation change 18043
shall not be used to recompute the percentages determined under 18044
division (D)(1) of this section for any prior tax year. 18045

Sec. 319.302. (A)(1) Real property that is not intended 18046
primarily for use in a business activity shall qualify for a 18047
partial exemption from real property taxation. For purposes of 18048
this partial exemption, "business activity" includes all uses of 18049
real property, except farming; leasing property for farming; 18050
occupying or holding property improved with single-family, 18051
two-family, or three-family dwellings; leasing property improved 18052
with single-family, two-family, or three-family dwellings; or 18053
holding vacant land that the county auditor determines will be 18054
used for farming or to develop single-family, two-family, or 18055
three-family dwellings. For purposes of this partial exemption, 18056

"farming" does not include land used for the commercial production of timber that is receiving the tax benefit under section 5713.23 or 5713.31 of the Revised Code and all improvements connected with such commercial production of timber.

(2) Each year, the county auditor shall review each parcel of real property to determine whether it qualifies for the partial exemption provided for by this section as of the first day of January of the current tax year.

(B) After complying with section 319.301 of the Revised Code, the county auditor shall reduce the remaining sums to be levied against each parcel of real property that is listed on the general tax list and duplicate of real and public utility property for the current tax year and that qualifies for partial exemption under division (A) of this section, and against each manufactured and mobile home that is taxed pursuant to division (D)(2) of section 4503.06 of the Revised Code and that is on the manufactured home tax list for the current tax year, by ten per cent, to provide a partial exemption for that parcel or home. Except as otherwise provided in sections 323.152, 323.158, 505.06, and 715.263 of the Revised Code, the amount of the taxes remaining after any such reduction shall be the real and public utility property taxes charged and payable on each parcel of real property, including property that does not qualify for partial exemption under division (A) of this section, and the manufactured home tax charged and payable on each manufactured or mobile home, and shall be the amounts certified to the county treasurer for collection. Upon receipt of the real and public utility property tax duplicate, the treasurer shall certify to the tax commissioner the total amount by which the real property taxes were reduced under this section, as shown on the duplicate. Such reduction shall not directly or indirectly affect the determination of the principal amount of notes that may be issued in anticipation of any tax

levies or the amount of bonds or notes for any planned 18089
improvements. If after application of sections 5705.31 and 5705.32 18090
of the Revised Code and other applicable provisions of law, 18091
including divisions (F) and (I) of section 321.24 of the Revised 18092
Code, there would be insufficient funds for payment of debt 18093
charges on bonds or notes payable from taxes reduced by this 18094
section, the reduction of taxes provided for in this section shall 18095
be adjusted to the extent necessary to provide funds from such 18096
taxes. 18097

(C) The tax commissioner may adopt rules governing the 18098
administration of the partial exemption provided for by this 18099
section. 18100

(D) The determination of whether property qualifies for 18101
partial exemption under division (A) of this section is solely for 18102
the purpose of allowing the partial exemption under division (B) 18103
of this section. 18104

Sec. 319.54. (A) On all moneys collected by the county 18105
treasurer on any tax duplicate of the county, other than estate 18106
tax duplicates, and on all moneys received as advance payments of 18107
personal property and classified property taxes, the county 18108
auditor, on settlement with the treasurer and tax commissioner, on 18109
or before the date prescribed by law for such settlement or any 18110
lawful extension of such date, shall be allowed as compensation 18111
for the county auditor's services the following percentages: 18112

(1) On the first one hundred thousand dollars, two and 18113
one-half per cent; 18114

(2) On the next two million dollars, eight thousand three 18115
hundred eighteen ten-thousandths of one per cent; 18116

(3) On the next two million dollars, six thousand six hundred 18117
fifty-five ten-thousandths of one per cent; 18118

(4) On all further sums, one thousand six hundred sixty-three 18119
ten-thousandths of one per cent. 18120

If any settlement is not made on or before the date 18121
prescribed by law for such settlement or any lawful extension of 18122
such date, the aggregate compensation allowed to the auditor shall 18123
be reduced one per cent for each day such settlement is delayed 18124
after the prescribed date. No penalty shall apply if the auditor 18125
and treasurer grant all requests for advances up to ninety per 18126
cent of the settlement pursuant to section 321.34 of the Revised 18127
Code. The compensation allowed in accordance with this section on 18128
settlements made before the dates prescribed by law, or the 18129
reduced compensation allowed in accordance with this section on 18130
settlements made after the date prescribed by law or any lawful 18131
extension of such date, shall be apportioned ratably by the 18132
auditor and deducted from the shares or portions of the revenue 18133
payable to the state as well as to the county, townships, 18134
municipal corporations, and school districts. 18135

(B) For the purpose of reimbursing county auditors for the 18136
expenses associated with the increased number of applications for 18137
reductions in real property taxes under sections 323.152 and 18138
4503.065 of the Revised Code that ~~results~~ result from the 18139
amendment of those sections by Am. Sub. H.B. 119 of the 127th 18140
general assembly, ~~on the first day of August of each year~~ there 18141
shall be paid from the state's general revenue fund to the county 18142
treasury, to the credit of the real estate assessment fund created 18143
by section 325.31 of the Revised Code, an amount equal to one per 18144
cent of the total annual amount of property tax relief 18145
reimbursement paid to that county under sections 323.156 and 18146
4503.068 of the Revised Code for the preceding tax year. Payments 18147
made under this division shall be made at the same times and in 18148
the same manner as payments made under section 323.156 of the 18149
Revised Code. 18150

(C) From all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the percentages prescribed in divisions (C)(1) and (2) of this section.

(1) For payments made after June 30, 2007, and before 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next five million dollars, two per cent;

(c) On the next five million dollars, one per cent;

(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;

(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.

(2) For payments made in or after 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next ten million dollars, two per cent;

(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.

Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.

(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:

(1) Four per cent on the first one hundred thousand dollars;

(2) One-half of one per cent on all additional sums.

Such percentages shall be computed upon the amount collected and reported at each semiannual settlement, and shall be for the use of the general fund of the county.

(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county.

(G) The county auditor shall charge and receive fees as follows:

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;

(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it;

(3) For receiving statements of value and administering 18210
section 319.202 of the Revised Code, one dollar, or ten cents for 18211
each one hundred dollars or fraction of one hundred dollars, 18212
whichever is greater, of the value of the real property 18213
transferred or, for sales occurring on or after January 1, 2000, 18214
the value of the used manufactured home or used mobile home, as 18215
defined in section 5739.0210 of the Revised Code, transferred, 18216
except no fee shall be charged when the transfer is made: 18217

(a) To or from the United States, this state, or any 18218
instrumentality, agency, or political subdivision of the United 18219
States or this state; 18220

(b) Solely in order to provide or release security for a debt 18221
or obligation; 18222

(c) To confirm or correct a deed previously executed and 18223
recorded or when a current owner on any record made available to 18224
the general public on the internet or a publicly accessible 18225
database and the general tax list of real and public utility 18226
property and the general duplicate of real and public utility 18227
property is a peace officer, parole officer, prosecuting attorney, 18228
assistant prosecuting attorney, correctional employee, youth 18229
services employee, firefighter, ~~or~~ E.M.T., or investigator of the 18230
bureau of criminal identification and investigation and is 18231
changing the current owner name listed on any record made 18232
available to the general public on the internet or a publicly 18233
accessible database and the general tax list of real and public 18234
utility property and the general duplicate of real and public 18235
utility property to the initials of the current owner as 18236
prescribed in division (B)(1) of section 319.28 of the Revised 18237
Code; 18238

(d) To evidence a gift, in trust or otherwise and whether 18239
revocable or irrevocable, between husband and wife, or parent and 18240
child or the spouse of either; 18241

(e) On sale for delinquent taxes or assessments;	18242
(f) Pursuant to court order, to the extent that such transfer	18243
is not the result of a sale effected or completed pursuant to such	18244
order;	18245
(g) Pursuant to a reorganization of corporations or	18246
unincorporated associations or pursuant to the dissolution of a	18247
corporation, to the extent that the corporation conveys the	18248
property to a stockholder as a distribution in kind of the	18249
corporation's assets in exchange for the stockholder's shares in	18250
the dissolved corporation;	18251
(h) By a subsidiary corporation to its parent corporation for	18252
no consideration, nominal consideration, or in sole consideration	18253
of the cancellation or surrender of the subsidiary's stock;	18254
(i) By lease, whether or not it extends to mineral or mineral	18255
rights, unless the lease is for a term of years renewable forever;	18256
(j) When the value of the real property or the manufactured	18257
or mobile home or the value of the interest that is conveyed does	18258
not exceed one hundred dollars;	18259
(k) Of an occupied residential property, including a	18260
manufactured or mobile home, being transferred to the builder of a	18261
new residence or to the dealer of a new manufactured or mobile	18262
home when the former residence is traded as part of the	18263
consideration for the new residence or new manufactured or mobile	18264
home;	18265
(l) To a grantee other than a dealer in real property or in	18266
manufactured or mobile homes, solely for the purpose of, and as a	18267
step in, the prompt sale of the real property or manufactured or	18268
mobile home to others;	18269
(m) To or from a person when no money or other valuable and	18270
tangible consideration readily convertible into money is paid or	18271

to be paid for the real estate or manufactured or mobile home and	18272
the transaction is not a gift;	18273
(n) Pursuant to division (B) of section 317.22 of the Revised	18274
Code, or section 2113.61 of the Revised Code, between spouses or	18275
to a surviving spouse pursuant to section 5302.17 of the Revised	18276
Code as it existed prior to April 4, 1985, between persons	18277
pursuant to section 5302.17 or 5302.18 of the Revised Code on or	18278
after April 4, 1985, to a person who is a surviving, survivorship	18279
tenant pursuant to section 5302.17 of the Revised Code on or after	18280
April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	18281
(o) To a trustee acting on behalf of minor children of the	18282
deceased;	18283
(p) Of an easement or right-of-way when the value of the	18284
interest conveyed does not exceed one thousand dollars;	18285
(q) Of property sold to a surviving spouse pursuant to	18286
section 2106.16 of the Revised Code;	18287
(r) To or from an organization exempt from federal income	18288
taxation under section 501(c)(3) of the "Internal Revenue Code of	18289
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such	18290
transfer is without consideration and is in furtherance of the	18291
charitable or public purposes of such organization;	18292
(s) Among the heirs at law or devisees, including a surviving	18293
spouse, of a common decedent, when no consideration in money is	18294
paid or to be paid for the real property or manufactured or mobile	18295
home;	18296
(t) To a trustee of a trust, when the grantor of the trust	18297
has reserved an unlimited power to revoke the trust;	18298
(u) To the grantor of a trust by a trustee of the trust, when	18299
the transfer is made to the grantor pursuant to the exercise of	18300
the grantor's power to revoke the trust or to withdraw trust	18301

assets; 18302

(v) To the beneficiaries of a trust if the fee was paid on 18303
the transfer from the grantor of the trust to the trustee or if 18304
the transfer is made pursuant to trust provisions which became 18305
irrevocable at the death of the grantor; 18306

(w) To a corporation for incorporation into a sports facility 18307
constructed pursuant to section 307.696 of the Revised Code; 18308

(x) Between persons pursuant to section 5302.18 of the 18309
Revised Code; 18310

(y) From a county land reutilization corporation organized 18311
under Chapter 1724. of the Revised Code to a third party. 18312

The auditor shall compute and collect the fee. The auditor 18313
shall maintain a numbered receipt system, as prescribed by the tax 18314
commissioner, and use such receipt system to provide a receipt to 18315
each person paying a fee. The auditor shall deposit the receipts 18316
of the fees on conveyances in the county treasury daily to the 18317
credit of the general fund of the county, except that fees charged 18318
and received under division (G)(3) of this section for a transfer 18319
of real property to a county land reutilization corporation shall 18320
be credited to the county land reutilization corporation fund 18321
established under section 321.263 of the Revised Code. 18322
18323

The real property transfer fee provided for in division 18324
(G)(3) of this section shall be applicable to any conveyance of 18325
real property presented to the auditor on or after January 1, 18326
1968, regardless of its time of execution or delivery. 18327

The transfer fee for a used manufactured home or used mobile 18328
home shall be computed by and paid to the county auditor of the 18329
county in which the home is located immediately prior to the 18330
transfer. 18331

Sec. 321.24. (A) On or before the fifteenth day of February, 18332
in each year, the county treasurer shall settle with the county 18333
auditor for all taxes and assessments that the treasurer has 18334
collected on the general duplicate of real and public utility 18335
property at the time of making the settlement. 18336

(B) On or before the thirtieth day of June, in each year, the 18337
treasurer shall settle with the auditor for all advance payments 18338
of general personal and classified property taxes that the 18339
treasurer has received at the time of making the settlement. 18340

(C) On or before the tenth day of August, in each year, the 18341
treasurer shall settle with the auditor for all taxes and 18342
assessments that the treasurer has collected on the general 18343
duplicates of real and public utility property at the time of 18344
making such settlement, not included in the preceding February 18345
settlement. 18346

(D) On or before the thirty-first day of October, in each 18347
year, the treasurer shall settle with the auditor for all taxes 18348
that the treasurer has collected on the general personal and 18349
classified property duplicates, and for all advance payments of 18350
general personal and classified property taxes, not included in 18351
the preceding June settlement, that the treasurer has received at 18352
the time of making such settlement. 18353

(E) In the event the time for the payment of taxes is 18354
extended, pursuant to section 323.17 of the Revised Code, the date 18355
on or before which settlement for the taxes so extended must be 18356
made, as herein prescribed, shall be deemed to be extended for a 18357
like period of time. At each such settlement, the auditor shall 18358
allow to the treasurer, on the moneys received or collected and 18359
accounted for by the treasurer, the treasurer's fees, at the rate 18360
or percentage allowed by law, at a full settlement of the 18361
treasurer. 18362

(F) Within thirty days after the day of each settlement of taxes required under divisions (A) and (C) of this section, the treasurer shall certify to the tax commissioner any adjustments that have been made to the amount certified previously pursuant to section 319.302 of the Revised Code and that the settlement has been completed. Upon receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to one-half of the amount certified by the treasurer in the preceding tax year under section 319.302 of the Revised Code, less one-half of the amount computed for all taxing districts in that county for the current fiscal year under section 5703.80 of the Revised Code for crediting to the property tax administration fund. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges which the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as real property taxes. The amount distributed to each taxing district shall be reduced by the total of the amounts computed for the district under section 5703.80 of the Revised Code, but the reduction shall not exceed the amount that otherwise would be distributed to the taxing district under this division. The tax commissioner shall make available to taxing districts such information as is sufficient for a taxing district to be able to determine the amount of the reduction in its distribution under this section.

(G)(1) Within thirty days after the day of the settlement required in division (D) of this section, the county treasurer shall notify the tax commissioner that the settlement has been

completed. Upon receipt of that notification, the commissioner 18396
shall provide for payment to the county treasurer from the general 18397
revenue fund of an amount equal to the amount certified under 18398
former section 319.311 of the Revised Code and paid in the state's 18399
fiscal year 2003 multiplied by the percentage specified in 18400
division (G)(2) of this section. The payment shall be credited 18401
upon receipt to the county's undivided income tax fund, and the 18402
county auditor shall distribute the amount thereof among the 18403
various taxing districts of the county as if it had been levied, 18404
collected, and settled as personal property taxes. The amount 18405
received by a taxing district under this division shall be 18406
apportioned among its funds in the same proportion as the current 18407
year's personal property taxes are apportioned. 18408

(2) Payments required under division (G)(1) of this section 18409
shall be made at the following percentages of the amount certified 18410
under former section 319.311 of the Revised Code and paid under 18411
division (G)(1) of this section in the state's fiscal year 2003: 18412

(a) In fiscal year 2004, ninety per cent; 18413

(b) In fiscal year 2005, eighty per cent; 18414

(c) In fiscal year 2006, sixty-four per cent; 18415

(d) In fiscal year 2007, forty per cent; 18416

(e) In fiscal year 2008, thirty-two per cent; 18417

(f) In fiscal year 2009, sixteen per cent. 18418

After fiscal year 2009, no payments shall be made under 18419
division (G)(1) of this section. 18420

(H)(1) On or before the fifteenth day of April each year, the 18421
county treasurer shall settle with the county auditor for all 18422
manufactured home taxes that the county treasurer has collected on 18423
the manufactured home tax duplicate at the time of making the 18424
settlement. 18425

(2) On or before the fifteenth day of September each year, 18426
the county treasurer shall settle with the county auditor for all 18427
remaining manufactured home taxes that the county treasurer has 18428
collected on the manufactured home tax duplicate at the time of 18429
making the settlement. 18430

(3) If the time for payment of such taxes is extended under 18431
section 4503.06 of the Revised Code, the time for making the 18432
settlement as prescribed by divisions (H)(1) and (2) of this 18433
section is extended for a like period of time. 18434

(I) ~~Within thirty days after the day of each settlement of~~ 18435
~~taxes required under division (H) of this section~~ On or before the 18436
second Monday in September of each year, the county treasurer 18437
shall certify to the tax commissioner ~~any adjustments that have~~ 18438
~~been made to the amount certified previously~~ the total amount by 18439
which the manufactured home taxes levied in that year were reduced 18440
pursuant to section 319.302 of the Revised Code ~~and that the~~ 18441
~~settlement has been completed. Upon.~~ Within ninety days after the 18442
receipt of such certification, the commissioner shall provide for 18443
payment to the county treasurer from the general revenue fund of 18444
an amount equal to ~~one half of~~ the amount certified by the 18445
treasurer ~~in the current tax year under section 319.302 of the~~ 18446
~~Revised Code.~~ Such payment shall be credited upon receipt to the 18447
county's undivided income tax fund, and the county auditor shall 18448
transfer to the county general fund from the amount thereof the 18449
total amount of all fees and charges that the auditor and 18450
treasurer would have been authorized to receive had such section 18451
not been in effect and that amount had been levied and collected 18452
as manufactured home taxes. The county auditor shall distribute 18453
the amount remaining among the various taxing districts in the 18454
county as if it had been levied, collected, and settled as 18455
manufactured home taxes. 18456

Sec. 321.261. (A) Five per cent of all delinquent real 18457
property, personal property, and manufactured and mobile home 18458
taxes and assessments collected by the county treasurer shall be 18459
deposited in the delinquent tax and assessment collection fund, 18460
which shall be created in the county treasury. Except as otherwise 18461
provided in division (D) of this section, the moneys in the fund, 18462
one-half of which shall be appropriated by the board of county 18463
commissioners to the treasurer and one-half of which shall be 18464
appropriated to the county prosecuting attorney, shall be used 18465
only for the following purposes: 18466

(1) By the county treasurer and the county prosecuting 18467
attorney in connection with the collection of delinquent real 18468
property, personal property, and manufactured and mobile home 18469
taxes and assessments including proceedings related to foreclosure 18470
of the state's lien for such taxes against such property; 18471

(2) With respect to any portion of the amount appropriated to 18472
the county treasurer for the benefit of the county land 18473
reutilization corporation organized under Chapter 1724. of the 18474
Revised Code, whether by transfer to or other application on 18475
behalf of, the county land reutilization corporation. Upon the 18476
deposit of amounts in the delinquent tax and assessment collection 18477
fund of the county, any amounts allocated at the direction of the 18478
treasurer to the support of the county land reutilization 18479
corporation shall be paid out of such fund to the corporation upon 18480
a warrant of the county auditor. 18481

(B) During the period of time that a county land 18482
reutilization corporation is functioning as such on behalf of a 18483
county, the board of county commissioners, upon the request of the 18484
county treasurer, may designate by resolution that an additional 18485
amount, not exceeding five per cent of all collections of 18486
delinquent real property, personal property, and manufactured and 18487

mobile home taxes and assessments, shall be deposited in the 18488
delinquent tax and assessment collection fund and be available for 18489
appropriation by the board for the use of the corporation. Any 18490
such amounts so deposited and appropriated under this division 18491
shall be paid out of the delinquent tax and assessment collection 18492
fund to the corporation upon a warrant of the county auditor. 18493
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(C) Annually by the first day of December, the treasurer and 18495
the prosecuting attorney each shall submit a report to the board 18496
regarding the use of the moneys appropriated to their respective 18497
offices from the delinquent tax and assessment collection fund. 18498
Each report shall specify the amount appropriated to the office 18499
during the current calendar year, an estimate of the amount so 18500
appropriated that will be expended by the end of the year, a 18501
summary of how the amount appropriated has been expended in 18502
connection with delinquent tax collection activities or land 18503
reutilization, and an estimate of the amount that will be credited 18504
to the fund during the ensuing calendar year. 18505

The annual report of a county land reutilization corporation 18506
required by section 1724.05 of the Revised Code shall include 18507
information regarding the amount and use of the moneys that the 18508
corporation received from the delinquent tax and assessment 18509
collection fund of the county. 18510

~~(C)~~(D)(1) The board of county commissioners of any county 18511
may, by resolution, authorize the use of money in the county's 18512
delinquent tax and assessment collection fund to prevent 18513
residential mortgage foreclosures in the county and to address 18514
problems associated with other foreclosed real property. The 18515
amount used for that purpose in any year may not exceed the amount 18516
that would cause the fund to have a reserve of less than twenty 18517
per cent of the amount expended in the preceding year for the 18518
purposes of division (A) of this section. The board may not expend 18519

any money from the fund for the purpose of land reutilization 18520
unless the board obtains the approval of the county investment 18521
advisory committee established under section 135.341 of the 18522
Revised Code. 18523

Money authorized to be expended under division (D)(1) of this 18524
section shall be used to provide financial assistance in the form 18525
of loans to borrowers in default on their home mortgages, 18526
including for the payment of late fees, to clear arrearage 18527
balances, and to augment moneys used in the county's foreclosure 18528
prevention program. The money also may be used to assist municipal 18529
corporations or townships in the county, upon their application to 18530
the board of county commissioners or the county department of 18531
development, in the nuisance abatement of deteriorated residential 18532
buildings in foreclosure, or vacant, abandoned, tax-delinquent, or 18533
blighted real property, including paying the costs of boarding up 18534
such buildings, lot maintenance, and demolition. 18535

(2) In a county having a population of more than one hundred 18536
thousand according to the department of development's 2006 census 18537
estimate, if the county treasurer or prosecuting attorney 18538
determines that the amount appropriated to the office from the 18539
county's delinquent tax and assessment collection fund under 18540
division (A) of this section exceeds the amount required to be 18541
used as prescribed by that division, the county treasurer or 18542
prosecuting attorney may expend the excess to assist townships or 18543
municipal corporations located in the county as provided in ~~this~~ 18544
division (D)(2) of this section, provided that the combined amount 18545
so expended each year in a county shall not exceed three million 18546
dollars. Upon application for the funds by a township or municipal 18547
corporation, the county treasurer and prosecuting attorney may 18548
assist the township or municipal corporation in abating foreclosed 18549
residential nuisances, including paying the costs of securing such 18550
buildings, lot maintenance, and demolition. At the prosecuting 18551

attorney's discretion, the prosecuting attorney also may apply the
funds to costs of prosecuting alleged violations of criminal and
civil laws governing real estate and related transactions,
including fraud and abuse.

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Sec. 323.156. (A) Within thirty days after a settlement of
taxes under divisions (A), and (C), ~~and (H)~~ of section 321.24 of
the Revised Code, the county treasurer shall certify to the tax
commissioner one-half of the total amount of taxes on real
property that were reduced pursuant to section 323.152 of the
Revised Code for the preceding tax year, ~~and one half of the total
amount of taxes on manufactured and mobile homes that were reduced
pursuant to division (B) of section 323.152 of the Revised Code
for the current tax year.~~ The commissioner, within thirty days of
the receipt of such certifications, shall provide for payment to
the county treasurer, from the general revenue fund, of the amount
certified, which shall be credited upon receipt to the county's
undivided income tax fund, and an amount equal to two per cent of
the amount by which taxes were reduced, which shall be credited
upon receipt to the county general fund as a payment, in addition
to the fees and charges authorized by sections 319.54 and 321.26
of the Revised Code, to the county auditor and treasurer for the
costs of administering the exemption provided under sections
323.151 to 323.159 of the Revised Code.

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(B) On or before the second Monday in September of each year,
the county treasurer shall certify to the tax commissioner the
total amount by which the manufactured home taxes levied in that
year were reduced pursuant to division (B) of section 323.152 of
the Revised Code, as evidenced by the certificates of reduction
and the tax duplicate certified to the county treasurer by the
county auditor. The commissioner, within ninety days after the
receipt of such certifications, shall provide for payment to the

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county treasurer, from the general revenue fund, of the amount 18584
certified, which shall be credited upon receipt to the county's 18585
undivided income tax fund, and an amount equal to two per cent of 18586
the amount by which taxes were reduced, which shall be credited 18587
upon receipt to the county general fund as a payment, in addition 18588
to the fees and charges authorized by sections 319.54 and 321.26 18589
of the Revised Code, to the county auditor and treasurer for the 18590
costs of administering the exemption provided under sections 18591
323.151 to 323.159 of the Revised Code. 18592

(C) Immediately upon receipt of funds into the county 18593
undivided income tax fund under this section, the auditor shall 18594
distribute the full amount thereof among the taxing districts in 18595
the county as though the total had been paid as taxes by each 18596
person for whom taxes were reduced under sections 323.151 to 18597
323.159 of the Revised Code. 18598

Sec. 329.03. (A) As used in this section+ 18599

~~(1) "Applicant", "applicant" or "recipient" means an~~ any of 18600
the following: 18601

(1) An applicant for or participant in the Ohio works first 18602
program established under Chapter 5107. of the Revised Code ~~or an~~ 18603

(2) An applicant for or recipient of disability financial 18604
assistance under Chapter 5115. of the Revised Code; 18605

(3) An applicant for or recipient of cash assistance provided 18606
under the refugee assistance program established under section 18607
5101.49 of the Revised Code. 18608

~~(2) "Voluntary direct deposit" means a system established~~ 18609
~~pursuant to this section under which cash assistance payments to~~ 18610
~~recipients who agree to direct deposit are made by direct deposit~~ 18611
~~by electronic transfer to an account in a financial institution~~ 18612
~~designated under this section.~~ 18613

~~(3) "Mandatory direct deposit" means a system established pursuant to this section under which cash assistance payments to all participants in the Ohio works first program or recipients of disability financial assistance, other than those exempt under division (E) of this section, are made by direct deposit by electronic transfer to an account in a financial institution designated under this section.~~

~~(B) A board of county commissioners may by adoption of a resolution require the county department of job and family services to establish a direct deposit system for distributing cash assistance payments under Ohio works first, disability financial assistance, or both, unless the director of job and family services has provided for those payments to be made by electronic benefit transfer pursuant to section 5101.33 of the Revised Code. Voluntary or mandatory direct deposit may be applied to either of the programs. The resolution shall specify for each program for which direct deposit is to be established whether direct deposit is voluntary or mandatory. The board may require the department to change or terminate direct deposit by adopting a resolution to change or terminate it. Within ninety days after adopting a resolution under this division, the board shall certify one copy of the resolution to the director of job and family services and one copy to the office of budget and management. The director of job and family services may adopt rules governing establishment of direct deposit by county departments of job and family services.~~

~~The county department of job and family services shall determine what type of account will be used for direct deposit and negotiate with financial institutions to determine the charges, if any, to be imposed by a financial institution for establishing and maintaining such accounts. Under voluntary direct deposit, the county department of job and family services may pay all charges~~

~~imposed by a financial institution for establishing and~~ 18646
~~maintaining an account in which direct deposits are made for a~~ 18647
~~recipient. Under mandatory direct deposit, the county department~~ 18648
~~of job and family services shall pay all charges imposed by a~~ 18649
~~financial institution for establishing and maintaining such an~~ 18650
~~account~~ Each county department of job and family services shall 18651
establish a direct deposit system under which cash assistance 18652
payments to recipients who agree to direct deposit are made by 18653
electronic transfer to an account in a financial institution 18654
designated under this section. No financial institution shall 18655
impose any charge for such an account that the institution does 18656
not impose on its other customers for the same type of account. 18657
Direct deposit does not affect the exemption of Ohio works first 18658
and disability financial assistance from attachment, garnishment, 18659
or other like process afforded by sections 5107.75 and 5115.06 of 18660
the Revised Code. 18661

(C) ~~The~~ Each county department of job and family services 18662
shall, ~~within sixty days after a resolution requiring the~~ 18663
~~establishment of direct deposit is adopted, establish procedures~~ 18664
~~governing direct deposit.~~ 18665

~~Within one hundred eighty days after the resolution is~~ 18666
~~adopted, the county department shall~~ do all of the following: 18667

(1) Inform each applicant or recipient that the applicant or 18668
recipient must choose whether to receive cash assistance payments 18669
under the direct deposit system established under this section or 18670
under the electronic benefit transfer system established under 18671
section 5101.33 of the Revised Code; 18672

(2) Inform each applicant and recipient of the conditions 18673
under which the applicant or recipient may change the system used 18674
to receive the cash assistance payments; 18675

(3) Inform each applicant or recipient of the procedures 18676

governing the direct deposit, ~~including in the case of voluntary~~ 18677
~~direct deposit those that prescribe the conditions under which a~~ 18678
~~recipient may change from one method of payment to another system;~~ 18679

~~(2) Obtain~~ (4) If an applicant or recipient chooses to 18680
receive cash assistance payments under the direct deposit system, 18681
obtain from each the applicant or recipient an authorization form 18682
to designate a financial institution equipped for and authorized 18683
by law to accept direct deposits by electronic transfer and the 18684
account into which the applicant or recipient wishes the payments 18685
to be made, ~~or in the case of voluntary direct deposit states the~~ 18686
~~applicant's or recipient's election to receive such payments in~~ 18687
~~the form of a paper warrant;~~ 18688

(5) If an applicant or recipient chooses to receive cash 18689
assistance payments under the electronic benefit transfer system 18690
established under section 5101.33 of the Revised Code, obtain from 18691
the applicant or recipient a signed form to that effect. 18692

The department may require a recipient to complete a new 18693
authorization form whenever the department considers it necessary. 18694

A recipient's designation of a financial institution and 18695
account shall remain in effect until withdrawn in writing or 18696
dishonored by the financial institution, except that no change may 18697
be made in the authorization form until the next eligibility 18698
redetermination of the recipient unless the county department 18699
~~feels~~ determines that good ~~grounds exist~~ cause exists for an 18700
earlier change or the financial institution dishonors the 18701
recipient's account. 18702

(D) An applicant or recipient without an account who ~~either~~ 18703
~~agrees or is required~~ completes an authorization form to receive 18704
cash assistance payments by direct deposit shall have ten days 18705
after receiving the authorization form to designate an account 18706
suitable for direct deposit. If within the required time the 18707

~~applicant or recipient does not make the designation or requests 18708
that the department make the designation, the department recipient 18709
shall designate a financial institution and help the recipient to 18710
open an account receive cash assistance payments under the 18711
electronic benefit transfer system established under section 18712
5101.33 of the Revised Code. 18713~~

~~(E) At the time of giving an applicant or recipient the 18714
authorization form, the county department of job and family 18715
services of a county with mandatory direct deposit shall inform 18716
each applicant or recipient of the basis for exemption and the 18717
right to request exemption from direct deposit. 18718~~

~~Under mandatory direct deposit, an applicant or recipient who 18719
wishes to receive payments in the form of a paper warrant shall 18720
record on the authorization form a request for exemption under 18721
this division and the basis for the exemption. 18722~~

~~The department shall exempt from mandatory direct deposit any 18723
recipient who requests exemption and is any of the following: 18724~~

~~(1) Over age sixty five; 18725~~

~~(2) Blind or disabled; 18726~~

~~(3) Likely, in the judgment of the department, to be caused 18727
personal hardship by direct deposit. 18728~~

~~A recipient granted an exemption under this division shall 18729
receive payments for which the recipient is eligible in the form 18730
of paper warrants. 18731~~

~~(F) The county department of job and family services shall 18732
bear the full cost of the amount of any replacement warrant issued 18733
to a recipient for whom an authorization form as provided in this 18734
section has not been obtained within one hundred eighty days after 18735
the later of the date the board of county commissioners adopts a 18736
resolution requiring payments of financial assistance by direct 18737~~

~~deposit to accounts of recipients of Ohio works first or 18738
disability financial assistance or the date the recipient made 18739
application for assistance, and shall not be reimbursed by the 18740
state for any part of the cost. Thereafter, the county department 18741
of job and family services shall continue to bear the full cost of 18742
each replacement warrant issued until the board of county 18743
commissioners requires the county department of job and family 18744
services to obtain from each such recipient the authorization 18745
forms as provided in The director of job and family services may 18746
adopt rules governing direct deposit systems established under 18747
this section. 18748~~

Sec. 329.042. ~~The Each county department of job and family 18749
services shall certify eligible public assistance and nonpublic 18750
assistance households eligible under the "Food Stamp Act of 1964," 18751
78 Stat. 703, 7 U.S.C.A. 2011, as amended, and for the 18752
supplemental nutrition assistance program in accordance with 18753
federal and state regulations adopted pursuant to such act, law to 18754
enable low-income households to participate in the food stamp 18755
supplemental nutrition assistance program and thereby to purchase 18756
foods having a greater monetary value than is possible under 18757
public assistance standard allowances or other low-income budgets. 18758~~

~~The Each county department of job and family services shall 18759
administer the distribution of food stamp supplemental nutrition 18760
assistance program benefits under the supervision of the 18761
department of job and family services. The benefits shall be 18762
distributed by a method approved by the department of job and 18763
family services in accordance with the "Food Stamp and Nutrition 18764
Act of 1964," 78 Stat. 703, 2008 (7 U.S.C.A. 2011, as amended, et 18765
seq.) and regulations issued thereunder. 18766~~

~~The document referred to as the "authorization to participate 18767
card," which shows the face value of the benefits an eligible 18768~~

~~household is entitled to receive on presentment of the document, 18769
shall be issued, immediately upon certification, to a household 18770
determined under division (C) of section 5101.54 of the Revised 18771
Code to be in immediate need of food assistance by being 18772
personally handed by a member of the staff of the county 18773
department of job and family services to the member of the 18774
household in whose name application was made for participation in 18775
the program or the authorized representative of such member of the 18776
household. 18777~~

Sec. 329.06. (A) Except as provided in division (C) of this 18778
section and section 6301.08 of the Revised Code, the board of 18779
county commissioners shall establish a county family services 18780
planning committee. The board shall appoint a member to represent 18781
the county department of job and family services; an employee in 18782
the classified civil service of the county department of job and 18783
family services, if there are any such employees; and a member to 18784
represent the public. The board shall appoint other individuals to 18785
the committee in such a manner that the committee's membership is 18786
broadly representative of the groups of individuals and the public 18787
and private entities that have an interest in the family services 18788
provided in the county. The board shall make appointments in a 18789
manner that reflects the ethnic and racial composition of the 18790
county. The following groups and entities may be represented on 18791
the committee: 18792

- (1) Consumers of family services; 18793
- (2) The public children services agency; 18794
- (3) The child support enforcement agency; 18795
- (4) The county family and children first council; 18796
- (5) Public and private colleges and universities; 18797
- (6) Public entities that provide family services, including 18798

boards of health, boards of education, the county board of mental 18799
retardation and developmental disabilities, and the board of 18800
alcohol, drug addiction, and mental health services that serves 18801
the county; 18802

(7) Private nonprofit and for-profit entities that provide 18803
family services in the county or that advocate for consumers of 18804
family services in the county, including entities that provide 18805
services to or advocate for victims of domestic violence; 18806

(8) Labor organizations; 18807

(9) Any other group or entity that has an interest in the 18808
family services provided in the county, including groups or 18809
entities that represent any of the county's business, urban, and 18810
rural sectors. 18811

(B) The county family services planning committee shall do 18812
all of the following: 18813

(1) Serve as an advisory body to the board of county 18814
commissioners with regard to the family services provided in the 18815
county, including assistance under Chapters 5107. and 5108. of the 18816
Revised Code, publicly funded child care under Chapter 5104. of 18817
the Revised Code, and social services provided under section 18818
5101.46 of the Revised Code; 18819

(2) At least once a year, review and analyze the county 18820
department of job and family services' implementation of the 18821
programs established under Chapters 5107. and 5108. of the Revised 18822
Code. In its review, the committee shall use information available 18823
to it to examine all of the following: 18824

(a) Return of assistance groups to participation in either 18825
program after ceasing to participate; 18826

(b) Teen pregnancy rates among the programs' participants; 18827

(c) The other types of assistance the programs' participants 18828

receive, including ~~medical assistance~~ medicaid under Chapter 5111. 18829
of the Revised Code, publicly funded child care under Chapter 18830
5104. of the Revised Code, ~~food stamp~~ supplemental nutrition
assistance program benefits under section 5101.54 of the Revised 18831
Code, and energy assistance under Chapter 5117. of the Revised 18832
Code; 18833
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(d) Other issues the committee considers appropriate. 18835

The committee shall make recommendations to the board of 18836
county commissioners and county department of job and family 18837
services regarding the committee's findings. 18838

(3) Conduct public hearings on proposed county profiles for 18839
the provision of social services under section 5101.46 of the 18840
Revised Code; 18841

(4) At the request of the board, make recommendations and 18842
provide assistance regarding the family services provided in the 18843
county; 18844

(5) At any other time the committee considers appropriate, 18845
consult with the board and make recommendations regarding the 18846
family services provided in the county. The committee's 18847
recommendations may address the following: 18848

(a) Implementation and administration of family service 18849
programs; 18850

(b) Use of federal, state, and local funds available for 18851
family service programs; 18852

(c) Establishment of goals to be achieved by family service 18853
programs; 18854

(d) Evaluation of the outcomes of family service programs; 18855

(e) Any other matter the board considers relevant to the 18856
provision of family services. 18857

(C) If there is a committee in existence in a county on 18858

October 1, 1997, that the board of county commissioners determines 18859
is capable of fulfilling the responsibilities of a county family 18860
services planning committee, the board may designate the committee 18861
as the county's family services planning committee and the 18862
committee shall serve in that capacity. 18863

Sec. 340.033. (A) The board of alcohol, drug addiction, and 18864
mental health services shall serve as the planning agency for 18865
alcohol and drug addiction services for the county or counties in 18866
its service district. In accordance with procedures and guidelines 18867
established by the department of alcohol and drug addiction 18868
services, the board shall do all of the following: 18869

(1) Assess alcohol and drug addiction service needs and 18870
evaluate the need for alcohol and drug addiction programs; 18871

(2) According to the needs determined under division (A)(1) 18872
of this section, set priorities and develop plans for the 18873
operation of alcohol and drug addiction programs in cooperation 18874
with other local and regional planning and funding bodies and with 18875
relevant ethnic organizations; 18876

(3) Submit the plan for alcohol and drug addiction services 18877
required by section 3793.05 of the Revised Code to the department 18878
and implement the plan as approved by the department; 18879

(4) Provide to the department information to be included in 18880
the information system or systems established by the department 18881
under section 3793.04 of the Revised Code; 18882

(5) Enter into contracts with alcohol and drug addiction 18883
programs for the provision of alcohol and drug addiction services; 18884

(6) Review and evaluate alcohol and drug addiction programs 18885
in the district, and conduct program audits; 18886

(7) Prepare and submit to the department an annual report of 18887
the alcohol and drug addiction programs in the district; 18888

(8) Receive, compile, and transmit to the department applications for funding;	18889 18890
(9) Promote, arrange, and implement working agreements with public and private social agencies and with judicial agencies;	18891 18892
(10) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from an alcohol or drug addiction program;	18893 18894 18895
(11) Establish a mechanism for the involvement of persons receiving services in, and obtaining their advice on, matters pertaining to alcohol or drug addiction services;	18896 18897 18898
(12) Recruit and promote local financial support, from private and public sources, for alcohol and drug addiction programs;	18899 18900 18901
(13) Approve fee schedules and related charges, adopt a unit cost schedule, or adopt other methods of payment for services provided by programs under contract pursuant to division (A)(5) of this section, in accordance with guidelines established by the department under section 3793.04 of the Revised Code.	18902 18903 18904 18905 18906
(B) In accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually the board shall audit all alcohol and drug addiction programs provided under contract with the board. The board may contract with private auditors for the performance of these audits. A copy of the fiscal audit report shall be provided to the director of alcohol and drug addiction services, the auditor of state, and the county auditor of each county in the board's district.	18907 18908 18909 18910 18911 18912 18913 18914
(C) In contracting with a program under division (A)(5) of this section, a board shall consider the cost effectiveness of services provided by the program and the program's quality and continuity of care. The board may review cost elements, including salary costs, of the services provided by the program.	18915 18916 18917 18918 18919

A utilization review process shall be established as part of 18920
the contract for services. The board may establish this process in 18921
any way that it considers to be the most effective and efficient 18922
in meeting local needs. 18923

(D) If either the board or a program with which it contracts 18924
pursuant to division (A)(5) of this section proposes not to renew 18925
the contract or proposes substantial changes in contract terms on 18926
renewal of the contract, it shall give the other party to the 18927
contract written notice at least one hundred twenty days before 18928
the expiration date of the contract. During the first sixty days 18929
of this period, both parties shall attempt to resolve any dispute 18930
through good faith collaboration and negotiation in order that 18931
services to persons in need will be continued. If the dispute is 18932
not resolved during this time, either party may notify the 18933
department of alcohol and drug addiction services. The department 18934
may require both parties to submit the dispute to a mutually 18935
agreed upon third party with the cost to be shared by the board 18936
and the program. At least twenty days before the expiration of the 18937
contract, unless the board and the program agree to an extension, 18938
the third party shall issue to the board, program, and department, 18939
its recommendations for resolution of the dispute. 18940

The department shall adopt rules pursuant to Chapter 119. of 18941
the Revised Code establishing procedures for this dispute 18942
resolution process. 18943

(E) Section 307.86 of the Revised Code does not apply to 18944
contracts entered into pursuant to division (A)(5) of this 18945
section. 18946

(F)(1) With the prior approval of the department, a board of 18947
alcohol, drug addiction, and mental health services may operate an 18948
alcohol or drug addiction program as follows if there is no 18949
qualified program that is immediately available, willing to 18950
provide services, and able to obtain certification under Chapter 18951

3793. of the Revised Code: 18952

(a) In an emergency situation, any board may operate a 18953
program in order to provide essential services for the duration of 18954
the emergency; 18955

(b) In a service district with a population of at least one 18956
hundred thousand but less than five hundred thousand, a board may 18957
operate a program for no longer than one year; 18958

(c) In a service district with a population of less than one 18959
hundred thousand, a board may operate a program for no longer than 18960
one year, except that such a board may operate a program for 18961
longer than one year with the prior approval of the department and 18962
the prior approval of the board of county commissioners, or of a 18963
majority of the boards of county commissioners if the district is 18964
a joint-county district. 18965

(2) The department shall not give a board its approval to 18966
operate a program under division (F)(1)(c) of this section unless 18967
it determines that the board's program will provide greater 18968
administrative efficiency and more or better services than would 18969
be available if the board contracted with a program for provision 18970
of the services. 18971

(3) The department shall not give a board its approval to 18972
operate a program previously operated by a public or private 18973
entity unless the board has established to the department's 18974
satisfaction that the entity cannot effectively operate the 18975
program, or that the entity has requested the board to take over 18976
operation of the program. 18977

(4) The department shall review and evaluate the operation of 18978
each program operated by a board under this division. 18979

(5) Nothing in this division authorizes a board to administer 18980
or direct the daily operation of any program other than a program 18981
operated by the board under this division, but a program may 18982

contract with a board to receive administrative services or staff 18983
direction from the board under the direction of the governing body 18984
of the program. 18985

(G) If an investigation conducted pursuant to division 18986
(A)(10) of this section substantiates a charge of abuse or 18987
neglect, the board shall take whatever action it determines is 18988
necessary to correct the situation, including notification of the 18989
appropriate authorities. On request, the board shall provide 18990
information about such investigations to the department. 18991

(H) When the board sets priorities and develops plans for the 18992
operation of alcohol and drug addiction programs under division 18993
(A)(2) of this section, the board shall consult with the county 18994
commissioners of the counties in the board's service district 18995
regarding the services described in section 340.15 of the Revised 18996
Code and shall give a priority to those services, except that 18997
those services shall not have priority over services provided to 18998
pregnant women under programs developed in relation to the mandate 18999
established in section 3793.15 of the Revised Code. The plans 19000
shall identify funds the board and public children services 19001
agencies in the board's service district have available to fund 19002
jointly the services described in section 340.15 of the Revised 19003
Code. 19004

Sec. 504.21. (A) The board of township trustees of a township 19005
that has adopted a limited home rule government may, for the 19006
unincorporated territory in the township, adopt, amend, and 19007
rescind rules establishing technically feasible and economically 19008
reasonable standards to achieve a level of management and 19009
conservation practices that will abate wind or water erosion of 19010
the soil or abate the degradation of the waters of the state by 19011
soil sediment in conjunction with land grading, excavating, 19012
filling, or other soil disturbing activities on land used or being 19013

developed in the township for nonfarm commercial, industrial, 19014
residential, or other nonfarm purposes, and establish criteria for 19015
determination of the acceptability of those management and 19016
conservation practices. The rules shall be designed to implement 19017
the applicable areawide waste treatment management plan prepared 19018
under section 208 of the "Federal Water Pollution Control Act," 86 19019
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 19020
phase II of the storm water program of the national pollutant 19021
discharge elimination system established in 40 C.F.R. Part 122. 19022
The rules to implement phase II of the storm water program of the 19023
national pollutant discharge elimination system shall not be 19024
inconsistent with, more stringent than, or broader in scope than 19025
the rules or regulations adopted by the environmental protection 19026
agency under 40 C.F.R. Part 122. The rules adopted under this 19027
section shall not apply inside the limits of municipal 19028
corporations, to lands being used in a strip mine operation as 19029
defined in section 1513.01 of the Revised Code, or to land being 19030
used in a surface mine operation as defined in section 1514.01 of 19031
the Revised Code. 19032

The rules adopted under this section may require persons to 19033
file plans governing erosion control, sediment control, and water 19034
management before clearing, grading, excavating, filling, or 19035
otherwise wholly or partially disturbing one or more contiguous 19036
acres of land owned by one person or operated as one development 19037
unit for the construction of nonfarm buildings, structures, 19038
utilities, recreational areas, or other similar nonfarm uses. If 19039
the rules require plans to be filed, the rules shall do all of the 19040
following: 19041

(1) Designate the board itself, its employees, or another 19042
agency or official to review and approve or disapprove the plans; 19043

(2) Establish procedures and criteria for the review and 19044
approval or disapproval of the plans; 19045

(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;

(4) Establish procedures for the issuance of the permits;

(5) Establish procedures under which a person may appeal the denial of a permit.

Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.

No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water ~~conservation~~ resources in the department of natural resources.

(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board of township trustees. The board shall cause to be published, in a newspaper of general circulation in the township, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The proposed rules or amendments shall be made available by the board to the public at the board office or other location indicated in the notice. The rules or amendments shall take effect on the thirty-first day following the date of their adoption.

(C) The board of township trustees may employ personnel to assist in the administration of this section and the rules adopted

under it. The board also, if the action does not conflict with the 19077
rules, may delegate duties to review sediment control and water 19078
management plans to its employees, and may enter into agreements 19079
with one or more political subdivisions, other township officials, 19080
or other government agencies, in any combination, in order to 19081
obtain reviews and comments on plans governing erosion control, 19082
sediment control, and water management or to obtain other services 19083
for the administration of the rules adopted under this section. 19084

(D) The board of township trustees or any duly authorized 19085
representative of the board may, upon identification to the owner 19086
or person in charge, enter any land upon obtaining agreement with 19087
the owner, tenant, or manager of the land in order to determine 19088
whether there is compliance with the rules adopted under this 19089
section. If the board or its duly authorized representative is 19090
unable to obtain such an agreement, the board or representative 19091
may apply for, and a judge of the court of common pleas for the 19092
county where the land is located may issue, an appropriate 19093
inspection warrant as necessary to achieve the purposes of this 19094
section. 19095

(E)(1) If the board of township trustees or its duly 19096
authorized representative determines that a violation of the rules 19097
adopted under this section exists, the board or representative may 19098
issue an immediate stop work order if the violator failed to 19099
obtain any federal, state, or local permit necessary for sediment 19100
and erosion control, earth movement, clearing, or cut and fill 19101
activity. In addition, if the board or representative determines 19102
such a rule violation exists, regardless of whether or not the 19103
violator has obtained the proper permits, the board or 19104
representative may authorize the issuance of a notice of 19105
violation. If, after a period of not less than thirty days has 19106
elapsed following the issuance of the notice of violation, the 19107
violation continues, the board or its duly authorized 19108

representative shall issue a second notice of violation. Except as 19109
provided in division (E)(3) of this section, if, after a period of 19110
not less than fifteen days has elapsed following the issuance of 19111
the second notice of violation, the violation continues, the board 19112
or its duly authorized representative may issue a stop work order 19113
after first obtaining the written approval of the prosecuting 19114
attorney of the county in which the township is located if, in the 19115
opinion of the prosecuting attorney, the violation is egregious. 19116

Once a stop work order is issued, the board or its duly 19117
authorized representative shall request, in writing, the 19118
prosecuting attorney to seek an injunction or other appropriate 19119
relief in the court of common pleas to abate excessive erosion or 19120
sedimentation and secure compliance with the rules adopted under 19121
this section. If the prosecuting attorney seeks an injunction or 19122
other appropriate relief, then, in granting relief, the court of 19123
common pleas may order the construction of sediment control 19124
improvements or implementation of other control measures and may 19125
assess a civil fine of not less than one hundred or more than five 19126
hundred dollars. Each day of violation of a rule or stop work 19127
order issued under this section shall be considered a separate 19128
violation subject to a civil fine. 19129

(2) The person to whom a stop work order is issued under this 19130
section may appeal the order to the court of common pleas of the 19131
county in which it was issued, seeking any equitable or other 19132
appropriate relief from that order. 19133

(3) No stop work order shall be issued under this section 19134
against any public highway, transportation, or drainage 19135
improvement or maintenance project undertaken by a government 19136
agency or political subdivision in accordance with a statement of 19137
its standard sediment control policies that is approved by the 19138
board or the chief of the division of soil and water ~~conservation~~ 19139
resources in the department of natural resources. 19140

(F) No person shall violate any rule adopted or order issued 19141
under this section. Notwithstanding division (E) of this section, 19142
if the board of township trustees determines that a violation of 19143
any rule adopted or administrative order issued under this section 19144
exists, the board may request, in writing, the prosecuting 19145
attorney of the county in which the township is located, to seek 19146
an injunction or other appropriate relief in the court of common 19147
pleas to abate excessive erosion or sedimentation and secure 19148
compliance with the rules or order. In granting relief, the court 19149
of common pleas may order the construction of sediment control 19150
improvements or implementation of other control measures and may 19151
assess a civil fine of not less than one hundred or more than five 19152
hundred dollars. Each day of violation of a rule adopted or 19153
administrative order issued under this section shall be considered 19154
a separate violation subject to a civil fine. 19155

Sec. 717.25. The legislative authority of a municipal 19156
corporation may establish a low-cost solar panel revolving loan 19157
program to assist residents of the municipal corporation to 19158
install solar panels at their residences. If the legislative 19159
authority decides to establish such a program, the legislative 19160
authority shall adopt an ordinance that provides for the 19161
following: 19162

(A) Creation in the municipal treasury of a residential solar 19163
panel revolving loan fund; 19164

(B) A source of money, such as gifts, bond issues, real 19165
property assessments, or federal subsidies, to seed the 19166
residential solar panel revolving loan fund; 19167

(C) Facilities for making loans from the residential solar 19168
panel revolving loan fund, including an explanation of how 19169
residents of the municipal corporation may qualify for loans from 19170
the fund, a description of the solar panels and related equipment 19171

for which a loan can be made from the fund, authorization of a 19172
municipal agency to process applications for loans and otherwise 19173
to administer the low-cost solar panel revolving loan program, a 19174
procedure whereby loans can be applied for, criteria for reviewing 19175
and accepting or denying applications for loans, criteria for 19176
determining the appropriate amount of a loan, the interest rate to 19177
be charged, the repayment schedule, and other terms and conditions 19178
of a loan, and procedures for collecting loans that are not repaid 19179
according to the repayment schedule; 19180

(D) A specification that repayments of loans from the 19181
residential solar panel revolving loan fund are to be credited to 19182
the fund, that the money in the fund is to be invested pending its 19183
being lent out, and that investment earnings on the money in the 19184
fund is to be credited to the fund; and 19185

(E) Other matters necessary and proper for efficient 19186
operation of the low-cost solar panel revolving loan program as a 19187
means of encouraging use of renewable energy. 19188

The interest rate charged on a loan from the residential 19189
solar panel revolving loan fund shall be below prevailing market 19190
rates. The legislative authority may specify the interest rate in 19191
the ordinance or may, after establishing a standard in the 19192
ordinance whereby the interest rate can be specified, delegate 19193
authority to specify the interest rate to the administrator of 19194
loans from the residential solar panel revolving loan fund. 19195

The residential solar panel revolving loan fund shall be 19196
seeded with sufficient money to enable loans to be made until the 19197
fund accumulates sufficient reserves through investment and 19198
repayment of loans for revolving operation. 19199

Sec. 718.04. (A) No municipal corporation other than the city 19200
municipal corporation of residence shall levy a tax on the income 19201
of any member or employee of the Ohio general assembly including 19202

the lieutenant governor which income is received as a result of 19203
services rendered as such member or employee and is paid from 19204
appropriated funds of this state. 19205

(B) No municipal corporation other than the municipal 19206
corporation of residence and the city of Columbus shall levy a tax 19207
on the income of the chief justice or a justice of the supreme 19208
court received as a result of services rendered as the chief 19209
justice or justice. No municipal corporation other than the 19210
municipal corporation of residence shall levy a tax on the income 19211
of a judge sitting by assignment of the chief justice or on the 19212
income of a district court of appeals judge sitting in multiple 19213
locations within the district, received as a result of services 19214
rendered as a judge. 19215

Sec. 721.15. (A) Personal property not needed for municipal 19216
purposes, the estimated value of which is less than one thousand 19217
dollars, may be sold by the board or officer having supervision or 19218
management of that property. If the estimated value of that 19219
property is one thousand dollars or more, it shall be sold only 19220
when authorized by an ordinance of the legislative authority of 19221
the municipal corporation and approved by the board, officer, or 19222
director having supervision or management of that property. When 19223
so authorized, the board, officer, or director shall make a 19224
written contract with the highest and best bidder after 19225
advertisement for not less than two or more than four consecutive 19226
weeks in a newspaper of general circulation within the municipal 19227
corporation, or with a board of county commissioners upon such 19228
lawful terms as are agreed upon, as provided by division (B)(1) of 19229
section 721.27 of the Revised Code. 19230

(B) When the legislative authority finds, by resolution, that 19231
the municipal corporation has vehicles, equipment, or machinery 19232
which is obsolete, or is not needed or is unfit for public use, 19233

that the municipal corporation has need of other vehicles, 19234
equipment, or machinery of the same type, and that it will be in 19235
the best interest of the municipal corporation that the sale of 19236
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 19237
made simultaneously with the purchase of the new vehicles, 19238
equipment, or machinery of the same type, the legislative 19239
authority may offer to sell, or authorize a board, officer, or 19240
director of the municipal corporation having supervision or 19241
management of the property to offer to sell, those vehicles, 19242
equipment, or machinery and to have the selling price credited 19243
against the purchase price of other vehicles, equipment, or 19244
machinery and to consummate the sale and purchase by a single 19245
contract with the lowest and best bidder to be determined by 19246
subtracting from the selling price of the vehicles, equipment, or 19247
machinery to be purchased by the municipal corporation the 19248
purchase price offered for the municipally-owned vehicles, 19249
equipment, or machinery. When the legislative authority or the 19250
authorized board, officer, or director of a municipal corporation 19251
advertises for bids for the sale of new vehicles, equipment, or 19252
machinery to the municipal corporation, they may include in the 19253
same advertisement a notice of willingness to accept bids for the 19254
purchase of municipally-owned vehicles, equipment, or machinery 19255
which is obsolete, or is not needed or is unfit for public use, 19256
and to have the amount of those bids subtracted from the selling 19257
price as a means of determining the lowest and best bidder. 19258

(C) If the legislative authority of the municipal corporation 19259
determines that municipal personal property is not needed for 19260
public use, or is obsolete or unfit for the use for which it was 19261
acquired, and that the property has no value, the legislative 19262
authority may discard or salvage that property. 19263

(D) Notwithstanding anything to the contrary in division (A) 19264
or (B) of this section and regardless of the property's value, the 19265

legislative authority of a municipal corporation may sell personal 19266
property, including motor vehicles acquired for the use of 19267
municipal officers and departments, and road machinery, equipment, 19268
tools, or supplies, which is not needed for public use, or is 19269
obsolete or unfit for the use for which it was acquired, by 19270
internet auction. The legislative authority shall adopt, during 19271
each calendar year, a resolution expressing its intent to sell 19272
that property by internet auction. The resolution shall include a 19273
description of how the auctions will be conducted and shall 19274
specify the number of days for bidding on the property, which 19275
shall be no less than ~~fifteen~~ ten days, including Saturdays, 19276
Sundays, and legal holidays. The resolution shall indicate whether 19277
the municipal corporation will conduct the auction or the 19278
legislative authority will contract with a representative to 19279
conduct the auction and shall establish the general terms and 19280
conditions of sale. If a representative is known when the 19281
resolution is adopted, the resolution shall provide contact 19282
information such as the representative's name, address, and 19283
telephone number. 19284

After adoption of the resolution, the legislative authority 19285
shall publish, in a newspaper of general circulation in the 19286
municipal corporation, notice of its intent to sell unneeded, 19287
obsolete, or unfit municipal personal property by internet 19288
auction. The notice shall include a summary of the information 19289
provided in the resolution and shall be published at least twice. 19290
The second and any subsequent notice shall be published not less 19291
than ten nor more than twenty days after the previous notice. A 19292
similar notice also shall be posted continually throughout the 19293
calendar year in a conspicuous place in the offices of the village 19294
clerk or city auditor, and the legislative authority, and, if the 19295
municipal corporation maintains a website on the internet, the 19296
notice shall be posted continually throughout the calendar year at 19297
that website. 19298

When the property is to be sold by internet auction, the 19299
legislative authority or its representative may establish a 19300
minimum price that will be accepted for specific items and may 19301
establish any other terms and conditions for the particular sale, 19302
including requirements for pick-up or delivery, method of payment, 19303
and sales tax. This type of information shall be provided on the 19304
internet at the time of the auction and may be provided before 19305
that time upon request after the terms and conditions have been 19306
determined by the legislative authority or its representative. 19307

Sec. 901.041. There is hereby created in the state treasury 19308
the sustainable agriculture program fund. The fund shall consist 19309
of money credited to it, including, without limitation, federal 19310
money. The director of agriculture shall use money in the fund to 19311
support programs and activities that advance sustainable 19312
agriculture, including administrative costs incurred by the 19313
department of agriculture in administering the programs and 19314
activities. 19315

Sec. 901.20. (A) The director of agriculture may do either or 19316
both of the following: 19317

(1) Reserve exhibition space for exhibitors to exhibit their 19318
goods in trade shows held in this country or in any other country. 19319
The director may charge and collect fees from any exhibitor who 19320
uses space reserved by the director under division (A)(1) of this 19321
section. 19322

(2) Conduct or cause to be conducted seminars or other 19323
educational programs for the benefit of farmers and other 19324
producers in this state who are interested in exporting their 19325
goods overseas. The director may charge and collect fees from any 19326
person who attends a seminar or other educational program 19327
conducted under division (A)(2) of this section. 19328

(B) There is hereby created in the state treasury the Ohio proud, international, and domestic market development fund. Fees collected under division (A) of this section shall be deposited into the fund. The fund shall be used solely to carry out the purposes of that division.

Sec. 901.32. Funds and the proceeds of the trust assets ~~which~~ that are not authorized to be administered by the secretary of agriculture of the United States under section 901.31 of the Revised Code shall be paid to and received by the director of agriculture, and paid by ~~him~~ the director into the state treasury to the credit of the Ohio farm loan fund, which is hereby created. Money credited to the fund may be expended or obligated by the director for ~~such of the~~ rural rehabilitation purposes ~~permissible under the charter of the now dissolved Ohio rural rehabilitation corporation as are agreed upon by the director and the secretary of agriculture or for the purposes of section 901.31 of the Revised Code~~ benefiting the state.

All moneys received from investment of the fund shall be credited to the fund.

All moneys received by the director resulting from the operation of the fund shall be credited to the fund.

Sec. 903.082. (A) The director of agriculture may determine that an animal feeding facility that is not a medium concentrated animal feeding operation or small concentrated animal feeding operation as defined in section 903.01 of the Revised Code nevertheless shall be required to be permitted as a medium or small concentrated animal feeding operation when all of the following apply:

(1) The director has received from the chief of the division of soil and water ~~conservation~~ resources in the department of

natural resources a copy of an order issued under section 1511.02 19359
of the Revised Code that specifies that the animal feeding 19360
facility has caused agricultural pollution by failure to comply 19361
with standards established under that section and that the animal 19362
feeding facility therefore should be required to be permitted as a 19363
medium or small concentrated animal feeding operation. 19364

(2) The director or the director's authorized representative 19365
has inspected the animal feeding facility. 19366

(3) The director or the director's authorized representative 19367
finds that the facility is not being operated in a manner that 19368
protects the waters of the state. 19369

(B) If an animal feeding facility is required to be permitted 19370
in accordance with this section, the owner or operator of the 19371
facility shall apply to the director for a permit to operate as a 19372
concentrated animal feeding operation. In a situation in which 19373
best management practices cannot be implemented without modifying 19374
the existing animal feeding facility, the owner or operator of the 19375
facility also shall apply for a permit to install for the 19376
facility. 19377

(C) In the case of an animal feeding facility for which a 19378
permit to operate is required under this section, a permit to 19379
operate shall not be required after the end of the five-year term 19380
of the permit if the problems that caused the facility to be 19381
required to obtain the permit have been corrected to the 19382
director's satisfaction. 19383

Sec. 903.11. (A) The director of agriculture may enter into 19384
contracts or agreements to carry out the purposes of this chapter 19385
with any public or private person, including the Ohio state 19386
university extension service, the natural resources conservation 19387
service in the United States department of agriculture, the 19388
environmental protection agency, the division of soil and water 19389

~~conservation~~ resources in the department of natural resources, and 19390
soil and water conservation districts established under Chapter 19391
1515. of the Revised Code. However, the director shall not enter 19392
into a contract or agreement with a private person for the review 19393
of applications for permits to install, permits to operate, NPDES 19394
permits, or review compliance certificates that are issued under 19395
this chapter or for the inspection of a facility regulated under 19396
this chapter or with any person for the issuance of any of those 19397
permits or certificates or for the enforcement of this chapter and 19398
rules adopted under it. 19399

(B) The director may administer grants and loans using moneys 19400
from the federal government and other sources, public or private, 19401
for carrying out any of the director's functions. Nothing in this 19402
chapter shall be construed to limit the eligibility of owners or 19403
operators of animal feeding facilities or other agricultural 19404
enterprises to receive moneys from the water pollution control 19405
loan fund established under section 6111.036 of the Revised Code 19406
and the nonpoint source pollution management fund established 19407
under section 6111.037 of the Revised Code. 19408

The director of agriculture shall provide the director of 19409
environmental protection with written recommendations for 19410
providing financial assistance from those funds to agricultural 19411
enterprises. The director of environmental protection shall 19412
consider the recommendations in developing priorities for 19413
providing financial assistance from the funds. 19414

Sec. 903.25. An owner or operator of an animal feeding 19415
facility who holds a permit to install, a permit to operate, a 19416
review compliance certificate, or a NPDES permit or who is 19417
operating under an operation and management plan, as defined in 19418
section 1511.01 of the Revised Code, approved by the chief of the 19419
division of soil and water ~~conservation~~ resources in the 19420

department of natural resources under section 1511.02 of the 19421
Revised Code or by the supervisors of the appropriate soil and 19422
water conservation district under section 1515.08 of the Revised 19423
Code shall not be required by any political subdivision of the 19424
state or any officer, employee, agency, board, commission, 19425
department, or other instrumentality of a political subdivision to 19426
obtain a license, permit, or other approval pertaining to manure, 19427
insects or rodents, odor, or siting requirements for installation 19428
of an animal feeding facility. 19429

Sec. 905.32. (A) No person shall manufacture or distribute in 19430
this state any type of fertilizer until a license to manufacture 19431
or distribute has been obtained by the manufacturer or distributor 19432
from the department of agriculture upon payment of a five dollar 19433
fee: 19434

(1) For each fixed (permanent) location at which fertilizer 19435
is manufactured in this state; 19436

(2) For each mobile unit used to manufacture fertilizer in 19437
this state; 19438

(3) For each location out of the state from which fertilizer 19439
is distributed in this state to nonlicensees. 19440

All licenses shall be valid for one year beginning on the 19441
first day of December of a calendar year through the thirtieth day 19442
of November of the following calendar year. A renewal application 19443
for a license shall be submitted no later than the thirtieth day 19444
of November each year. A person who submits a renewal application 19445
for a license after the thirtieth day of November shall include 19446
with the application a late filing fee of ten dollars. 19447

(B) An application for license shall include: 19448

(1) The name and address of the licensee; 19449

(2) The name and address of each bulk distribution point in 19450

the state, not licensed for fertilizer manufacture and 19451
distribution. 19452

The name and address shown on the license shall be shown on 19453
all labels, pertinent invoices, and bulk storage for fertilizers 19454
distributed by the licensee in this state. 19455

(C) The licensee shall inform the director of agriculture in 19456
writing of additional distribution points established during the 19457
period of the license. 19458

(D) All money collected under this section shall be credited 19459
to the pesticide, fertilizer, and lime program fund created in 19460
section 921.22 of the Revised Code. 19461

Sec. 905.33. (A) Except as provided in division (C) of this 19462
section, no person shall distribute in this state a specialty 19463
fertilizer until it is registered by the manufacturer or 19464
distributor with the department of agriculture. An application, in 19465
duplicate, for each brand and product name of each grade of 19466
specialty fertilizer shall be made on a form furnished by the 19467
director of agriculture and shall be accompanied with a fee of 19468
fifty dollars for each brand and product name of each grade. 19469
Labels for each brand and product name of each grade shall 19470
accompany the application. Upon the approval of an application by 19471
the director, a copy of the registration shall be furnished the 19472
applicant. All registrations shall be valid for one year beginning 19473
on the first day of December of a calendar year through the 19474
thirtieth day of November of the following calendar year. 19475

(B) An application for registration shall include the 19476
following: 19477

(1) Name and address of the manufacturer or distributor; 19478

(2) The brand and product name; 19479

(3) The grade; 19480

(4) The guaranteed analysis;	19481
(5) The package sizes for persons that package fertilizers only in containers of ten pounds or less.	19482 19483
(C)(1) No person who engages in the business of applying custom mixed fertilizer to lawns, golf courses, recreation areas, or other real property that is not used for agricultural production shall be required to register the custom mixed fertilizer as a specialty fertilizer in accordance with division (A) of this section if the fertilizer ingredients of the custom mixed fertilizer are registered as specialty fertilizers and the inspection fee described in division (A) of section 905.36 of the Revised Code is paid.	19484 19485 19486 19487 19488 19489 19490 19491 19492
(2) No person who engages in the business of blending custom mixed fertilizer for use on lawns, golf courses, recreation areas, or other real property that is not used for agricultural production shall be required to register the custom mixed fertilizer as a specialty fertilizer in accordance with division (A) of this section if the facility holds a nonagricultural production custom mixed fertilizer blender license issued under section 905.331 of the Revised Code.	19493 19494 19495 19496 19497 19498 19499 19500
(D) A person who engages in the business of applying or blending custom mixed fertilizer as described in division (C) of this section shall maintain an original or a copy of an invoice or document of sale for all fertilizer the person applies or distributes for one year following the date of the application or distribution, and, upon the director's request, shall furnish the director with the invoice or document of sale for the director's review.	19501 19502 19503 19504 19505 19506 19507 19508
<u>(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.</u>	19509 19510 19511

Sec. 905.331. No person who engages in the business of 19512
blending a custom mixed fertilizer for use on lawns, golf courses, 19513
recreation areas, or other real property that is not used for 19514
agricultural production shall fail to register a specialty 19515
fertilizer in accordance with division (A) of section 905.33 of 19516
the Revised Code unless the person has obtained an annual 19517
nonagricultural production custom mixed fertilizer blender license 19518
from the director of agriculture. 19519

A license issued under this section shall be valid from the 19520
first day of December of a calendar year through the thirtieth day 19521
of November of the following calendar year. A renewal application 19522
for a nonagricultural production custom mixed fertilizer blender 19523
license shall be submitted to the director no later than the 19524
thirtieth day of November each year and shall include the name and 19525
address of the applicant and of the premises where the blending 19526
occurs and a one-hundred-dollar fee. A person who submits a 19527
renewal application for a license after the thirtieth day of 19528
November shall include with the application a late filing fee of 19529
ten dollars. All nonagricultural production custom mixed 19530
fertilizer blender licenses expire on the thirtieth day of 19531
November each year. 19532

A person holding a nonagricultural production custom mixed 19533
fertilizer blender license shall pay the inspection fees described 19534
in division (A) of section 905.36 of the Revised Code for each 19535
product being blended. 19536

All money collected under this section shall be credited to 19537
the pesticide, fertilizer, and lime program fund created in 19538
section 921.22 of the Revised Code. 19539

Sec. 905.36. (A) A licensee or registrant, except registrants 19540
who package specialty fertilizers only in containers of ten pounds 19541

or less, shall pay the director of agriculture for all fertilizers 19542
distributed in this state an inspection fee at the rate of 19543
twenty-five cents per ton or twenty-eight cents per metric ton. 19544
Licensees and registrants shall specify on an invoice whether the 19545
per ton inspection fee has been paid or whether payment of the fee 19546
is the responsibility of the purchaser of the fertilizer. The 19547
payment of this inspection fee by a licensee or registrant shall 19548
exempt all other persons from the payment of this fee. 19549

(B) Every licensee or registrant shall file with the director 19550
an annual tonnage report that includes the number of net tons or 19551
metric tons of fertilizer distributed to nonlicensees or 19552
nonregistrants in this state by grade; packaged; bulk, dry or 19553
liquid. The report shall be filed on or before the thirtieth day 19554
of November of each calendar year and shall include data from the 19555
period beginning on the first day of November of the year 19556
preceding the year in which the report is due through the 19557
thirty-first day of October of the year in which the report is 19558
due. The licensee or registrant, except registrants who package 19559
specialty fertilizers only in containers of ten pounds or less, 19560
shall include with this statement the inspection fee at the rate 19561
stated in division (A) of this section. For a tonnage report that 19562
is not filed or payment of inspection fees that is not made on or 19563
before the thirtieth day of November of the applicable calendar 19564
year, a penalty of fifty dollars or ten per cent of the amount 19565
due, whichever is greater, shall be assessed against the licensee 19566
or registrant. The amount of fees due, plus penalty, shall 19567
constitute a debt and become the basis of a judgment against the 19568
licensee or registrant. For tonnage reports found to be incorrect, 19569
a penalty of fifteen per cent of the amount due shall be assessed 19570
against the licensee or registrant and shall constitute a debt and 19571
become the basis of a judgment against the licensee or registrant. 19572
19573

(C) No information furnished under this section shall be 19574
disclosed by any employee of the department of agriculture in such 19575
a way as to divulge the operation of any person required to make 19576
such a report. The filing by a licensee or registrant of a sales 19577
volume tonnage statement required by division (B) of this section 19578
thereby grants permission to the director to verify the same with 19579
the records of the licensee or registrant. 19580

(D) All money collected under this section shall be credited 19581
to the pesticide, fertilizer, and lime program fund created in 19582
section 921.22 of the Revised Code. 19583

Sec. 905.50. If the director of agriculture has taken an 19584
official sample of a fertilizer or mixed fertilizer and determined 19585
that it constitutes mislabeled fertilizer pursuant to rules 19586
adopted under section 905.40 of the Revised Code, the person who 19587
labeled the fertilizer or mixed fertilizer shall pay a penalty to 19588
the consumer of the mislabeled fertilizer or, if the consumer 19589
cannot be determined with reasonable diligence or is not 19590
available, to the director ~~for deposit into~~ to be credited to the 19591
~~commercial feed~~ pesticide, fertilizer, ~~seed,~~ and lime ~~inspection~~ 19592
~~and laboratory~~ program fund created under section ~~905.38~~ 921.22 of 19593
the Revised Code. The amount of the penalty shall be calculated in 19594
accordance with either division (A) or (B) of this section, 19595
whichever method of calculation yields the largest amount. 19596

(A)(1) A penalty required to be paid under this section may 19597
be calculated as follows: 19598

(a) Five dollars for each percentage point of total nitrogen 19599
or phosphorus in the fertilizer that is below the percentage of 19600
nitrogen or phosphorus guaranteed on the label, multiplied by the 19601
number of tons of mislabeled fertilizer that have been sold to the 19602
consumer; 19603

(b) Three dollars for each percentage point of potash in the 19604

fertilizer that is below the percentage of potash guaranteed on 19605
the label, multiplied by the number of tons of mislabeled 19606
fertilizer that have been sold to the consumer. 19607

(2) In the case of a fertilizer that contains a quantity of 19608
nitrogen, phosphorus, or potash that is more than five percentage 19609
points below the percentages guaranteed on the label, the 19610
penalties calculated under division (A)(1) of this section shall 19611
be tripled. 19612

(3) No penalty calculated under division (A) of this section 19613
shall be less than twenty-five dollars. 19614

(B) A penalty required to be paid under this section may be 19615
calculated by multiplying the market value of one unit of the 19616
mislabeled fertilizer by the number of units of the mislabeled 19617
fertilizer that have been sold to the consumer. 19618

(C) Upon making a determination under this section that a 19619
person has mislabeled fertilizer or mixed fertilizer, the director 19620
shall determine the parties to whom the penalty imposed by this 19621
section is required to be paid and, in accordance with division 19622
(A) or (B) of this section, as applicable, shall calculate the 19623
amount of the penalty required to be paid to each such party. 19624
After completing those determinations and calculations, the 19625
director shall issue to the person who allegedly mislabeled the 19626
fertilizer or mixed fertilizer a notice of violation. The notice 19627
shall be accompanied by an order requiring, and specifying the 19628
manner of, payment of the penalty imposed by this section to the 19629
parties in the amounts set forth in the determinations and 19630
calculations required by this division. The order shall be issued 19631
in accordance with Chapter 119. of the Revised Code. 19632

No person shall violate a term or condition of an order 19633
issued under this division. 19634

Sec. 905.51. As used in sections 905.51 to ~~905.66~~ 905.65 of 19635
the Revised Code: 19636

(A) "Liming material" means all materials, the calcium and 19637
magnesium content of which is used to neutralize soil acidity, and 19638
includes the oxide, hydrate, carbonate, and silicate forms, as 19639
defined by rule, or combinations of those forms. "Liming material" 19640
includes materials such as the following: 19641

(1) Limestone; 19642

(2) Hydrated lime; 19643

(3) Burnt lime; 19644

(4) Industrial by-product; 19645

(5) Marl and shell. 19646

(B) "Bulk" means in a nonpackaged form. 19647

(C) "Label" means any written or printed matter on the 19648
package, or tag attached thereto. 19649

(D) "Manufacture" means to process, crush, grind, pelletize, 19650
or blend. 19651

(E) "Person" means any partnership, association, firm, or 19652
corporation, company, society, individual or combination of 19653
individuals, institution, park, or public agency administered by 19654
the state or any subdivision of the state. 19655

(F) "Product name" means a coined or specific designation 19656
applied to an individual liming material. 19657

(G) "Sale" means an exchange or offer to exchange ownership, 19658
or a transfer or offer to transfer custody. 19659

(H) "Ton" means a net weight of two thousand pounds. 19660

(I) "Metric ton" means a measure of weight equal to one 19661
thousand kilograms. 19662

(J) "Pelletized lime" means a finely ground limestone product 19663
or manufactured material that is held together in a granulated 19664
form by a water soluble binding agent and that is capable of 19665
neutralizing soil acidity. 19666

(K) "Water treatment lime sludge" means lime sludge generated 19667
during the process of treating water supplies having levels of 19668
heavy metals at or below the levels permitted in standards adopted 19669
by the director of environmental protection governing the land 19670
application of lime sludge so generated. 19671

(L) "Distribute" means to offer for sale, sell, barter, or 19672
otherwise supply liming material in this state. 19673

(M) "Official sample" means any sample of liming material 19674
taken and designated as "official" by the director of agriculture 19675
or the director's designee. 19676

(N) "Effective neutralizing power" means the neutralizing 19677
value of liming material based on the total neutralizing power and 19678
fineness that is expressed as a dry weight percentage. 19679

(O) "Fineness index" means the percentage by weight of a 19680
liming material that will pass designated sieves, calculated to 19681
account for particle size distribution by adding the amounts 19682
arrived at under divisions (O)(1), (2), and (3) of this section as 19683
follows: 19684

(1) Two-tenths multiplied by the percentage of material 19685
passing a number eight United States standard sieve minus the 19686
percentage of material passing a number twenty United States 19687
standard sieve. 19688

(2) Six-tenths multiplied by the percentage of material 19689
passing a number twenty United States standard sieve minus the 19690
percentage of material passing a number sixty United States 19691
standard sieve. 19692

(3) One multiplied by the percentage of material passing a number sixty United States standard sieve. 19693
19694

Sec. 905.52. (A) Except as provided in section 905.53 of the Revised Code, no person shall manufacture, sell, or distribute in this state liming material without a license to do so issued by the department of agriculture. 19695
19696
19697
19698

(B) Each such license expires on the thirty-first day of December of each year and shall be renewed according to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code. 19699
19700
19701
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(C) Each application for issuance or renewal of such a license shall: 19703
19704

(1) Include the name and address of the applicant and the name and address of each bulk distribution point from which the applicant's liming material will be distributed in this state; 19705
19706
19707

(2) Be accompanied by a license fee of fifty dollars: 19708

(a) For each location at which liming material is manufactured in this state; 19709
19710

(b) For each location out of the state from which liming material is distributed or sold in this state to nonlicensees. 19711
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(3) Be accompanied by a label for each product name and grade. 19713
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(D) The name and address of the applicant shown on the application shall be shown on all labels, pertinent invoices, and bulk storage for liming material distributed or sold by the licensee in this state. 19715
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(E) The licensee shall inform the department in writing of additional distribution points established during the period of the license. 19719
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19721

(F) All money collected under this section shall be credited 19722
to the pesticide, fertilizer, and lime program fund created in 19723
section 921.22 of the Revised Code. 19724

Sec. 905.56. (A) Each licensee shall file with the department 19725
of agriculture an annual tonnage report that includes the number 19726
of net tons of liming material sold or distributed to a 19727
non-licensee in this state, by county, by oxide and hydrate forms, 19728
and by grade as defined in section 905.54 of the Revised Code, 19729
within forty days after the thirty-first day of December of each 19730
calendar year. The inspection fee at the rate stated in division 19731
(B) of this section shall accompany this report. 19732

(B) Each licensee who sells or distributes more than 19733
twenty-five hundred tons of agricultural liming material in this 19734
state shall pay to the department an inspection fee. The 19735
inspection fee is one fourth of one cent for each ton in excess of 19736
twenty-five hundred tons, as reported in the tonnage report 19737
required by division (A) of this section. The maximum inspection 19738
fee is three hundred dollars. 19739

(C) If a tonnage report is not filed, or if the inspection 19740
fee is not paid within ten days after the due date, a penalty of 19741
ten per cent of the amount due, with a minimum penalty of ten 19742
dollars, shall be assessed against the licensee. The amount of fee 19743
due, plus penalty, shall constitute a debt and shall become the 19744
basis of a judgment against the licensee. Such remedy is in 19745
addition to the remedy provided in section 905.62 of the Revised 19746
Code. 19747

(D) The director of agriculture may inspect the inventories, 19748
books, and records of any licensee in order to verify a tonnage 19749
report. If the director finds that a tonnage report is erroneous, 19750
the director may adjust the inspection fee, may assess any balance 19751
due against the licensee, and may impose a penalty not to exceed 19752

ten per cent of the balance due, or may refund any overpayment. 19753

(E) All money collected under this section shall be credited 19754
to the pesticide, fertilizer, and lime program fund created in 19755
section 921.22 of the Revised Code. 19756

Sec. 907.13. No person shall label agricultural, vegetable, 19757
or flower seed that is intended for sale in this state unless the 19758
person holds a valid seed labeler permit that has been issued by 19759
the director of agriculture in accordance with this section. 19760

A person who wishes to obtain a seed labeler permit shall 19761
file an application with the director on a form that the director 19762
provides and shall submit a permit fee in the amount of ten 19763
dollars. Such a person who labels seed under more than one name or 19764
at more than one address shall obtain a separate seed labeler 19765
permit and pay a separate permit fee for each name and address. 19766

The applicant shall include the applicant's full name and 19767
address on the application together with any additional 19768
information that the director requires by rules adopted under 19769
section 907.10 of the Revised Code. If the applicant's address is 19770
not within this state or it does not represent a location in this 19771
state where the director can collect samples of the applicant's 19772
seed for analysis, then the applicant shall include on the 19773
application an address within this state where samples of the 19774
applicant's seed may be collected for those purposes or shall 19775
agree to provide the director or the director's authorized 19776
representative with seeds for sampling upon request. 19777

Upon receipt of a complete application accompanied by the 19778
ten-dollar permit fee, the director shall issue a seed labeler's 19779
permit to the applicant. All seed labeler permits that are issued 19780
under this section shall expire on the thirty-first day of 19781
December of each year regardless of the date on which a permit was 19782
issued during that year. 19783

Each person who obtains a seed labeler permit shall label the seed that the person intends for sale in this state in accordance with the requirements established in sections 907.01 to 907.17 of the Revised Code. Each person who holds a valid seed labeler permit shall keep the permit posted in a conspicuous place in the principal seed room from which the person sells seed and shall comply with the reporting and fee requirements that are established in section 907.14 of the Revised Code.

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 907.14. (A) A person who holds a valid seed labeler permit issued under section 907.13 of the Revised Code shall report to the director of agriculture concerning the amount of seed that the person sells in this state. The report shall be made semiannually on a form that the director prescribes and provides. One semiannual report shall be filed with the director prior to the first day of February of each year with respect to all sales that the person made during the period from the first day of July to the thirty-first day of December of the preceding year. The second semiannual report shall be filed prior to the first day of August of each year with respect to all sales that the person made during the period from the first day of January to the thirtieth day of June of that year.

(B) A person who holds a valid seed labeler permit shall include with each semiannual report a seed fee based on the amount of the seed that the person sold during that reporting period as follows:

(1) For soybeans and small grains, including barley, oats, rye, wheat, triticale, and spelt, four cents per one hundred pounds;

(2) For corn and grain sorghum, five cents per one hundred pounds;	19815 19816
(3)(a) For any of the following seed sold at wholesale or retail or on consignment or commission, two per cent of the wholesale value of the containers of seed or, if the seed is not sold wholesale, two per cent of the retail value of the containers of seed:	19817 19818 19819 19820 19821
(i) Vegetable and flower seed sold in containers, other than hermetically sealed containers, of eight ounces or less;	19822 19823
(ii) Flower seed sold in hermetically sealed containers that contain fewer than three hundred seeds;	19824 19825
(iii) Vegetable seed sold in hermetically sealed containers that contain fewer than one thousand seeds.	19826 19827
(b) The fees established pursuant to divisions (B)(3)(a)(ii) and (iii) of this section apply to both of the following:	19828 19829
(i) Seed sold in hermetically sealed containers that contain the amount of seeds specified in division (B)(3)(a)(ii) or (iii) of this section, as applicable;	19830 19831 19832
(ii) Seed sold in hermetically sealed containers that do not clearly state the number of seeds that they contain.	19833 19834
(c) Except as otherwise provided in division (B)(3)(b)(ii) of this section, if the weight of seed in a container, or the quantity of seed in a container, exceeds the applicable weight or quantity specified in division (B)(3)(a)(i), (ii), or (iii) of this section, the fee established in division (B)(4) of this section applies.	19835 19836 19837 19838 19839 19840
(4) For alfalfa, clover, grass, native grass, mixtures containing any of these, and all agricultural, vegetable, and flower seeds not specified in divisions (B)(1) to (3) of this section, ten cents per one hundred pounds.	19841 19842 19843 19844

If the total amount of the seed fee that is due is less than 19845
five dollars, the person shall pay the minimum seed fee, which is 19846
five dollars. 19847

(C) For each failure to report in full the amount of seed 19848
sold or to submit the required seed fees in full by the due date, 19849
a person who holds a valid seed labeler permit shall pay a penalty 19850
of ten per cent of the amount due or fifty dollars, whichever is 19851
greater. Failure to pay either the fee or the penalty within 19852
thirty days after the due date is cause for suspension or 19853
revocation by the director of the seed labeler permit or refusal, 19854
without a hearing, to issue a subsequent seed labeler permit for 19855
which the person applies. 19856

(D) This section does not apply to governmental entities that 19857
donate seed for conservation purposes. 19858

(E) All money collected under this section shall be credited 19859
to the commercial feed and seed fund created in section 923.46 of 19860
the Revised Code. 19861

Sec. 907.30. (A) No person shall apply legume inoculants to 19862
seed for sale in ~~Ohio~~, this state for others or to a customer's 19863
order unless ~~he shall have~~ the person has obtained from the 19864
director of agriculture a legume inoculator's license for each 19865
such place of business where seed is inoculated. Application for 19866
such a license shall be made on a form obtainable from the 19867
director and shall be accompanied by a fee of five dollars. ~~Said~~ 19868
The application shall include the name of the brand, or brands of 19869
legume inoculant to be used together with the name of the 19870
manufacturer, and the name of the process or technique used to 19871
apply the inoculant to the seed. All such licenses shall expire 19872
each year on the thirty-first day of January and shall be renewed 19873
according to the standard renewal procedure of sections 4745.01 to 19874
4745.03, ~~inclusive~~, of the Revised Code. 19875

(B) The legume inoculator shall keep for a period of eighteen months, records ~~which~~ that shall include complete data concerning the source and lot number of the inoculant material used, the rate and date of application, and the lot identity by owner and lot number, if any, of the seed to which the material was applied.

(C) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 907.31. Any person who submits an application for the registration of a brand of legume inoculant shall pay annually, prior to the first day of January, a registration and inspection fee in the amount of fifty dollars per brand.

The registration shall be renewed according to the standard renewal procedure established in Chapter 4745. of the Revised Code.

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 915.24. (A) There is hereby created in the state treasury the food safety fund. All of the following moneys shall be credited to the fund:

(1) Bakery registration fees and fines received under sections 911.02 to 911.20 of the Revised Code;

(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code;

(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;

(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;

(5) License fees collected under sections 915.14 to 915.23 of the Revised Code; 19905
19906

~~(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;~~ 19907
19908
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~~(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale.~~ 19910
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(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected. 19912
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Sec. 921.02. (A) No person shall distribute a pesticide within this state unless the pesticide is registered with the director of agriculture under this chapter. Registrations shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at that plant or warehouse as a constituent part to make a pesticide that is registered under this chapter, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 921.03 of the Revised Code or an experimental use permit issued by the United States environmental protection agency. 19915
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(B) The applicant for registration of a pesticide shall file a statement with the director on a form provided by the director, which shall include all of the following: 19928
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(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's name; 19931
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(2) The brand and product name of the pesticide; 19934

(3) Any necessary information required for completion of the department of agriculture's application for registration, including the agency registration number;

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in the federal act.

(C) The director, when the director considers it necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide including the active and inert ingredients.

(D) The director may require a full description of the tests made and the results thereof upon which the claims are based for any pesticide. The director shall not consider any data submitted in support of an application, without permission of the applicant, in support of any other application for registration unless the other applicant first has offered to pay reasonable compensation for producing the test data to be relied upon and the data are not protected from disclosure by section 921.04 of the Revised Code. In the case of a renewal of registration, a statement shall be required only with respect to information that is different from that furnished when the pesticide was registered or last registered.

(E) The director may require any other information to be submitted with an application.

Any applicant may designate any portion of the required registration information as a trade secret or confidential business information. Upon receipt of any required registration information designated as a trade secret or confidential business information, the director shall consider the designated information as confidential and shall not reveal or cause to be

revealed any such designated information without the consent of 19966
the applicants, except to persons directly involved in the 19967
registration process described in this section or as required by 19968
law. 19969

(F) Beginning January 1, 2007, each applicant shall pay a 19970
registration and inspection fee of one hundred fifty dollars for 19971
each product name and brand registered for the company whose name 19972
appears on the label. If an applicant files for a renewal of 19973
registration after the deadline established by rule, the applicant 19974
shall pay a penalty fee of seventy-five dollars for each product 19975
name and brand registered for the applicant. The penalty fee shall 19976
be added to the original fee and paid before the renewal 19977
registration is issued. In addition to any other remedy available 19978
under this chapter, if a pesticide that is not registered pursuant 19979
to this section is distributed within this state, the person 19980
required to register the pesticide shall do so and shall pay a 19981
penalty fee of seventy-five dollars for each product name and 19982
brand registered for the applicant. The penalty fee shall be added 19983
to the original fee of one hundred fifty dollars and paid before 19984
the registration is issued. 19985

(G) Provided that the state is authorized by the 19986
administrator of the United States environmental protection agency 19987
to register pesticides to meet special local needs, the director 19988
shall require the information set forth under divisions (B), (C), 19989
(D), and (E) of this section and shall register any such pesticide 19990
after determining that all of the following conditions are met: 19991

(1) Its composition is such as to warrant the proposed claims 19992
for it. 19993

(2) Its labeling and other material required to be submitted 19994
comply with the requirements of the federal act and of this 19995
chapter, and rules adopted thereunder. 19996

(3) It will perform its intended function without unreasonable adverse effects on the environment. 19997
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(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment. 19999
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(5) The classification for general or restricted use is in conformity with the federal act. 20002
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The director shall not make any lack of essentiality a criterion for denying the registration of any pesticide. When two pesticides meet the requirements of division (G) of this section, the director shall not register one in preference to the other. 20004
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(H)(1) The director may refuse to register a pesticide if the application for registration fails to comply with this section. 20008
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(2) The director may suspend or revoke a pesticide registration after a hearing in accordance with Chapter 119. of the Revised Code for a pesticide that fails to meet the claims made for it on its label. 20010
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(3) The director may immediately suspend a pesticide registration, prior to a hearing, when the director believes that the pesticide poses an immediate hazard to human or animal health or a hazard to the environment. Not later than fifteen days after suspending the registration, the director shall determine whether the pesticide poses such a hazard. If the director determines that no hazard exists, the director shall lift the suspension of the registration. If the director determines that a hazard exists, the director shall revoke the registration in accordance with Chapter 119. of the Revised Code. 20014
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(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code. 20024
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Sec. 921.06. (A)(1) No individual shall do any of the	20027
following without having a commercial applicator license issued by	20028
the director of agriculture:	20029
(a) Apply pesticides for a pesticide business without direct	20030
supervision;	20031
(b) Apply pesticides as part of the individual's duties while	20032
acting as an employee of the United States government, a state,	20033
county, township, or municipal corporation, or a park district,	20034
port authority, or sanitary district created under Chapter 1545.,	20035
4582., or 6115. of the Revised Code, respectively;	20036
(c) Apply restricted use pesticides. Division (A)(1)(c) of	20037
this section does not apply to a private applicator or an	20038
immediate family member or a subordinate employee of a private	20039
applicator who is acting under the direct supervision of that	20040
private applicator.	20041
(d) If the individual is the owner of a business other than a	20042
pesticide business or an employee of such an owner, apply	20043
pesticides at any of the following publicly accessible sites that	20044
are located on the property:	20045
(i) Food service operations that are licensed under Chapter	20046
3717. of the Revised Code;	20047
(ii) Retail food establishments that are licensed under	20048
Chapter 3717. of the Revised Code;	20049
(iii) Golf courses;	20050
(iv) Rental properties of more than four apartment units at	20051
one location;	20052
(v) Hospitals or medical facilities as defined in section	20053
3701.01 of the Revised Code;	20054
(vi) Child day-care centers or school child day-care centers	20055

as defined in section 5104.01 of the Revised Code;	20056
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an education service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	20057 20058 20059 20060 20061 20062
(viii) Colleges as defined in section 3365.01 of the Revised Code;	20063 20064
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	20065 20066
(x) Any other site designated by rule.	20067
(e) Conduct authorized diagnostic inspections.	20068
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	20069 20070 20071
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.	20072 20073 20074 20075 20076 20077 20078 20079 20080 20081 20082
The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a	20083 20084 20085

condition of employment. 20086

(B) Application for a commercial applicator license shall be 20087
made on a form prescribed by the director. Each application for a 20088
license shall state the pesticide-use category or categories of 20089
license for which the applicant is applying and other information 20090
that the director determines essential to the administration of 20091
this chapter. 20092

(C) If the director finds that the applicant is competent to 20093
apply pesticides and conduct diagnostic inspections and that the 20094
applicant has passed both the general examination and each 20095
applicable pesticide-use category examination as required under 20096
division (A) of section 921.12 of the Revised Code, the director 20097
shall issue a commercial applicator license limited to the 20098
pesticide-use category or categories for which the applicant is 20099
found to be competent. If the director rejects an application, the 20100
director may explain why the application was rejected, describe 20101
the additional requirements necessary for the applicant to obtain 20102
a license, and return the application. The applicant may resubmit 20103
the application without payment of any additional fee. 20104

(D)(1) A person who is a commercial applicator shall be 20105
deemed to hold a private applicator's license for purposes of 20106
applying pesticides on agricultural commodities that are produced 20107
by the commercial applicator. 20108

(2) A commercial applicator shall apply pesticides only in 20109
the pesticide-use category or categories in which the applicator 20110
is licensed under this chapter. 20111

(E) All money collected under this section shall be credited 20112
to the pesticide, fertilizer, and lime program fund created in 20113
section 921.22 of the Revised Code. 20114

Sec. 921.09. (A)(1) No person shall own or operate a 20115

pesticide business without obtaining a license from the director 20116
of agriculture. Licenses shall be issued for a period of time 20117
established by rule and shall be renewed in accordance with 20118
deadlines established by rule. 20119

(2) A person applying for a pesticide business license shall 20120
register each location that is owned by the person and used for 20121
the purpose of engaging in the pesticide business. 20122

(B) Any person who owns or operates a pesticide business 20123
outside of this state, but engages in the business of applying 20124
pesticides to properties of another for hire in this state, shall 20125
obtain a license for the person's principal out-of-state location 20126
from the director. In addition, the person shall register each 20127
location that is owned by the person in this state and used for 20128
the purpose of engaging in the pesticide business. 20129

(C)(1) The person applying for a pesticide business license 20130
shall file a statement with the director, on a form provided by 20131
the director, that shall include all of the following: 20132

(a) The address of the principal place of business of the 20133
pesticide business; 20134

(b) The address of each location that the person intends to 20135
register under division (A)(2) or (B) of this section; 20136

(c) Any other information that the director determines 20137
necessary and that the director requires by rule. 20138

(2) Each applicant shall pay a license fee established by 20139
rule for the pesticide business plus an additional fee established 20140
by rule for each pesticide business registered location specified 20141
in the application. The license may be renewed upon payment of a 20142
renewal fee established by rule plus an additional fee established 20143
by rule for each pesticide business registered location. A copy of 20144
the license shall be maintained and conspicuously displayed at 20145

each such location. 20146

(3) The issuance of a pesticide business license constitutes 20147
registration of any pesticide business location identified in the 20148
application under division (C)(1) of this section. 20149

(4) The owner or operator of a pesticide business shall 20150
notify the director not later than fifteen days after any change 20151
occurs in the information required under division (C)(1)(a) or (b) 20152
of this section. 20153

(D) The owner or operator of a pesticide business shall 20154
employ at least one commercial applicator for each pesticide 20155
business registered location the owner or operator owns or 20156
operates. 20157

(E) The owner or operator of a pesticide business is 20158
responsible for the acts of each employee in the handling, 20159
application, and use of pesticides and in the conducting of 20160
diagnostic inspections. The pesticide business license is subject 20161
to denial, modification, suspension, or revocation after a hearing 20162
for any violation of this chapter or any rule adopted or order 20163
issued under it. The director may levy against the owner or 20164
operator any civil penalties authorized by division (B) of section 20165
921.16 of the Revised Code for any violation of this chapter or 20166
any rule adopted or order issued under it that is committed by the 20167
owner or operator or by the owner's or operator's officer, 20168
employee, or agent. 20169

(F) The director may modify a license issued under this 20170
section by one of the following methods: 20171

(1) Revoking a licensee's authority to operate out of a 20172
particular pesticide business registered location listed under 20173
division (C)(1)(b) of this section; 20174

(2) Preventing a licensee from operating within a specific 20175
pesticide-use category. 20176

(G) The director may deny a pesticide business license to any person whose pesticide business license has been revoked within the previous thirty-six months.

(H) Each pesticide business registered location that is owned by a pesticide business is subject to inspection by the director.

(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 921.11. (A)(1) No individual shall apply restricted use pesticides unless the individual is one of the following:

(a) Licensed under section 921.06 of the Revised Code;

(b) Licensed under division (B) of this section;

(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator;

(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following:

(a) Licensed under section 921.06 of the Revised Code;

(b) Licensed under division (B) of this section.

(B) The director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator license to the director, on forms prescribed by the director. The individual shall include in the application the pesticide-use category or categories of the license for which the individual is applying and any other information that the director determines is

essential to the administration of this chapter. The fee for each 20206
license shall be established by rule. Licenses shall be issued for 20207
a period of time established by rule and shall be renewed in 20208
accordance with deadlines established by rule. If a license is not 20209
issued or renewed, the state shall retain any fee submitted as 20210
payment for reasonable expenses of processing the application. 20211

(C) An individual who is licensed under this section shall 20212
use or directly supervise the use of a restricted use pesticide 20213
only for the purpose of producing agricultural commodities on 20214
property that is owned or rented by the individual or the 20215
individual's employer. 20216

(D) All money collected under this section shall be credited 20217
to the pesticide, fertilizer, and lime program fund created in 20218
section 921.22 of the Revised Code. 20219

Sec. 921.13. (A) Any person who is acting in the capacity of 20220
a pesticide dealer or who advertises or assumes to act as a 20221
pesticide dealer at any time shall obtain a pesticide dealer 20222
license from the director of agriculture. Licenses shall be issued 20223
for a period of time established by rule and shall be renewed in 20224
accordance with deadlines established by rule. A license is 20225
required for each location or outlet within this state from which 20226
the person distributes pesticides. 20227

Any pesticide dealer who has no pesticide dealer outlets in 20228
this state and who distributes restricted use pesticides directly 20229
into this state shall obtain a pesticide dealer license from the 20230
director for the pesticide dealer's principal out-of-state 20231
location or outlet and for each sales person operating in the 20232
state. 20233

The applicant shall include a license fee established by rule 20234
with the application for a license. The application shall be made 20235
on a form prescribed by the director. 20236

Each pesticide dealer shall submit records to the director of 20237
all of the restricted use pesticides the pesticide dealer has 20238
distributed, as specified by the director, and duplicate records 20239
shall be retained by the pesticide dealer for a period of time 20240
established by rules. 20241

(B) This section does not apply to any federal, state, 20242
county, or municipal agency that provides pesticides for its own 20243
programs. 20244

(C) Each licensed pesticide dealer is responsible for the 20245
acts of each employee in the solicitation and sale of pesticides 20246
and all claims and recommendations for use of pesticides. The 20247
pesticide dealer's license is subject to denial, suspension, or 20248
revocation after a hearing for any violation of this chapter 20249
whether committed by the pesticide dealer or by the pesticide 20250
dealer's officer, agent, or employee. 20251

(D) All money collected under this section shall be credited 20252
to the pesticide, fertilizer, and lime program fund created in 20253
section 921.22 of the Revised Code. 20254

Sec. 921.16. (A) The director of agriculture shall adopt 20255
rules the director determines necessary for the effective 20256
enforcement and administration of this chapter. The rules may 20257
relate to, but are not limited to, the time, place, manner, and 20258
methods of application, materials, and amounts and concentrations 20259
of application of pesticides, may restrict or prohibit the use of 20260
pesticides in designated areas during specified periods of time, 20261
and shall encompass all reasonable factors that the director 20262
determines necessary to minimize or prevent damage to the 20263
environment. In addition, the rules shall establish the deadlines 20264
and time periods for registration, registration renewal, late 20265
registration renewal, and failure to register under section 921.02 20266
of the Revised Code; the fees for registration, registration 20267

renewal, late registration renewal, and failure to register under 20268
section 921.02 of the Revised Code that shall apply until the fees 20269
that are established under that section take effect on January 1, 20270
2007; and the fees, deadlines, and time periods for licensure and 20271
license renewal under sections 921.06, 921.09, 921.11, and 921.13 20272
of the Revised Code. 20273

(B) The director shall adopt rules that establish a schedule 20274
of civil penalties for violations of this chapter, or any rule or 20275
order adopted or issued under it, provided that the civil penalty 20276
for a first violation shall not exceed five thousand dollars and 20277
the civil penalty for each subsequent violation shall not exceed 20278
ten thousand dollars. In determining the amount of a civil penalty 20279
for a violation, the director shall consider factors relevant to 20280
the severity of the violation, including past violations and the 20281
amount of actual or potential damage to the environment or to 20282
human beings. All money collected under this division shall be 20283
credited to the pesticide, fertilizer, and lime program fund 20284
created in section 921.22 of the Revised Code. 20285

(C) The director shall adopt rules that set forth the 20286
conditions under which the director: 20287

(1) Requires that notice or posting be given of a proposed 20288
application of a pesticide; 20289

(2) Requires inspection, condemnation, or repair of equipment 20290
used to apply a pesticide; 20291

(3) Will suspend, revoke, or refuse to issue any pesticide 20292
registration for a violation of this chapter; 20293

(4) Requires safe handling, transportation, storage, display, 20294
distribution, and disposal of pesticides and their containers; 20295

(5) Ensures the protection of the health and safety of 20296
agricultural workers storing, handling, or applying pesticides, 20297

and all residents of agricultural labor camps, as that term is 20298
defined in section 3733.41 of the Revised Code, who are living or 20299
working in the vicinity of pesticide-treated areas; 20300

(6) Requires a record to be kept of all pesticide 20301
applications made by each commercial applicator and by any trained 20302
serviceperson acting under the commercial applicator's direct 20303
supervision and of all restricted use pesticide applications made 20304
by each private applicator and by any immediate family member or 20305
subordinate employee of that private applicator who is acting 20306
under the private applicator's direct supervision as required 20307
under section 921.14 of the Revised Code; 20308

(7) Determines the pesticide-use categories of diagnostic 20309
inspections that must be conducted by a commercial applicator; 20310

(8) Requires a record to be kept of all diagnostic 20311
inspections conducted by each commercial applicator and by any 20312
trained service person. 20313

(D) The director shall prescribe standards for the licensure 20314
of applicators of pesticides consistent with those prescribed by 20315
the federal act and the regulations adopted under it or prescribe 20316
standards that are more restrictive than those prescribed by the 20317
federal act and the regulations adopted under it. The standards 20318
may relate to the use of a pesticide or to an individual's 20319
pesticide-use category. 20320

The director shall take into consideration standards of the 20321
United States environmental protection agency. 20322

(E) The director may adopt rules setting forth the conditions 20323
under which the director will: 20324

(1) Collect and examine samples of pesticides or devices; 20325

(2) Specify classes of devices that shall be subject to this 20326
chapter; 20327

(3) Prescribe other necessary registration information.	20328
(F) The director may adopt rules that do either or both of the following:	20329 20330
(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides for the state or for designated areas within the state and, if the director considers it necessary, to further restrict such use;	20331 20332 20333 20334 20335
(2) Define what constitutes "acting under the instructions and control of a commercial applicator" as used in the definition of "direct supervision" in division (Q)(1) of section 921.01 of the Revised Code. In adopting a rule under division (F)(2) of this section, the director shall consider the factors associated with the use of pesticide in the various pesticide-use categories. Based on consideration of the factors, the director may define "acting under the instructions and control of a commercial applicator" to include communications between a commercial applicator and a trained serviceperson that are conducted via landline telephone or a means of wireless communication. Any rules adopted under division (F)(2) of this section shall be drafted in consultation with representatives of the pesticide industry.	20336 20337 20338 20339 20340 20341 20342 20343 20344 20345 20346 20347 20348
(G) Except as provided in division (D) of this section, the director shall not adopt any rule under this chapter that is inconsistent with the requirements of the federal act and regulations adopted thereunder.	20349 20350 20351 20352
(H) The director, after notice and opportunity for hearing, may declare as a pest any form of plant or animal life, other than human beings and other than bacteria, viruses, and other microorganisms on or in living human beings or other living animals, that is injurious to health or the environment.	20353 20354 20355 20356 20357
(I) The director may make reports to the United States	20358

environmental protection agency, in the form and containing the 20359
information the agency may require. 20360

(J) The director shall adopt rules for the application, use, 20361
storage, and disposal of pesticides if, in the director's 20362
judgment, existing programs of the United States environmental 20363
protection agency necessitate such rules or pesticide labels do 20364
not sufficiently address issues or situations identified by the 20365
department of agriculture or interested state agencies. 20366

(K) The director shall adopt rules establishing all of the 20367
following: 20368

(1) Standards, requirements, and procedures for the 20369
examination and re-examination of commercial applicators and 20370
private applicators; 20371

(2) With respect to training programs that the director may 20372
require commercial applicators and private applicators to 20373
complete: 20374

(a) Standards and requirements that a training program must 20375
satisfy in order to be offered by the director or the director's 20376
representative or in order to be approved by the director if a 20377
third party wishes to offer it; 20378

(b) Eligibility standards and requirements that must be 20379
satisfied by third parties who wish to provide the training 20380
programs; 20381

(c) Procedures that third parties must follow in order to 20382
submit a proposed training program to the director for approval; 20383

(d) Criteria that the director must consider when determining 20384
whether to authorize a commercial applicator or private applicator 20385
to participate in a training program instead of being required to 20386
pass a re-examination. 20387

(3) Training requirements for a trained serviceperson. 20388

(L) The director shall adopt all rules under this chapter in accordance with Chapter 119. of the Revised Code.

Sec. 921.22. The pesticide, fertilizer, and lime program fund is hereby created in the state treasury. ~~The portion of the money in the fund that is collected under this chapter shall be used to carry out the purposes of this chapter. The portion of the money in the fund that is collected under section 927.53 of the Revised Code shall be used to carry out the purposes specified in that section, the portion of the money in the fund that is collected under section 927.69 of the Revised Code shall be used to carry out the purposes specified in that section, and the portion of the money in the fund that is collected under section 927.701 of the Revised Code shall be used to carry out the purposes of that section.~~ The fund shall consist of ~~fees collected under sections 921.01 to 921.15, division (F) of section 927.53, and section 927.69 of the Revised Code, money collected under section 927.701~~ money credited to it under this chapter and Chapter 905. of the Revised Code, and rules adopted under them and all fines, penalties, costs, and damages, except court costs, that are collected by either the director of agriculture or the attorney general in consequence of any violation of ~~this chapter~~ those chapters or rules adopted under them. The director shall use money in the fund to administer and enforce those chapters and rules adopted under them.

The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide upon request, an annual report classifying the receipts and disbursements that pertain to pesticides, fertilizers, or lime.

Sec. 921.27. (A) If the director of agriculture has reasonable cause to believe that a pesticide or device is being distributed, stored, transported, or used in violation of this

chapter or of any rules, it shall be subject to seizure on 20420
complaint of the director to a court of competent jurisdiction in 20421
the locality in which the pesticide or device is located. 20422

(B) If the article is condemned, it shall, after entry or 20423
decree, be disposed of by destruction or sale as the court may 20424
direct and the proceeds, if the article is sold, less legal costs, 20425
shall be paid to the pesticide, fertilizer, and lime program fund 20426
created in section 921.22 of the Revised Code. The article shall 20427
not be sold contrary to this section. Upon payment of costs and 20428
execution and delivery of a good and sufficient bond conditioned 20429
that the article shall not be disposed of unlawfully, the court 20430
may direct that the article be delivered to the owner thereof for 20431
relabeling or reprocessing. 20432

Sec. 921.29. Fines, penalties, costs, and damages assessed 20433
against a person in consequence of violations of this chapter, as 20434
provided in this chapter or any other section of the Revised Code, 20435
shall be a lien in favor of the state upon the real and personal 20436
property of the person, upon the filing of a judgment or an order 20437
of the director of agriculture with the county in which the real 20438
and personal property is located. The real and personal property 20439
of the person shall be liable to execution for the fines, 20440
penalties, costs, and damages by the attorney general, who shall 20441
deposit any proceeds from an execution upon the property in the 20442
pesticide, fertilizer, and lime program fund created in section 20443
921.22 of the Revised Code. 20444

Sec. 923.44. (A)(1) Except as otherwise provided in divisions 20445
(A)(2), (3), and (4) of this section, the first distributor of a 20446
commercial feed shall pay the director of agriculture a semiannual 20447
inspection fee at the rate of twenty-five cents per ton, with a 20448
minimum payment of twenty-five dollars, on all commercial feeds 20449
distributed by the first distributor in this state. 20450

20451

(2) The semiannual inspection fee required under division 20452
(A)(1) of this section shall not be paid by the first distributor 20453
of a commercial feed if the distribution is made to an exempt 20454
buyer who shall be responsible for the fee. The director shall 20455
establish an exempt list consisting of those buyers who are 20456
responsible for the fee. 20457

(3) The semiannual inspection fee shall not be paid on a 20458
commercial feed if the fee has been paid by a previous 20459
distributor. 20460

(4) The semiannual inspection fee shall not be paid on 20461
customer-formula feed if the fee has been paid on the commercial 20462
feeds that are used as components in that customer-formula feed. 20463

(B) Each distributor or exempt buyer who is required to pay a 20464
fee under division (A)(1) or (2) of this section shall file a 20465
semiannual statement with the director that includes the number of 20466
net tons of commercial feed distributed by the distributor or 20467
exempt buyer in this state, within thirty days after the thirtieth 20468
day of June and within thirty days after the thirty-first day of 20469
December, respectively, of each calendar year. 20470

The inspection fee at the rate stated in division (A)(1) of 20471
this section shall accompany the statement. For a tonnage report 20472
that is not filed or payment of inspection fees that is not made 20473
within fifteen days after the due date, a penalty of ten per cent 20474
of the amount due, with a minimum penalty of fifty dollars shall 20475
be assessed against the distributor or exempt buyer. The amount of 20476
fees due, plus penalty, shall constitute a debt and become the 20477
basis of a judgment against the distributor or exempt buyer. 20478

(C) No information furnished under this section shall be 20479
disclosed by an employee of the department of agriculture in such 20480
a way as to divulge the operation of any person required to make 20481

such a report. 20482

(D) All money collected under this section shall be credited 20483
to the commercial feed and seed fund created in section 923.46 of 20484
the Revised Code. 20485

Sec. 923.46. ~~All moneys collected by the director of~~ 20486
~~agriculture under sections 923.41 to 923.55 of the Revised Code~~ 20487
~~shall be deposited into the state treasury to the credit of the~~ 20488
~~The commercial feed, fertilizer, and seed, and lime inspection and~~ 20489
~~laboratory fund is hereby created in section 905.38 the state~~ 20490
~~treasury. The fund shall consist of money credited to it under~~ 20491
~~this chapter and Chapter 907. of the Revised Code.~~ 20492

The director shall ~~prepare and provide a report concerning~~ 20493
~~the fund in accordance with section 905.381 of the Revised Code~~ 20494
keep accurate records of all receipts into and disbursements from 20495
the fund and shall prepare, and provide upon request, an annual 20496
report classifying the receipts and disbursements that pertain to 20497
commercial feed or seed. 20498

Sec. 927.51. As used in sections 927.51 to ~~927.74~~ 927.73 of 20499
the Revised Code: 20500

(A) "Collected plant" means any plant dug or gathered from 20501
any wood lot, field, forest, or any other location in which such a 20502
plant is found growing in its native habitat. 20503

(B) "Collector" means any person who collects, for sale, 20504
plants from wood lots, fields, forests, or other native habitat. 20505

(C) "Dealer" means any person other than a nurseryman who 20506
offers for sale, sells, or distributes nursery stock, either 20507
exclusively or in connection with other merchandise, in or from 20508
any nursery, store, sales ground, stand, lot, truck, railway car, 20509
or other vehicle. "Dealer" includes any landscaper who sells or 20510
offers for sale nursery stock as a part of a grounds improvement 20511

project ~~which~~ that may involve the installation of such plants. 20512

(D) "Hardy," when applied to plants and bulbs, whether wild 20513
or cultivated, means capable of surviving the normal winter 20514
temperatures of this state. 20515

(E) "Host" means any plant or plant product from which any 20516
pest derives its food supply, or upon which it depends for its 20517
well being or to complete any part of its life cycle. 20518

(F) "Infested" means containing or harboring one or more 20519
pests or infected with one or more pests. 20520

(G) "Nursery" means any grounds or premises on or in which 20521
nursery stock is propagated or grown for sale. 20522

(H) "Nurseryman" means a person who owns, leases, manages, or 20523
is in charge of a nursery. 20524

(I) "Nursery stock" means: 20525

(1) Any hardy tree, shrub, plant, or bulb, whether wild or 20526
cultivated, except turfgrass, and any cutting, graft, scion, or 20527
bud thereof; 20528

(2) Any nonhardy plant, or plant part, ~~which~~ that is to be 20529
offered for sale in any state ~~which~~ that requires inspection and 20530
certification of ~~such~~ the plant or plant part as a condition of 20531
entrance therein. 20532

(J) "Person" means any corporation, company, society, 20533
association, partnership, individual or combination of 20534
individuals, institution, park, or any public agency administered 20535
by the state or any subdivision of the state. 20536

(K) "Pest" means any insect, mite, nematode, bacteria, 20537
fungus, virus, parasitic plant, or any other organism or any stage 20538
of any such organism ~~which~~ that causes, or is capable of causing, 20539
injury, disease, or damage to any plant, plant part, or plant 20540
product. 20541

(L) "Place of business" means each separate location from which nursery stock is sold, offered for sale, or distributed.

(M) "Intensive production area" means a place where nursery stock is propagated or grown using greenhouses, liner beds, lath beds, or containers.

(N) "Nonintensive production area" means any place where nursery stock is propagated or grown as field stock.

(O) "Forced floral plants" means plants with desirable flower characteristics in which the bloom is artificially induced at an unnatural time of the year.

Sec. 927.52. (A) The director of agriculture shall adopt and enforce any rules that are necessary to carry out sections 927.51 to ~~927.74~~ 927.73 of the Revised Code.

(B) The director may revoke, suspend, or refuse to issue any nursery certificate or dealer's license for any violation of sections 927.51 to 927.71 of the Revised Code, or of any rules adopted under those sections.

(C) The director may publish reports describing nursery inspection and pest control operations authorized by sections 927.51 to 927.71 of the Revised Code.

Sec. 927.53. (A) Each collector or dealer who sells, offers, or exposes for sale, or distributes nursery stock within this state, or ships nursery stock to other states, shall pay an annual license fee of ~~fifty~~ one hundred twenty-five dollars to the director of agriculture for each place of business the collector or dealer operates.

(B)(1) Each dealer shall furnish the director, annually, an affidavit that the dealer will buy and sell only nursery stock which has been inspected and certified by an official state or

federal inspector. 20571

(2) Each dealer's license expires on the thirty-first day of 20572
December of each year. Each licensed dealer shall apply for 20573
renewal of the dealer's license prior to the first day of January 20574
of each year and in accordance with the standard renewal procedure 20575
of sections 4745.01 to 4745.03 of the Revised Code. 20576

(C) Each licensed nurseryperson shall post conspicuously in 20577
the nurseryperson's principal place of business, the certificate 20578
which is issued to the nurseryperson in accordance with section 20579
927.61 of the Revised Code. 20580

(D) Each licensed nurseryperson, or dealer, shall post 20581
conspicuously in each place of business, each certificate or 20582
license which is issued to the nurseryperson or dealer in 20583
compliance with this section or section 927.61 of the Revised 20584
Code. 20585

(E)(1) Each nurseryperson who produces, sells, offers for 20586
sale, or distributes woody nursery stock within the state, or 20587
ships woody nursery stock to other states, shall pay to the 20588
director an annual inspection fee of ~~fifty~~ one hundred dollars 20589
plus ~~four~~ eleven dollars per acre, or fraction thereof, of growing 20590
nursery stock in intensive production areas and ~~two~~ seven dollars 20591
per acre, or fraction thereof, of growing nursery stock in 20592
nonintensive production areas, as applicable. 20593

(2) Each nurseryperson who limits production and sales of 20594
nursery stock to brambles, herbaceous, perennial, and other 20595
nonwoody plants, shall pay to the director an inspection fee of 20596
~~thirty~~ one hundred dollars, plus ~~four~~ eleven dollars per acre, or 20597
fraction thereof, of growing nursery stock in intensive and 20598
nonintensive production areas. 20599

(F) ~~On and after the effective date of this amendment, the 20600
following additional fees shall be assessed:~~ 20601

~~(1) Each collector or dealer who pays a fee under division (A) of this section shall pay an additional fee of twenty five dollars.~~ 20602
20603
20604

~~(2) Each nursery person who pays fees under division (E)(1) of this section shall pay additional fees as follows:~~ 20605
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~~(a) Fifteen dollars for the inspection fee;~~ 20607

~~(b) Fifty cents per acre, or fraction thereof, of growing nursery stock in intensive production areas;~~ 20608
20609

~~(c) One dollar and fifty cents per acre, or fraction thereof, of growing nursery stock in nonintensive production areas.~~ 20610
20611

~~(3) Each nursery person who pays fees under division (E)(2) of this section shall pay additional fees as follows:~~ 20612
20613

~~(a) Thirty five dollars for the inspection fee;~~ 20614

~~(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. The~~ 20615
20616

~~The fees collected under division (F) of this section shall be deposited into the state treasury credited to the credit of the pesticide plant pest program fund created in Chapter 921. section 927.54 of the Revised Code. Moneys so credited to the fund shall be used to pay the costs incurred by the department of agriculture in administering this chapter, including employing a minimum of two additional inspectors.~~ 20617
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Sec. 927.54. The plant pest program fund is hereby created in the state treasury. The fund shall consist of money credited to it under this chapter and any rules adopted under it. The director of agriculture shall use money in the fund to administer this chapter. 20624
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The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide 20629
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upon request, an annual report classifying the receipts and 20631
disbursements that pertain to plant pests. 20632

Sec. 927.56. (A) Each nurseryman, dealer, or collector of 20633
nursery stock, who resides in or has his principal place of 20634
business in another state and who sends nursery stock into this 20635
state without having a bona fide order in advance for all such 20636
nursery stock, shall obtain the same license ~~which~~ that is 20637
required by section 927.53 of the Revised Code. 20638

(B) The director of agriculture may enter into such 20639
reciprocal contracts and agreements as ~~he~~ the director determines 20640
proper and expedient, with the proper authorities of other states 20641
or of the federal government to regulate the shipment, sale, and 20642
distribution of nursery stock in this state by persons residing in 20643
or located in another state, in accordance with sections 927.51 to 20644
~~927.74, inclusive,~~ 927.73 of the Revised Code. 20645

Sec. 927.69. To effect the purpose of sections 927.51 to 20646
~~927.74~~ 927.73 of the Revised Code, the director of agriculture or 20647
the director's authorized representative may: 20648

(A) Make reasonable inspection of any premises in this state 20649
and any property therein or thereon; 20650

(B) Stop and inspect in a reasonable manner, any means of 20651
conveyance moving within this state upon probable cause to believe 20652
it contains or carries any pest, host, commodity, or other article 20653
that is subject to sections 927.51 to 927.72 of the Revised Code; 20654

(C) Conduct inspections of agricultural products that are 20655
required by other states, the United States department of 20656
agriculture, other federal agencies, or foreign countries to 20657
determine whether the products are infested. If, upon making such 20658
an inspection, the director or the director's authorized 20659
representative determines that an agricultural product is not 20660

infested, the director or the director's authorized representative 20661
may issue a certificate, as required by other states, the United 20662
States department of agriculture, other federal agencies, or 20663
foreign countries, indicating that the product is not infested. 20664

If the director charges fees for any of the certificates, 20665
agreements, or inspections specified in this section, the fees 20666
shall be as follows: 20667

(1) Phyto sanitary certificates, twenty-five dollars for 20668
those collectors or dealers that are licensed under section 927.53 20669
of the Revised Code; 20670

(2) Phyto sanitary certificates, one hundred dollars for all 20671
others; 20672

(3) Compliance agreements, twenty forty dollars; 20673

~~(3) Solid wood packing certificates, twenty dollars;~~ 20674

(4) Agricultural products and their conveyances inspections, 20675
an amount equal to the hourly rate of pay in the highest step in 20676
the pay range, including fringe benefits, of a plant pest control 20677
specialist multiplied by the number of hours worked by such a 20678
specialist in conducting an inspection. 20679

The director may adopt rules under section 927.52 of the 20680
Revised Code that define the certificates, agreements, and 20681
inspections. 20682

The fees shall be ~~deposited into the state treasury credited~~ 20683
~~to the credit of the pesticide plant pest program fund created in~~ 20684
~~Chapter 921. section 927.54 of the Revised Code. Money credited to~~ 20685
~~the fund shall be used to pay the costs incurred by the department~~ 20686
~~of agriculture in administering this chapter, including employing~~ 20687
~~a minimum of two additional inspectors.~~ 20688

Sec. 927.70. (A) No person shall knowingly permit any plant 20689
pest ~~which~~ that has been determined to be destructive or 20690

dangerously harmful by the director of agriculture, in compliance 20691
with procedures required by division (A) of section 927.52 of the 20692
Revised Code, to exist in or on ~~his~~ the person's premises. 20693

(B) Whenever the director or ~~his~~ the director's authorized 20694
representative finds any article or commodity to be infested or 20695
has reason to believe it to be infested, or finds that a host or 20696
pest exists on any premises, or is in transit in this state, ~~he~~ 20697
the director may: 20698

(1) Upon giving notice to the owner or ~~his~~ the owner's agent 20699
in possession thereof, seize, quarantine, treat, or otherwise 20700
dispose of ~~such~~ the pest, host, article, or commodity in such 20701
manner as ~~he~~ the director determines necessary to suppress, 20702
control, eradicate, or to prevent or retard the spread of a pest; 20703

(2) Order ~~such~~ the owner or agent to so treat or otherwise 20704
dispose of the pest, host, article, or commodity. 20705

(C) If the owner or person in charge of ~~such~~ the premises 20706
refuses or neglects to carry out the orders of the director within 20707
seven days after receiving written notice, the director may treat 20708
the premises; treat or destroy the infested plants or plant 20709
material; or apply any other preventive or remedial measure ~~which~~ 20710
~~he~~ that the director determines necessary. The expense of any such 20711
preventative or remedial measures shall be assessed, collected, 20712
and enforced, as taxes are assessed, collected, and enforced, 20713
against the premises upon which ~~such~~ the expense was incurred. The 20714
amount of ~~such~~ the expense when collected shall be ~~paid to the~~ 20715
~~director and by him deposited with the treasurer of state~~ credited 20716
to the plant pest program fund created in section 927.54 of the 20717
Revised Code. 20718

Sec. 927.701. (A) As used in this section, "gypsy moth" means 20719
the live insect, *Lymantria dispar*, in any stage of development. 20720
20721

(B) The director of agriculture may establish a voluntary gypsy moth suppression program under which a landowner may request that the department of agriculture have the landowner's property aerially sprayed to suppress the presence of gypsy moths in exchange for payment from the landowner of a portion of the cost of the spraying. To determine the ~~amount of payment that is due from a landowner~~ total cost per acre, the department ~~first~~ shall determine the projected cost per acre to the department of gypsy moth suppression activities for the year in which the landowner's request is made. The cost shall be calculated by determining the total expense of aerial spraying for gypsy moths to be incurred by the department in that year divided by the total number of acres proposed to be sprayed in that year. With respect to a landowner add the per-acre cost of the product selected by the landowner to suppress gypsy moths and the per-acre cost of applying the product as determined by the director in rules. To determine the aggregate total cost, the department shall multiply the total cost per acre by the number of acres that the landowner requests to be sprayed. The department shall add to that amount any administrative costs that it incurs in billing the landowner and collecting payment. ~~The amount that the landowner shall pay to the department shall not exceed fifty per cent of the resulting amount. The portion of the cost that is assessed to the landowner, if any, shall be determined by the funding that is allocated to the department by the federal and state gypsy moth suppression programs.~~

(C) The director shall adopt rules under Chapter 119. of the Revised Code to establish procedures under which a landowner may make a request under division (B) of this section, to establish the per-acre cost of applying product to suppress gypsy moths, and to establish provisions governing agreements between the department and landowners concerning gypsy moth suppression together with any other provisions that the director considers appropriate to administer this section.

(D) The director shall deposit all money collected under this section ~~into the state treasury~~ to the credit of the ~~pesticide~~ plant pest program fund created in ~~Chapter 921, section 927.54~~ of the Revised Code. Money credited to the fund under this section shall be used for the suppression of gypsy moths in accordance with this section.

Sec. 927.71. (A) The director of agriculture, in accordance with Chapter 119. of the Revised Code, may quarantine:

(1) This state or any portion thereof when ~~he~~ the director determines that such action is necessary to prevent or retard the spread of a pest into, within, or from this state;

(2) Any other state or portion thereof when ~~he~~ the director determines that a pest exists therein and that such action is necessary to prevent or retard its spread into this state.

(B) The director may limit the application of a quarantine to the infested portions of the quarantined area and appropriate environs, to be known as the regulated area, and may, without further hearing, extend the regulated area to include additional portions of the quarantined area either:

(1) Upon publication of a notice to that effect in such newspapers in the quarantined area as ~~he~~ the director may select;

(2) Upon written notice to those concerned.

(C) Following establishment of a quarantine, no person shall move any regulated article described in the quarantine, or move the pest against which the quarantine is established, within, from, into, or through this state contrary to ~~regulations~~ promulgated rules adopted by the director without prior permission or order of the director.

(D) A ~~regulation~~ rule may restrict the movement of a pest and any regulated article from the quarantined or regulated area in

this state into or through other parts of this state or other 20785
states and from the quarantine or regulated area in other states 20786
into or through this state and may impose such inspection, 20787
disinfection, certification, permit, or other requirements as the 20788
director determines necessary to effectuate the purpose of 20789
sections 927.51 to ~~927.74, inclusive,~~ 927.73 of the Revised Code. 20790

Sec. 955.201. (A) As used in this section and in section 20791
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 20792
corporation organized by that name under Chapter 1702. of the 20793
Revised Code that consists of humane societies, veterinarians, 20794
animal shelters, companion animal breeders, dog wardens, ~~and~~ or 20795
similar individuals and entities. 20796

(B) The Ohio pet fund shall do all of the following: 20797

(1) Establish eligibility criteria for organizations that may 20798
receive financial assistance from the pets program funding board 20799
created in section 955.202 of the Revised Code. Those 20800
organizations may include any of the following: 20801

(a) An animal shelter as defined in section 4729.01 of the 20802
Revised Code; 20803

(b) A local nonprofit veterinary association that operates a 20804
program for the sterilization of dogs and cats; 20805

(c) A charitable organization that is exempt from federal 20806
income taxation under subsection 501(c)(3) of the Internal Revenue 20807
Code and ~~the primary~~ a purpose of which is to support programs for 20808
the sterilization of dogs and cats and educational programs 20809
concerning the proper veterinary care of those animals. 20810

(2) Establish procedures for applying for financial 20811
assistance from the pets program funding board. Application 20812
procedures shall require eligible organizations to submit detailed 20813
proposals that outline the intended uses of the moneys sought. 20814

(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the pets program funding board may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations;

(4) Establish procedures for the disbursement of moneys the pets program funding board receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code;

(5) Advertise or otherwise provide notification of the availability of financial assistance from the pets program funding board for eligible organizations;

(6) Design markings to be inscribed on "pets" license plates under section 4503.551 of the Revised Code.

(C)(1) The owner of a dog or cat is eligible for dog or cat sterilization services from an eligible organization when those services are subsidized in whole or in part by money from the pets program funding board if any of the following applies:

(a) The income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline.

(b) The owner, or any member of the owner's family who resides with the owner, is a recipient or beneficiary of one of the following government assistance programs:

(i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program;

(ii) The Ohio works first program established by Chapter 5107. of the Revised Code;

(iii) Title XIX of the "Social Security Act," 49 Stat. 620

(1935), 42 U.S.C.A. 301, as amended, known as the medical 20845
assistance program or medicaid, provided by the department of job 20846
and family services under Chapter 5111. of the Revised Code; 20847

(iv) A program or law administered by the United States 20848
department of veterans' affairs or veterans' administration for 20849
any service-connected disability; 20850

(v) The ~~food stamp~~ supplemental nutrition assistance program 20851
established under the "Food Stamp and Nutrition Act of 1977," ~~91~~ 20852
~~Stat. 958, 2008 (~~ 7 U.S.C.A. 2011, ~~as amended, et seq.)~~ 20853
administered by the department of job and family services under 20854
section 5101.54 of the Revised Code; 20855

(vi) The "special supplemental nutrition program for women, 20856
infants, and children" established under the "Child Nutrition Act 20857
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered 20858
by the department of health under section 3701.132 of the Revised 20859
Code; 20860

(vii) Supplemental security income under Title XVI of the 20861
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as 20862
amended; 20863

(viii) Social security disability insurance benefits provided 20864
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 20865
42 U.S.C.A. 401, as amended. 20866

(c) The owner of the dog or cat submits to the eligible 20867
organization operating the sterilization program either of the 20868
following: 20869

(i) A certificate of adoption showing that the dog or cat was 20870
adopted from a licensed animal shelter, a municipal, county, or 20871
regional pound, or a holding and impoundment facility that 20872
contracts with a municipal corporation; 20873

(ii) A certificate of adoption showing that the dog or cat 20874

was adopted through a nonprofit corporation operating an animal 20875
adoption referral service whose holding facility, if any, is 20876
licensed in accordance with state law or a municipal ordinance. 20877

(2) The Ohio pet fund shall determine the type of documentary 20878
evidence that must be presented by the owner of a dog or cat to 20879
show that the income of the owner's family does not exceed one 20880
hundred fifty per cent of the federal poverty guideline or that 20881
the owner is eligible under division (C)(1)(b) of this section. 20882

(D) As used in division (C) of this section, "federal poverty 20883
guideline" means the official poverty guideline as revised 20884
annually by the United States department of health and human 20885
services in accordance with section 673(2) of the "Omnibus Budget 20886
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 20887
amended, for a family size equal to the size of the family of the 20888
person whose income is being determined. 20889

Sec. 1322.03. (A) An application for a certificate of 20890
registration as a mortgage broker shall be in writing, under oath, 20891
and in the form prescribed by the superintendent of financial 20892
institutions. The application shall be accompanied by a 20893
nonrefundable application fee of ~~three~~ five hundred ~~fifty~~ dollars 20894
for each location of an office to be maintained by the applicant 20895
in accordance with division (A) of section 1322.02 of the Revised 20896
Code; ~~however, an applicant that is registered under sections~~ 20897
~~1321.51 to 1321.60 of the Revised Code shall not be required to~~ 20898
~~pay an application fee.~~ The application shall provide all of the 20899
following: 20900

(1) The location or locations where the business is to be 20901
transacted and whether any location is a residence. If any 20902
location where the business is to be transacted is a residence, 20903
the application shall be accompanied by a certified copy of a 20904
zoning permit authorizing the use of the residence for commercial 20905

purposes, or shall be accompanied by a written opinion or other 20906
document issued by the county or political subdivision where the 20907
residence is located certifying that the use of the residence to 20908
transact business as a mortgage broker is not prohibited by the 20909
county or political subdivision. The application also shall be 20910
accompanied by a photograph of each location at which the business 20911
will be transacted. 20912

(2)(a) In the case of a sole proprietor, the name and address 20913
of the sole proprietor; 20914

(b) In the case of a partnership, the name and address of 20915
each partner; 20916

(c) In the case of a corporation, the name and address of 20917
each shareholder owning five per cent or more of the corporation; 20918

(d) In the case of any other entity, the name and address of 20919
any person that owns five per cent or more of the entity that will 20920
transact business as a mortgage broker. 20921

(3) If the applicant is a partnership, corporation, limited 20922
liability company, or any other business entity or association, 20923
the applicant shall designate an employee or owner of the 20924
applicant as the applicant's operations manager. While acting as 20925
the operations manager, the employee or owner shall not be 20926
employed by any other mortgage broker. 20927

(4) Evidence that the sole proprietor or the person 20928
designated on the application pursuant to division (A)(3) of this 20929
section, as applicable, possesses at least three years of 20930
experience in the mortgage and lending field, which experience may 20931
include employment with or as a mortgage broker or with a 20932
financial institution, mortgage lending institution, or other 20933
lending institution, or possesses at least three years of other 20934
experience related specifically to the business of mortgage loans 20935
that the superintendent determines meets the requirements of 20936

division (A)(4) of this section;	20937
(5) On or after January 1, 2007, evidence that the sole proprietor or the person designated on the application pursuant to division (A)(3) of this section has successfully completed either of the following:	20938 20939 20940 20941
(a) At least twenty-four hours of live classroom instruction in a course or program of study approved by the superintendent that consists of at least all of the following:	20942 20943 20944
(i) Four hours of instruction concerning state and federal mortgage lending laws, which shall include no less than two hours on this chapter;	20945 20946 20947
(ii) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;	20948 20949 20950
(iii) Four hours of instruction concerning the loan application process;	20951 20952
(iv) Two hours of instruction concerning the underwriting process;	20953 20954
(v) Two hours of instruction concerning the secondary market for mortgage loans;	20955 20956
(vi) Four hours of instruction concerning the loan closing process;	20957 20958
(vii) Two hours of instruction covering basic mortgage financing concepts and terms;	20959 20960
(viii) Two hours of instruction concerning the ethical responsibilities of a registrant, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	20961 20962 20963 20964
(b) Other post-secondary education related specifically to the business of mortgage loans that the superintendent determines	20965 20966

meets the requirements of division (A)(5)(a) of this section. 20967

Division (A)(5) of this section does not apply to any 20968
applicant who has an application on file with the division of 20969
financial institutions prior to January 1, 2007. 20970

The evidence submitted by the applicant pursuant to division 20971
(A)(5) of this section may be in the form of transcripts or a 20972
statement indicating that the applicant has, and will maintain, 20973
transcripts at the applicant's place of business for a period of 20974
five years for inspection by the superintendent at the 20975
superintendent's request. 20976

(6) Evidence of compliance with the surety bond requirements 20977
of section 1322.05 of the Revised Code and with sections 1322.01 20978
to 1322.12 of the Revised Code; 20979

(7) In the case of a foreign business entity, evidence that 20980
it maintains a license or registration pursuant to Chapter 1703., 20981
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 20982
transact business in this state; 20983

(8) A statement as to whether the applicant or, to the best 20984
of the applicant's knowledge, any shareholder, member, partner, 20985
operations manager, or employee of the applicant has been 20986
convicted of or pleaded guilty to any criminal offense involving 20987
theft, receiving stolen property, embezzlement, forgery, fraud, 20988
passing bad checks, money laundering, or drug trafficking, or any 20989
criminal offense involving money or securities; 20990

(9) A statement as to whether the applicant or, to the best 20991
of the applicant's knowledge, any shareholder, member, partner, 20992
operations manager, or employee of the applicant has been subject 20993
to any adverse judgment for conversion, embezzlement, 20994
misappropriation of funds, fraud, misfeasance or malfeasance, or 20995
breach of fiduciary duty; 20996

(10) Evidence that the applicant's operations manager has 20997

successfully completed the examination required under division (A) 20998
of section 1322.051 of the Revised Code; 20999

(11) Any further information that the superintendent 21000
requires. 21001

(B) Upon the filing of the application and payment of the 21002
application fee, the superintendent of financial institutions 21003
shall investigate the applicant as set forth in division (B) of 21004
this section. 21005

(1) The superintendent shall request the superintendent of 21006
the bureau of criminal identification and investigation, or a 21007
vendor approved by the bureau, to conduct a criminal records check 21008
based on the applicant's fingerprints in accordance with division 21009
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 21010
division (K) of section 121.08 of the Revised Code, the 21011
superintendent of financial institutions shall request that 21012
criminal record information from the federal bureau of 21013
investigation be obtained as part of the criminal records check. 21014
Any fee required under division (C)(3) of section 109.572 of the 21015
Revised Code shall be paid by the applicant. 21016

(2) The superintendent shall conduct a civil records check. 21017

(3) If, in order to issue a certificate of registration to an 21018
applicant, additional investigation by the superintendent outside 21019
this state is necessary, the superintendent may require the 21020
applicant to advance sufficient funds to pay the actual expenses 21021
of the investigation, if it appears that these expenses will 21022
exceed ~~three~~ five hundred ~~fifty~~ dollars. The superintendent shall 21023
provide the applicant with an itemized statement of the actual 21024
expenses that the applicant is required to pay. 21025

(C) The superintendent shall pay all funds advanced and 21026
application and renewal fees and penalties the superintendent 21027
receives pursuant to this section and section 1322.04 of the 21028

Revised Code to the treasurer of state to the credit of the 21029
consumer finance fund created in section 1321.21 of the Revised 21030
Code. 21031

(D) If an application for a certificate of registration does 21032
not contain all of the information required under division (A) of 21033
this section, and if that information is not submitted to the 21034
superintendent within ninety days after the superintendent 21035
requests the information in writing, the superintendent may 21036
consider the application withdrawn. 21037

(E) A certificate of registration and the authority granted 21038
under that certificate is not transferable or assignable and 21039
cannot be franchised by contract or any other means. 21040

(F) The registration requirements of this chapter apply to 21041
any person acting as a mortgage broker, and no person is exempt 21042
from the requirements of this chapter on the basis of prior work 21043
or employment as a mortgage broker. 21044

Sec. 1322.031. (A) An application for a license as a loan 21045
officer shall be in writing, under oath, and in the form 21046
prescribed by the superintendent of financial institutions. The 21047
application shall be accompanied by a nonrefundable application 21048
fee of one hundred fifty dollars and shall provide all of the 21049
following: 21050

(1) The name and address of the applicant; 21051

(2) A statement as to whether the applicant has been 21052
convicted of or pleaded guilty to any criminal offense involving 21053
theft, receiving stolen property, embezzlement, forgery, fraud, 21054
passing bad checks, money laundering, or drug trafficking, or any 21055
criminal offense involving money or securities; 21056

(3) A statement as to whether the applicant has been subject 21057
to an adverse judgment for conversion, embezzlement, 21058

misappropriation of funds, fraud, misfeasance or malfeasance, or	21059
breach of fiduciary duty;	21060
(4) For loan officer applications submitted on or after	21061
January 1, 2007, proof, as determined by the superintendent, that	21062
the applicant has successfully completed at least twenty-four	21063
hours of live classroom instruction in a course or program of	21064
study approved by the superintendent that consists of at least all	21065
of the following:	21066
(a) Four hours of instruction concerning state and federal	21067
mortgage lending laws, which shall include no less than two hours	21068
on this chapter;	21069
(b) Four hours of instruction concerning the Ohio consumer	21070
sales practices act, Chapter 1345. of the Revised Code, as it	21071
applies to registrants and licensees;	21072
(c) Four hours of instruction concerning the loan application	21073
process;	21074
(d) Two hours of instruction concerning the underwriting	21075
process;	21076
(e) Two hours of instruction concerning the secondary market	21077
for mortgage loans;	21078
(f) Four hours of instruction concerning the loan closing	21079
process;	21080
(g) Two hours of instruction covering basic mortgage	21081
financing concepts and terms;	21082
(h) Two hours of instruction concerning the ethical	21083
responsibilities of a licensee, including with respect to	21084
confidentiality, consumer counseling, and the duties and standards	21085
of care created in section 1322.081 of the Revised Code.	21086
Division (A)(4) of this section does not apply to any	21087
applicant who has an application on file with the division of	21088

financial institutions prior to January 1, 2007. 21089

The proof submitted by the applicant pursuant to division 21090
(A)(4) of this section may be in the form of transcripts or a 21091
statement indicating that the applicant has, and will maintain, 21092
transcripts at the applicant's place of business for a period of 21093
five years for inspection by the superintendent at the 21094
superintendent's request. 21095

(5) Any further information that the superintendent requires. 21096

(B) Upon the filing of the application and payment of the 21097
application fee, the superintendent of financial institutions 21098
shall investigate the applicant as set forth in division (B) of 21099
this section. 21100

(1) The superintendent shall request the superintendent of 21101
the bureau of criminal identification and investigation, or a 21102
vendor approved by the bureau, to conduct a criminal records check 21103
based on the applicant's fingerprints in accordance with division 21104
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 21105
division (K) of section 121.08 of the Revised Code, the 21106
superintendent of financial institutions shall request that 21107
criminal record information from the federal bureau of 21108
investigation be obtained as part of the criminal records check. 21109
Any fee required under division (C)(3) of section 109.572 of the 21110
Revised Code shall be paid by the applicant. 21111

(2) The superintendent shall conduct a civil records check. 21112

(3) If, in order to issue a license to an applicant, 21113
additional investigation by the superintendent outside this state 21114
is necessary, the superintendent may require the applicant to 21115
advance sufficient funds to pay the actual expenses of the 21116
investigation, if it appears that these expenses will exceed one 21117
hundred fifty dollars. The superintendent shall provide the 21118
applicant with an itemized statement of the actual expenses that 21119

the applicant is required to pay. 21120

(C) The superintendent shall pay all funds advanced and 21121
application and renewal fees and penalties the superintendent 21122
receives pursuant to this section and section 1322.041 of the 21123
Revised Code to the treasurer of state to the credit of the 21124
consumer finance fund created in section 1321.21 of the Revised 21125
Code. 21126

(D) If an application for a license does not contain all of 21127
the information required under division (A) of this section, and 21128
if that information is not submitted to the superintendent within 21129
ninety days after the superintendent requests the information in 21130
writing, the superintendent may consider the application 21131
withdrawn. 21132

(E)(1) The business of a loan officer shall principally be 21133
transacted at an office of the employing mortgage broker, which 21134
office is registered in accordance with division (A) of section 21135
1322.02 of the Revised Code. Each original license shall be 21136
deposited with and maintained by the employing mortgage broker at 21137
the mortgage broker's main office. A copy of the license shall be 21138
maintained and displayed at the office where the loan officer 21139
principally transacts business. 21140

(2) If a loan officer's employment is terminated, the 21141
mortgage broker shall return the original license to the 21142
superintendent within five business days after the termination. 21143
The licensee may request the transfer of the license to another 21144
mortgage broker by submitting a relocation application, along with 21145
a fifteen dollar fee, to the superintendent or may request the 21146
superintendent in writing to hold the license in escrow for a 21147
period not to exceed one year. Any licensee whose license is held 21148
in escrow shall cease activity as a loan officer. 21149

A mortgage broker may employ a loan officer on a temporary 21150

basis pending the transfer of the loan officer's license to the 21151
mortgage broker, if the mortgage broker receives written 21152
confirmation from the superintendent that the loan officer is 21153
licensed under sections 1322.01 to 1322.12 of the Revised Code. 21154

(F) A license, or the authority granted under that license, 21155
is not assignable and cannot be franchised by contract or any 21156
other means. 21157

Sec. 1322.04. (A) Upon the conclusion of the investigation 21158
required under division (B) of section 1322.03 of the Revised 21159
Code, the superintendent of financial institutions shall issue a 21160
certificate of registration to the applicant if the superintendent 21161
finds that the following conditions are met: 21162

(1) ~~Except as otherwise provided in division (A) of section~~ 21163
~~1322.03 of the Revised Code, the~~ The application is accompanied by 21164
the application fee. If a check or other draft instrument is 21165
returned to the superintendent for insufficient funds, the 21166
superintendent shall notify the registrant by certified mail, 21167
return receipt requested, that the certificate of registration 21168
issued in reliance on the check or other draft instrument will be 21169
canceled unless the registrant, within thirty days after receipt 21170
of the notice, submits the application fee and a 21171
one-hundred-dollar penalty to the superintendent. If the 21172
registrant does not submit the application fee and penalty within 21173
that time period, or if any check or other draft instrument used 21174
to pay the fee or penalty is returned to the superintendent for 21175
insufficient funds, the certificate of registration shall be 21176
canceled immediately without a hearing, and the registrant shall 21177
cease activity as a mortgage broker. 21178

(2) If the application is for a location that is a residence, 21179
that the applicant has obtained a valid zoning permit authorizing 21180
the use of the residence for commercial purposes, or has obtained 21181

a valid written opinion or other document issued by the county or 21182
political subdivision where the residence is located certifying 21183
that the use of the residence to transact business as a mortgage 21184
broker is not prohibited by the county or political subdivision. 21185
The application also is accompanied by a photograph of each 21186
location at which the mortgage broker's business will be 21187
transacted. 21188

(3) The sole proprietor or the person designated on the 21189
application pursuant to division (A)(3) of section 1322.03 of the 21190
Revised Code, as applicable, meets the experience requirements 21191
provided in division (A)(4) of section 1322.03 of the Revised Code 21192
and the education requirements set forth in division (A)(5) of 21193
section 1322.03 of the Revised Code. 21194

(4) The applicant maintains all licenses and registrations 21195
required by the secretary of state. 21196

(5) The applicant complies with the surety bond requirements 21197
of section 1322.05 of the Revised Code. 21198

(6) The applicant complies with sections 1322.01 to 1322.12 21199
of the Revised Code. 21200

(7) Neither the applicant nor any shareholder, member, 21201
partner, operations manager, or employee of the applicant has 21202
pleaded guilty to or been convicted of any criminal offense 21203
described in division (A)(8) of section 1322.03 of the Revised 21204
Code or any violation of an existing or former law of this state, 21205
any other state, or the United States that substantially is 21206
equivalent to a criminal offense described in that division. 21207
However, if the applicant or any of those other persons has 21208
pleaded guilty to or been convicted of any such offense other than 21209
theft, the superintendent shall not consider the offense if the 21210
applicant has proven to the superintendent, by a preponderance of 21211
the evidence, that the applicant's or other person's activities 21212

and employment record since the conviction show that the applicant 21213
or other person is honest, truthful, and of good reputation, and 21214
there is no basis in fact for believing that the applicant or 21215
other person will commit such an offense again. 21216

(8) Neither the applicant nor any shareholder, member, 21217
partner, operations manager, or employee of the applicant has been 21218
subject to any adverse judgment for conversion, embezzlement, 21219
misappropriation of funds, fraud, misfeasance or malfeasance, or 21220
breach of fiduciary duty, or, if the applicant or any of those 21221
other persons has been subject to such a judgment, the applicant 21222
has proven to the superintendent, by a preponderance of the 21223
evidence, that the applicant's or other person's activities and 21224
employment record since the judgment show that the applicant or 21225
other person is honest, truthful, and of good reputation, and 21226
there is no basis in fact for believing that the applicant or 21227
other person will be subject to such a judgment again. 21228

(9) The applicant's operations manager successfully completed 21229
the examination required under division (A) of section 1322.051 of 21230
the Revised Code. 21231

(10) The applicant's financial responsibility, experience, 21232
character, and general fitness command the confidence of the 21233
public and warrant the belief that the business will be operated 21234
honestly and fairly in compliance with the purposes of sections 21235
1322.01 to 1322.12 of the Revised Code. 21236

For purposes of determining whether an applicant that is a 21237
partnership, corporation, or other business entity or association 21238
has met the conditions set forth in divisions (A)(7), (A)(8), and 21239
(A)(10) of this section, the superintendent shall determine which 21240
partners, shareholders, or persons named in the application 21241
pursuant to division (A)(2) of section 1322.03 of the Revised Code 21242
must meet the conditions set forth in divisions (A)(7), (A)(8), 21243
and (A)(10) of this section. This determination shall be based on 21244

the extent and nature of the partner's, shareholder's, or person's 21245
ownership interest in the partnership, corporation, or other 21246
business entity or association that is the applicant. 21247

(B) The certificate of registration issued pursuant to 21248
division (A) of this section may be renewed annually on or before 21249
the thirtieth day of April if the superintendent finds that all of 21250
the following conditions are met: 21251

(1) The renewal application is accompanied by a nonrefundable 21252
renewal fee of ~~three~~ five hundred ~~fifty~~ dollars for each location 21253
of an office to be maintained by the applicant in accordance with 21254
division (A) of section 1322.02 of the Revised Code; ~~however, an~~ 21255
~~applicant that is registered under sections 1321.51 to 1321.60 of~~ 21256
~~the Revised Code shall not be required to pay a renewal fee.~~ If a 21257
check or other draft instrument is returned to the superintendent 21258
for insufficient funds, the superintendent shall notify the 21259
registrant by certified mail, return receipt requested, that the 21260
certificate of registration renewed in reliance on the check or 21261
other draft instrument will be canceled unless the registrant, 21262
within thirty days after receipt of the notice, submits the 21263
renewal fee and a one-hundred-dollar penalty to the 21264
superintendent. If the registrant does not submit the renewal fee 21265
and penalty within that time period, or if any check or other 21266
draft instrument used to pay the fee or penalty is returned to the 21267
superintendent for insufficient funds, the certificate of 21268
registration shall be canceled immediately without a hearing and 21269
the registrant shall cease activity as a mortgage broker. 21270

(2) On and after January 1, 2003, the operations manager 21271
designated under division (A)(3) of section 1322.03 of the Revised 21272
Code has completed, during the immediately preceding calendar 21273
year, at least six hours of continuing education as required under 21274
section 1322.052 of the Revised Code. 21275

(3) The applicant meets the conditions set forth in divisions 21276

(A)(2) to (10) of this section.	21277
(4) The applicant's certificate of registration is not subject to an order of suspension or revocation by the superintendent.	21278 21279 21280
(C)(1) Subject to division (C)(2) of this section, if a renewal fee is received by the superintendent after the thirtieth day of April, the certificate of registration shall not be considered renewed, and the applicant shall cease activity as a mortgage broker and apply for a certificate of registration as a mortgage broker.	21281 21282 21283 21284 21285 21286
(2) Division (C)(1) of this section shall not apply if the applicant, no later than the thirty-first day of May, submits the renewal fee and a one-hundred-dollar penalty to the superintendent.	21287 21288 21289 21290
(D) If the person designated as the operations manager pursuant to division (A)(3) of section 1322.03 of the Revised Code is no longer the operations manager, the registrant shall do all of the following:	21291 21292 21293 21294
(1) Designate another person as the operations manager;	21295
(2) Within ten days after the designation described in division (D)(1) of this section, notify the superintendent in writing of the designation;	21296 21297 21298
(3) Submit any additional information that the superintendent requires to establish that the newly designated operations manager complies with the experience requirements set forth in division (A)(4) of section 1322.03 of the Revised Code.	21299 21300 21301 21302
Sec. 1322.041. (A) Upon the conclusion of the investigation required under division (B) of section 1322.031 of the Revised Code, the superintendent of financial institutions shall issue a loan officer license to the applicant if the superintendent finds	21303 21304 21305 21306

that the following conditions are met: 21307

(1) The application is accompanied by the application fee. If 21308
a check or other draft instrument is returned to the 21309
superintendent for insufficient funds, the superintendent shall 21310
notify the licensee by certified mail, return receipt requested, 21311
that the license issued in reliance on the check or other draft 21312
instrument will be canceled unless the licensee, within thirty 21313
days after receipt of the notice, submits the application fee and 21314
a one-hundred-dollar penalty to the superintendent. If the 21315
licensee does not submit the application fee and penalty within 21316
that time period, or if any check or other draft instrument used 21317
to pay the fee or penalty is returned to the superintendent for 21318
insufficient funds, the license shall be canceled immediately 21319
without a hearing, and the licensee shall cease activity as a loan 21320
officer. 21321

(2) The applicant complies with sections 1322.01 to 1322.12 21322
of the Revised Code. 21323

(3) The applicant has not been convicted of or pleaded guilty 21324
to any criminal offense described in division (A)(2) of section 21325
1322.031 of the Revised Code and the applicant has not pleaded 21326
guilty to or been convicted of a violation of an existing or 21327
former law of this state, any other state, or the United States 21328
that substantially is equivalent to a criminal offense described 21329
in that division. However, if the applicant has been convicted of 21330
or pleaded guilty to any such offense other than theft, the 21331
superintendent shall not consider the offense if the applicant has 21332
proven to the superintendent, by a preponderance of the evidence, 21333
that the applicant's activities and employment record since the 21334
conviction show that the applicant is honest, truthful, and of 21335
good reputation, and there is no basis in fact for believing that 21336
the applicant will commit such an offense again. 21337

(4) The applicant has not been subject to an adverse judgment 21338

for conversion, embezzlement, misappropriation of funds, fraud, 21339
misfeasance or malfeasance, or breach of fiduciary duty, or, if 21340
the applicant has been subject to such a judgment, the applicant 21341
has proven to the superintendent, by a preponderance of the 21342
evidence, that the applicant's activities and employment record 21343
since the judgment show that the applicant is honest, truthful, 21344
and of good reputation, and there is no basis in fact for 21345
believing that the applicant will be subject to such a judgment 21346
again. 21347

(5) The applicant successfully completed the examination 21348
required under division (B) of section 1322.051 of the Revised 21349
Code and the education requirements set forth in division (A)(4) 21350
of section 1322.031 of the Revised Code. 21351

(6) The applicant's character and general fitness command the 21352
confidence of the public and warrant the belief that the business 21353
will be operated honestly and fairly in compliance with the 21354
purposes of sections 1322.01 to 1322.12 of the Revised Code. 21355

(B) The license issued under division (A) of this section may 21356
be renewed annually on or before the thirtieth day of April if the 21357
superintendent finds that all of the following conditions are met: 21358

(1) The renewal application is accompanied by a nonrefundable 21359
renewal fee of one hundred fifty dollars. If a check or other 21360
draft instrument is returned to the superintendent for 21361
insufficient funds, the superintendent shall notify the licensee 21362
by certified mail, return receipt requested, that the license 21363
renewed in reliance on the check or other draft instrument will be 21364
canceled unless the licensee, within thirty days after receipt of 21365
the notice, submits the renewal fee and a one-hundred-dollar 21366
penalty to the superintendent. If the licensee does not submit the 21367
renewal fee and penalty within that time period, or if any check 21368
or other draft instrument used to pay the fee or penalty is 21369
returned to the superintendent for insufficient funds, the license 21370

shall be canceled immediately without a hearing, and the licensee 21371
shall cease activity as a loan officer. 21372

(2) On and after January 1, 2003, the loan officer has 21373
completed, during the immediately preceding calendar year, at 21374
least six hours of continuing education as required under section 21375
1322.052 of the Revised Code. 21376

(3) The applicant meets the conditions set forth in divisions 21377
(A)(2) to (6) of this section. 21378

(4) The applicant's license is not subject to an order of 21379
suspension or revocation by the superintendent. 21380

(C)(1) Subject to division (C)(2) of this section, if a 21381
license renewal application or renewal fee is received by the 21382
superintendent after the thirtieth day of April, the license shall 21383
not be considered renewed, and the applicant shall cease activity 21384
as a loan officer. 21385

(2) Division (C)(1) of this section shall not apply if the 21386
applicant, no later than the thirty-first day of May, submits the 21387
renewal application and fee and a one-hundred-dollar penalty to 21388
the superintendent. 21389

Sec. 1332.24. (A)(1) In accordance with section 1332.25 of 21390
the Revised Code, the director of commerce may issue to any 21391
person, or renew, a video service authorization, which 21392
authorization confers on the person the authority, subject to 21393
sections 1332.21 to 1332.34 of the Revised Code, to provide video 21394
service in its video service area; construct and operate a video 21395
service network in, along, across, or on public rights-of-way for 21396
the provision of video service; and, when necessary to provide 21397
that service, exercise the power of a telegraph company under 21398
section 4931.04 of the Revised Code. The term of a video service 21399
authorization or authorization renewal shall be ten years. 21400

(2) For the purposes of the "Cable Communications Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et seq., a video service authorization shall constitute a franchise under that law, and the director shall be the sole franchising authority under that law for video service authorizations in this state.

(3) The director may impose upon and collect an annual assessment on video service providers. All money collected under division (A)(3) of this section shall be deposited to the credit of the video service authorization fund created under section 1332.25 of the Revised Code. The total amount assessed in a fiscal year shall not exceed the lesser of three hundred fifty thousand dollars or, as shall be determined annually by the director, the department's actual, current fiscal year administrative costs in carrying out its duties under sections 1332.21 to 1332.34 of the Revised Code. The director shall allocate that total amount proportionately among the video service providers to be assessed, using a formula based on subscriber counts as of the thirty-first day of December of the preceding calendar year, which counts shall be submitted to the director not later than October 9, 2009, initially and by the thirty-first day of January of each subsequent year, via a notarized statement signed by an authorized officer. Any information submitted by a video service provider to the director for the purpose of determining subscriber counts shall be considered trade secret information, shall not be disclosed except by court order, and shall not constitute a public record under section 149.43 of the Revised Code. By October 16, 2009, initially and on or about the first day of June of each subsequent year, the director shall send to each video service provider to be assessed written notice of its proportional amount of the total assessment. The provider shall pay that amount on a quarterly basis not later than forty-five days after the end of each calendar quarter.

(B)(1) The director may investigate alleged violations of or failures to comply with division (A) of section 1332.23, division (A) of this section, division (C) of section 1332.25, division (C) or (D) of section 1332.26, division (A), (B), or (C) of section 1332.27, division (A) of section 1332.28, division (A) or (B) of section 1332.29, or section 1332.30 or 1332.31 of the Revised Code, or complaints concerning any such violation or failure. Except as provided in this section, the director has no authority to regulate video service in this state, including, but not limited to, the rates, terms, or conditions of that service.

(2) In conducting an investigation under division (B)(1) of this section, the director, by subpoena, may compel witnesses to testify in relation to any matter over which the director has jurisdiction and may require the production of any book, record, or other document pertaining to that matter. If a person fails to file any statement or report, obey any subpoena, give testimony, produce any book, record, or other document as required by a subpoena, or permit photocopying of any book, record, or other document subpoenaed, the court of common pleas of any county in this state, upon application made to it by the director, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify.

(C)(1) If the director finds that a person has violated or failed to comply with division (A) of section 1332.23, division (A) of this section, division (C) of section 1332.25, division (C) or (D) of section 1332.26, division (A), (B), or (C) of section 1332.27, division (A) of section 1332.28, division (A) or (B) of section 1332.29, or section 1332.30 or 1332.31 of the Revised Code, and the person has failed to cure the violation or failure after reasonable, written notice and reasonable time to cure, the director may do any of the following:

(a) Apply to the court of common pleas of any county in this state for an order enjoining the activity or requiring compliance. Such an action shall be commenced not later than three years after the date the alleged violation or failure occurred or was reasonably discovered. Upon a showing by the director that the person has engaged in a violation or failure to comply, the court shall grant an injunction, restraining order, or other appropriate relief.

(b) Enter into a written assurance of voluntary compliance with the person;

(c) Pursuant to an adjudication under Chapter 119. of the Revised Code, assess a civil penalty in an amount determined by the director, including for any failure to comply with an assurance of voluntary compliance under division (C)(1)(b) of this section. The amount shall be not more than one thousand dollars for each day of violation or noncompliance, not to exceed a total of ten thousand dollars, counting all subscriber impacts as a single violation or act of noncompliance. In determining whether a civil penalty is appropriate under division (C)(1)(c) of this section, the director shall consider all of the following factors:

(i) The seriousness of the noncompliance;

(ii) The good faith efforts of the person to comply;

(iii) The person's history of noncompliance;

(iv) The financial resources of the person;

(v) Any other matter that justice requires.

Civil penalties collected pursuant to division (C)(1)(c) of this section shall be deposited to the credit of the video service enforcement fund in the state treasury, which is hereby created, to be used by the department of commerce in carrying out its duties under this section.

(2) Pursuant to an adjudication under Chapter 119. of the Revised Code, the director may revoke, in whole or in part, the video service authorization of any person that has repeatedly and knowingly violated or failed to comply with division (A) of section 1332.23, division (A) of this section, division (C) of section 1332.25, division (C) or (D) of section 1332.26, division (A), (B), or (C) of section 1332.27, division (A) of section 1332.28, division (A) or (B) of section 1332.29, or section 1332.30 or 1332.31 of the Revised Code and that has failed to cure the violations or noncompliances after reasonable written notice and reasonable time to cure. Such person acts knowingly, regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

(3) The court shall conduct a de novo review in any appeal from an adjudication under division (C)(1)(c) or (C)(2) of this section.

(D) The public utilities commission has no authority over a video service provider in its offering of video service or a cable operator in its offering of cable or video service, or over any person in its offering of video service pursuant to a competitive video service agreement.

Sec. 1332.25. (A) An application made to the director of commerce for a video service authorization under section 1332.24 of the Revised Code shall require and contain only the following:

(1) Specification of the location of the applicant's principal place of business and the names of the applicant's principal executive officers;

(2) Specification of the geographic and political boundaries

of the applicant's proposed video service area;	21527
(3) A general description of the type or types of technologies the applicant will use to deliver the video programming, which may include wireline, wireless, or any other alternative technology, subject, as applicable, to section 1332.29 of the Revised Code;	21528 21529 21530 21531 21532
(4) An attestation that the applicant has filed or will timely file with the federal communications commission all forms required by that agency in advance of offering video service in this state;	21533 21534 21535 21536
(5) An attestation that the applicant will comply with applicable federal, state, and local laws;	21537 21538
(6) An attestation that the applicant is legally, financially, and technically qualified to provide video service;	21539 21540
(7) A description of the applicant's customer complaint handling process, including policies on addressing customer service issues, billing adjustments, and communication with government officials regarding customer complaints, and a local or toll-free telephone number at which a customer may contact the applicant.	21541 21542 21543 21544 21545 21546
(B) For the purpose of division (A)(2) of this section:	21547
(1) The video service areas of video service providers may overlap.	21548 21549
(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries, except as authorized under division (B)(3) or (4) of this section, but nothing in sections 1332.21 to 1332.34 of the Revised Code shall require a video service provider to provide access to video service within the entire video service area.	21550 21551 21552 21553 21554 21555
(3) The specified video service area of a person using	21556

telecommunications facilities to provide video service on ~~the~~ 21557
~~effective date of this section September 24, 2007,~~ or of any other 21558
person later so using telecommunications facilities shall be the 21559
geographic area in which the person offers basic local exchange 21560
service. 21561

(4) Subject to division (C)(2) of section 1332.27 of the 21562
Revised Code, the specified video service area of an applicant 21563
cable operator that offers service under a franchise in effect on 21564
~~the effective date of this section September 24, 2007,~~ initially 21565
shall be, at minimum, the franchise area established under that 21566
franchise. 21567

(C) A video service provider shall immediately file an 21568
application to amend its video service authorization with the 21569
director to reflect any change in the information required under 21570
division (A)(1), (2), or (3) of this section. An amendment 21571
pursuant to division (A)(2) of this section shall include any new 21572
delivery technology information required by division (A)(3) of 21573
this section. 21574

(D) Within thirty days after its filing or within thirty days 21575
after the filing of supplemental information necessary to make it 21576
complete, the director shall determine the completeness of an 21577
application filed under division (A) or (C) of this section 21578
relative to the respective requirements of divisions (A), (B), and 21579
(C) of this section and, as applicable, shall notify the applicant 21580
of an incompleteness determination, state the bases for that 21581
determination, and inform the applicant that it may resubmit a 21582
corrected application. The director shall issue a video service 21583
authorization, authorization renewal, or amended authorization 21584
within fifteen days after the director's determination that the 21585
filed application is complete. 21586

If the director does not notify the applicant regarding the 21587
completeness of the application within the time period specified 21588

in this division or does not issue the authorization requested by 21589
a completed application within the applicable time period, the 21590
application shall be deemed complete, and the authorization or 21591
amended authorization deemed issued on the forty-fifth day after 21592
the application's filing date. 21593

(E) An applicant shall pay a two thousand dollar 21594
nonrefundable fee for each application filed under division (A) of 21595
this section and a one hundred dollar nonrefundable fee for each 21596
application to amend filed under division (C) of this section. 21597
Fees collected under this division shall be deposited to the 21598
credit of the video service authorization fund in the state 21599
treasury, which is hereby created, to be used by the department of 21600
commerce in carrying out its duties under ~~this section~~ sections
1332.21 to 1332.34 of the Revised Code. 21601
21602

(F) No video service provider shall identify or make 21603
reference to an application fee under division (E) of this section 21604
or an assessment under section 1332.24 of the Revised Code on any 21605
subscriber bill or in conjunction with charging any fee to the 21606
subscriber. 21607

(G) An applicant may identify any information in its 21608
application as trade secret information, and if, upon its written 21609
request to the director, the director reasonably affirms all or 21610
part of that information as trade secret information, the 21611
information so affirmed does not constitute a public record for 21612
the purpose of section 149.43 of the Revised Code. 21613

Sec. 1333.11. As used in sections 1333.11 to 1333.21 of the 21614
Revised Code: 21615

(A) "Cost to the retailer" means the invoice cost of 21616
cigarettes to the retailer, or the replacement cost of cigarettes 21617
to the retailer within thirty days prior to the date of sale, in 21618
the quantity last purchased, whichever is lower, less all trade 21619

discounts except customary discounts for cash, to which shall be 21620
added the cost of doing business by the retailer as evidenced by 21621
the standards and the methods of accounting regularly employed by 21622
the retailer in the retailer's allocation of overhead costs and 21623
expenses, paid or incurred. "Cost to the retailer" must include, 21624
without limitation, labor, including salaries of executives and 21625
officers, rent, depreciation, selling costs, maintenance of 21626
equipment, delivery costs, all types of licenses, insurance, 21627
advertising, and taxes, exclusive of county cigarette taxes paid 21628
or payable on the cigarettes. Where the sale to the retailer is on 21629
a cash and carry basis, the cartage to the retail outlet, if 21630
performed or paid for by the retailer, shall be added to the 21631
invoice cost of the cigarettes to the retailer. In the absence of 21632
proof of a lesser or higher cost by the retailer, the cartage cost 21633
shall be three-fourths of one per cent of the invoice cost of the 21634
cigarettes to the retailer, not including the amount added thereto 21635
by the wholesaler for the face value of state and county cigarette 21636
tax stamps affixed to each package of cigarettes. 21637

(B) In the absence of proof of a lesser or higher cost of 21638
doing business by the retailer making the sale, the cost of doing 21639
business to the retailer shall be eight per cent of the invoice 21640
cost of the cigarettes to the retailer exclusive of the face value 21641
of county cigarette taxes paid on the cigarettes or of the 21642
replacement cost of the cigarettes to the retailer within thirty 21643
days prior to the date of sale in the quantity last purchased 21644
exclusive of the face value of county cigarette taxes paid on the 21645
cigarettes, whichever is lower, less all trade discounts except 21646
customary discounts for cash. 21647

(C) "Cost to the wholesaler" means the invoice cost of the 21648
cigarettes to the wholesaler, or the replacement cost of the 21649
cigarettes to the wholesaler within thirty days prior to the date 21650
of sale, in the quantity last purchased, whichever is lower, less 21651

all trade discounts except customary discounts for cash, to which 21652
shall be added the full face value of state tax stamps affixed by 21653
the wholesaler to each package of cigarettes and a wholesaler's 21654
markup to cover in part the cost of doing business, ~~which~~ 21655
~~wholesaler's markup, in~~ plus the full face value of county 21656
cigarette tax stamps affixed by the wholesaler. In the absence of 21657
proof of a lesser or higher cost of doing business by the 21658
wholesaler as evidenced by the standards and methods of accounting 21659
regularly employed by the wholesaler in the wholesaler's 21660
allocation of overhead costs and expenses, paid or incurred, 21661
including without limitation, labor, salaries of executives and 21662
officers, rent, depreciation, selling costs, maintenance of 21663
equipment, delivery, delivery costs, all types of licenses, taxes, 21664
insurance, and advertising, the wholesaler's markup shall be three 21665
and five-tenths per cent of the sum of such invoice cost of the 21666
cigarettes to the wholesaler and the full face value of state 21667
cigarette tax stamps affixed by the wholesaler to each package of 21668
cigarettes, to which shall be added the full face value of ~~state~~ 21669
~~and~~ county cigarette tax stamps affixed by the wholesaler to each 21670
package of cigarettes, or of the replacement cost of the 21671
cigarettes to the wholesaler within thirty days prior to the date 21672
of sale in the quantity last purchased, whichever is lower, less 21673
all trade discounts except customary discounts for cash. Where the 21674
sale by the wholesaler to the retailer is on a cash and carry 21675
basis, the wholesaler may, in the absence of proof of a lesser or 21676
higher cost, allow to the retailer an amount not to exceed 21677
three-fourths of one per cent of the "cost to the wholesaler" 21678
excluding the amount added thereto for the face value of state and 21679
county cigarette tax stamps affixed to each package of cigarettes. 21680
21681

(D) Any person licensed to sell cigarettes as both a 21682
wholesaler and a retailer, who does sell cigarettes at retail, 21683
shall, in determining "cost to the retailer", first compute "cost 21684

to the wholesaler" as provided in division (C) of this section; 21685
that "cost to the wholesaler" shall then be used in lieu of the 21686
lower of either invoice cost or replacement cost less all trade 21687
discounts except customary discounts for cash in computing "cost 21688
to the retailer" as provided in divisions (A) and (B) of this 21689
section. 21690

(E) In all advertisements, offers for sale, or sales 21691
involving two or more items at a combined price and in all 21692
advertisements, offers for sale, or sales involving the giving of 21693
any concession of any kind, whether it be coupons or otherwise, 21694
the retailer's or wholesaler's selling price shall not be below 21695
the "cost to the retailer" or the "cost to wholesaler", 21696
respectively, of all articles, products, commodities, and 21697
concessions included in such transactions. 21698

(F)(1) "Sell at retail," "sales at retail," and "retail 21699
sales" include any transfer of title to tangible personal property 21700
for a valuable consideration made, in the ordinary course of trade 21701
or usual prosecution of the seller's business, to the purchaser 21702
for consumption or use. 21703

(2) "Sell at wholesale," "sales at wholesale," and "wholesale 21704
sales" include any such transfer of title to tangible personal 21705
property for the purpose of resale. 21706

(G) "Retailer" includes any person who is permitted to sell 21707
cigarettes at retail within this state under section 5743.15 of 21708
the Revised Code. 21709

(H) "Wholesaler" includes any person who is permitted to sell 21710
cigarettes at wholesale within this state under that section. 21711

(I) "Person" includes individuals, corporations, 21712
partnerships, associations, joint-stock companies, business 21713
trusts, unincorporated organizations, receivers, or trustees. 21714

(J) "County cigarette taxes" means the taxes levied under 21715

section 5743.021, 5743.024, or 5743.026 of the Revised Code. 21716

Sec. 1501.01. (A) Except where otherwise expressly provided, 21717
the director of natural resources shall formulate and institute 21718
all the policies and programs of the department of natural 21719
resources. The chief of any division of the department shall not 21720
enter into any contract, agreement, or understanding unless it is 21721
approved by the director. No appointee or employee of the 21722
director, other than the assistant director, may bind the director 21723
in a contract except when given general or special authority to do 21724
so by the director. 21725

(B) The director shall correlate and coordinate the work and 21726
activities of the divisions in the department to eliminate 21727
unnecessary duplications of effort and overlapping of functions. 21728
The chiefs of the various divisions of the department shall meet 21729
with the director at least once each month at a time and place 21730
designated by the director. 21731

The director may create advisory boards to any of those 21732
divisions in conformity with section 121.13 of the Revised Code. 21733

(C) The director may accept and expend gifts, devises, and 21734
bequests of money, lands, and other properties on behalf of the 21735
department or any division thereof under the terms set forth in 21736
section 9.20 of the Revised Code. Any political subdivision of 21737
this state may make contributions to the department for the use of 21738
the department or any division therein according to the terms of 21739
the contribution. 21740

(D) The director may publish and sell or otherwise distribute 21741
data, reports, and information. 21742

(E) The director may identify and develop the geographic 21743
information system needs for the department, which may include, 21744
but not be limited to, all of the following: 21745

<u>(1) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology;</u>	21746
	21747
	21748
<u>(2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services;</u>	21749
	21750
	21751
	21752
	21753
<u>(3) Creating, maintaining, and documenting spatial digital data bases;</u>	21754
	21755
<u>(4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management;</u>	21756
	21757
	21758
<u>(5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;</u>	21759
	21760
	21761
	21762
	21763
	21764
<u>(6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;</u>	21765
	21766
	21767
	21768
<u>(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;</u>	21769
	21770
	21771
<u>(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;</u>	21772
	21773
	21774
<u>(9) Preparing special studies and executing any other related</u>	21775

<u>duties, functions, and responsibilities identified by the</u>	21776
<u>director;</u>	21777
<u>(10) Entering into contracts or agreements with any agency of</u>	21778
<u>the United States government, any other public agency, or any</u>	21779
<u>private agency or organization for the performance of the duties</u>	21780
<u>specified in division (E) of this section or for accomplishing</u>	21781
<u>cooperative projects within those duties;</u>	21782
<u>(11) Entering into agreements with local government agencies</u>	21783
<u>for the purposes of land use inventories, Ohio capability analysis</u>	21784
<u>data layers, and other duties related to resource management.</u>	21785
	21786
<u>(F) The director shall adopt rules in accordance with Chapter</u>	21787
119. of the Revised Code to permit the department to accept by	21788
means of a credit card the payment of fees, charges, and rentals	21789
at those facilities described in section 1501.07 of the Revised	21790
Code that are operated by the department, for any data, reports,	21791
or information sold by the department, and for any other goods or	21792
services provided by the department.	21793
<u>(G) Whenever authorized by the governor to do so, the</u>	21794
director may appropriate property for the uses and purposes	21795
authorized to be performed by the department and on behalf of any	21796
division within the department. This authority shall be exercised	21797
in the manner provided in sections 163.01 to 163.22 of the Revised	21798
Code for the appropriation of property by the director of	21799
administrative services. This authority to appropriate property is	21800
in addition to the authority provided by law for the appropriation	21801
of property by divisions of the department. The director of	21802
natural resources also may acquire by purchase, lease, or	21803
otherwise such real and personal property rights or privileges in	21804
the name of the state as are necessary for the purposes of the	21805
department or any division therein. The director, with the	21806
approval of the governor and the attorney general, may sell,	21807

lease, or exchange portions of lands or property, real or 21808
personal, of any division of the department or grant easements or 21809
licenses for the use thereof, or enter into agreements for the 21810
sale of water from lands and waters under the administration or 21811
care of the department or any of its divisions, when the sale, 21812
lease, exchange, easement, agreement, or license for use is 21813
advantageous to the state, provided that such approval is not 21814
required for leases and contracts made under section 1501.07, 21815
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 21816
may be sold from a reservoir only to the extent that the reservoir 21817
was designed to yield a supply of water for a purpose other than 21818
recreation or wildlife, and the water sold is in excess of that 21819
needed to maintain the reservoir for purposes of recreation or 21820
wildlife. 21821

Money received from such sales, leases, easements, exchanges, 21822
agreements, or licenses for use, except revenues required to be 21823
set aside or paid into depositories or trust funds for the payment 21824
of bonds issued under sections 1501.12 to 1501.15 of the Revised 21825
Code, and to maintain the required reserves therefor as provided 21826
in the orders authorizing the issuance of such bonds or the trust 21827
agreements securing such bonds, revenues required to be paid and 21828
credited pursuant to the bond proceeding applicable to obligations 21829
issued pursuant to section 154.22, and revenues generated under 21830
section 1520.05 of the Revised Code, shall be deposited in the 21831
state treasury to the credit of the fund of the division of the 21832
department having prior jurisdiction over the lands or property. 21833
If no such fund exists, the money shall be credited to the general 21834
revenue fund. All such money received from lands or properties 21835
administered by the division of wildlife shall be credited to the 21836
wildlife fund. 21837

(H) The director shall provide for the custody, safekeeping, 21838
and deposit of all moneys, checks, and drafts received by the 21839

department or its employees prior to paying them to the treasurer 21840
of state under section 113.08 of the Revised Code. 21841

(I) The director shall cooperate with the nature conservancy, 21842
other nonprofit organizations, and the United States fish and 21843
wildlife service in order to secure protection of islands in the 21844
Ohio river and the wildlife and wildlife habitat of those islands. 21845

(J) Any instrument by which real property is acquired 21846
pursuant to this section shall identify the agency of the state 21847
that has the use and benefit of the real property as specified in 21848
section 5301.012 of the Revised Code. 21849

Sec. 1501.05. All chiefs of divisions in the department of 21850
natural resources shall be appointed by the director of natural 21851
resources. The chiefs of those divisions may be removed by the 21852
director. 21853

The chief engineer of the department of natural resources 21854
shall be a ~~registered~~ professional engineer registered under 21855
Chapter 4733. of the Revised Code or a professional architect 21856
certified and registered under Chapter 4703. of the Revised Code. 21857

The chief of each division and the chief engineer, with the 21858
advice and consent of the director, may employ such number of 21859
technical and administrative assistants as are necessary. 21860

All employees of the department, unless specifically exempted 21861
by law, shall be employed subject to the classified civil service 21862
laws in force at the time of their employment. 21863

Sec. 1501.07. The department of natural resources through the 21864
division of parks and recreation may plan, supervise, acquire, 21865
construct, enlarge, improve, erect, equip, and furnish public 21866
service facilities such as inns, lodges, hotels, cottages, camping 21867
sites, scenic trails, picnic sites, restaurants, commissaries, 21868
golf courses, boating and bathing facilities, and other similar 21869

facilities in state parks reasonably necessary and useful in 21870
promoting the public use of state parks under its control and may 21871
purchase lands or interests in lands in the name of the state 21872
necessary for those purposes. 21873

The chief of the division of parks and recreation shall 21874
administer state parks, establish rules, fix fees and charges for 21875
admission to parks and for the use of public service facilities 21876
therein, establish rentals for the lease of lands or interests 21877
therein within a state park the chief is authorized by law to 21878
lease, and exercise all powers of the chief, in conformity with 21879
all covenants of the director of natural resources in or with 21880
respect to state park revenue bonds and trust agreements securing 21881
such bonds and all terms, provisions, and conditions of such bonds 21882
and trust agreements. In the administration of state parks with 21883
respect to which state park revenue bonds are issued and 21884
outstanding, or any part of the moneys received from fees and 21885
charges for admission to or the use of facilities, from rentals 21886
for the lease of lands or interests or facilities therein, or for 21887
the lease of public service facilities are pledged for any such 21888
bonds, the chief shall exercise the powers and perform the duties 21889
of the chief subject to the control and approval of the director. 21890
The acquisition of such lands or interests therein and facilities 21891
shall be planned with regard to the needs of the people of the 21892
state and with regard to the purposes and uses of such state parks 21893
and, except for facilities constructed in consideration of a lease 21894
under section 1501.012 of the Revised Code, shall be paid for from 21895
the state park fund created in section 1541.22 of the Revised Code 21896
or from the proceeds of the sale of bonds issued under sections 21897
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04 21898
of the Revised Code, insofar as they require a certification by 21899
the chief of the division of capital planning and improvement, do 21900
not apply to the acquisition of lands or interests therein and 21901
public service facilities to be paid for from the proceeds of 21902

bonds issued under sections 1501.12 to 1501.15 of the Revised Code. 21903
21904

As used in sections 1501.07 to 1501.14 of the Revised Code, 21905
state parks are all of the following: 21906

(A) State reservoirs described and identified in section 21907
1541.06 of the Revised Code; 21908

(B) All lands or interests therein that are denominated as 21909
state parks in section 1541.083 of the Revised Code; 21910

(C) All lands or interests therein of the state identified as 21911
administered by the division of parks and recreation in the 21912
"inventory of state owned lands administered by department of 21913
natural resources as of June 1, 1963," as recorded in the journal 21914
of the director, which inventory was prepared by the real estate 21915
section of the department and is supported by maps on file ~~in~~ with 21916
the division ~~of real estate and land management~~; 21917

(D) All lands or interests in lands of the state hereafter 21918
designated as state parks in the journal of the director with the 21919
approval of the recreation and resources council. 21920

All such state parks shall be exclusively under the control 21921
and administration of the division of parks and recreation. With 21922
the approval of the council, the director by order may remove from 21923
the classification as state parks any of the lands or interests 21924
therein so classified by divisions (C) and (D) of this section, 21925
subject to the limitations, provisions, and conditions in any 21926
order authorizing state park revenue bonds or in any trust 21927
agreement securing such bonds. Lands or interests therein so 21928
removed shall be transferred to other divisions of the department 21929
for administration or may be sold as provided by law. Proceeds of 21930
any sale shall be used or transferred as provided in the order 21931
authorizing state park revenue bonds or in the trust agreement 21932
and, if no such provision is made, shall be transferred to the 21933

state park fund. State parks do not include any lands or interest 21934
in lands of the state administered jointly by two or more 21935
divisions of the department. The designation of lands as state 21936
parks under divisions (A) to (D) of this section shall be 21937
conclusive, and those lands shall be under the control of and 21938
administered by the division of parks and recreation. No order or 21939
proceeding designating lands as state parks or park purchase areas 21940
shall be subject to any appeal or review by any officer, board, 21941
commission, or court. 21942

Sec. 1501.30. (A) As used in sections 1501.30 to 1501.35 of 21943
the Revised Code: 21944

(1) "Consumptive use" means a use of water resources, other 21945
than a diversion, that results in a loss of that water to the 21946
basin from which it is withdrawn and includes, but is not limited 21947
to, evaporation, evapotranspiration, and incorporation of water 21948
into a product or agricultural crop. 21949

(2) "Diversion" means a withdrawal of water resources from 21950
either the Lake Erie or Ohio river drainage basin and transfer to 21951
another basin without return. "Diversion" does not include 21952
evaporative loss within the basin of withdrawal. 21953

(3) "Other great lakes states and provinces" means states 21954
other than this state that are parties to the great lakes basin 21955
compact under Chapter 6161. of the Revised Code and the Canadian 21956
provinces of Ontario and Quebec. 21957

(4) "Person" has the same meaning as in section 1.59 of the 21958
Revised Code and also includes any state, any political 21959
subdivision of a state, and any department, division, board, 21960
commission, agency, or instrumentality of a state or political 21961
subdivision of a state. 21962

(5) "Water resources" means any waters of the state that are 21963

available or may be made available to agricultural, industrial, 21964
commercial, and domestic users. 21965

(6) "Waters of the state" includes all streams, lakes, ponds, 21966
marshes, watercourses, waterways, wells, springs, irrigation 21967
systems, drainage systems, and other bodies or accumulations of 21968
water, surface and underground, natural or artificial, regardless 21969
of the depth of the strata in which underground water is located, 21970
that are situated wholly or partly within or border upon this 21971
state or are within its jurisdiction. 21972

(B) The chief of the division of soil and water resources of 21973
the department of natural resources shall define "Lake Erie 21974
drainage basin" and "Ohio river drainage basin" for the purposes 21975
of sections 1501.30 to 1501.35 of the Revised Code. 21976

Sec. 1502.12. (A) There is hereby created in the state 21977
treasury the scrap tire grant fund, consisting of moneys 21978
transferred to the fund under section 3734.82 of the Revised Code. 21979
The chief of the division of recycling and litter prevention, with 21980
the approval of the director of natural resources, may make grants 21981
from the fund for the purpose of supporting following purposes: 21982

(1) Supporting market development activities for scrap tires 21983
and synthetic rubber from tire manufacturing processes and tire 21984
recycling processes; 21985

(2) Supporting scrap tire amnesty and cleanup events 21986
sponsored by solid waste management districts. The grants 21987

Grants awarded under division (A)(1) of this section may be 21988
awarded to individuals, businesses, and entities certified under 21989
division (A) of section 1502.04 of the Revised Code. 21990

(B) Projects and activities that are eligible for grants 21991
under division (A)(1) of this section shall be evaluated for 21992
funding using, at a minimum, the following criteria: 21993

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;	21994 21995
(2) The degree of local financial support for a proposed project;	21996 21997
(3) The technical merit and quality of a proposed project.	21998
Sec. 1506.01. As used in this chapter:	21999
(A) "Coastal area" means the waters of Lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands, and beaches. The coastal area extends in Lake Erie to the international boundary line between the United States and Canada and landward only to the extent necessary to include shorelands, the uses of which have a direct and significant impact on coastal waters as determined by the director of natural resources.	22000 22001 22002 22003 22004 22005 22006 22007
(B) "Coastal management program" means the comprehensive action of the state and its political subdivisions cooperatively to preserve, protect, develop, restore, or enhance the resources of the coastal area and to ensure wise use of the land and water resources of the coastal area, giving attention to natural, cultural, historic, and aesthetic values; agricultural, recreational, energy, and economic needs; and the national interest. "Coastal management program" includes the establishment of objectives, policies, standards, and criteria concerning, without limitation, protection of air, water, wildlife, rare and endangered species, wetlands and natural areas, and other natural resources in the coastal area; management of coastal development and redevelopment; preservation and restoration of historic, cultural, and aesthetic coastal features; and public access to the coastal area for recreation purposes.	22008 22009 22010 22011 22012 22013 22014 22015 22016 22017 22018 22019 22020 22021 22022
(C) "Coastal management program document" means a	22023

comprehensive statement consisting of, without limitation, text, 22024
maps, and illustrations that is adopted by the director in 22025
accordance with this chapter, describes the objectives, policies, 22026
standards, and criteria of the coastal management program for 22027
guiding public and private uses of lands and waters in the coastal 22028
area, lists the governmental agencies, including, without 22029
limitation, state agencies, involved in implementing the coastal 22030
management program, describes their applicable policies and 22031
programs, and cites the statutes and rules under which they may 22032
adopt and implement those policies and programs. 22033

(D) "Person" means any agency of this state, any political 22034
subdivision of this state or of the United States, and any legal 22035
entity defined as a person under section 1.59 of the Revised Code. 22036

(E) "Director" means the director of natural resources or the 22037
director's designee. 22038

(F) "Permanent structure" means any residential, commercial, 22039
industrial, institutional, or agricultural building, any mobile 22040
home as defined in division (O) of section 4501.01 of the Revised 22041
Code, any manufactured home as defined in division (C)(4) of 22042
section 3781.06 of the Revised Code, and any septic system that 22043
receives sewage from a single-family, two-family, or three-family 22044
dwelling, but does not include any recreational vehicle as defined 22045
in section 4501.01 of the Revised Code. 22046

(G) "State agency" or "agency of the state" has the same 22047
meaning as "agency" as defined in section 111.15 of the Revised 22048
Code. 22049

(H) "Coastal flood hazard area" means any territory within 22050
the coastal area that has been identified as a flood hazard area 22051
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 22052
42 U.S.C.A. 4002, as amended. 22053

(I) "Coastal erosion area" means any territory included in 22054

Lake Erie coastal erosion areas identified by the director under 22055
section 1506.06 of the Revised Code. 22056

(J) "Conservancy district" means a conservancy district that 22057
is established under Chapter 6101. of the Revised Code. 22058

(K) "Park board" means the board of park commissioners of a 22059
park district that is created under Chapter 1545. of the Revised 22060
Code. 22061

(L) "Erosion control structure" means a structure that is 22062
designed solely and specifically to reduce or control erosion of 22063
the shore along or near Lake Erie, including, without limitation, 22064
revetments, seawalls, bulkheads, certain breakwaters, and similar 22065
structures. 22066

(M) "Shore structure" includes, but is not limited to, 22067
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 22068
certain dikes designated by the chief of the division of soil and 22069
water resources; piers; docks; jetties; wharves; marinas; boat 22070
ramps; any associated fill or debris used as part of the 22071
construction of shore structures that may affect shore erosion, 22072
wave action, or inundation; and fill or debris that is placed 22073
along or near the shore, including bluffs, banks, or beach ridges, 22074
for the purpose of stabilizing slopes. 22075

Sec. 1507.01. There is hereby created in the department of 22076
natural resources the division of engineering to be administered 22077
by the chief engineer of the department, who shall be a 22078
professional engineer registered under Chapter 4733. of the 22079
Revised Code or a professional architect certified and registered 22080
under Chapter 4703. of the Revised Code. ~~The~~ With the approval of 22081
the director of natural resources, the chief engineer shall do all 22082
of the following: 22083

(A) Administer this chapter; 22084

- (B) Provide engineering, architectural, land surveying, and related administrative and maintenance support services to the other divisions in the department; 22085
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- (C) ~~Upon request of the director of natural resources,~~ Implement the department's capital improvement program and facility maintenance projects, including all associated ~~engineering, architectural, planning,~~ design, contracting, surveying, inspection, and management responsibilities and requirements; 22088
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- (D) ~~With the approval of the director, act~~ Act as contracting officer in departmental engineering, architectural, surveying, and construction matters regarding capital improvements except for those matters otherwise specifically provided for in law; 22094
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- (E) ~~Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code;~~ 22098
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- ~~(F)~~ Coordinate the department's roadway maintenance program with the department of transportation pursuant to section 5511.05 of the Revised Code and maintain the roadway inventory of the department of natural resources; 22100
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- ~~(G)~~(F) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers; 22104
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- ~~(H)~~ Employ professional and technical assistants and such other employees as are necessary for the performance of the activities required or authorized under this chapter, other work of the division, and any other work agreed to under working agreements or contractual arrangements; prescribe their duties; and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees-i 22107
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- (H) Except as otherwise provided in the Revised Code, 22115

coordinate and conduct all real estate functions for the 22116
department of natural resources, including at least acquisitions 22117
by purchase, lease, gift, devise, bequest, appropriation, or 22118
otherwise; grants through sales, leases, exchanges, easements, and 22119
licenses; inventories of land; and other related general 22120
management duties; 22121

(I) Coordinate such environmental matters concerning the 22122
department and the state as are necessary to comply with the 22123
"National Environmental Policy Act of 1969," 83 Stat. 852, 42 22124
U.S.C. 4321, as amended, the "Intergovernmental Cooperation Act of 22125
1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water 22126
Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as 22127
amended, and regulations adopted under those acts; 22128

(J) Coordinate and administer compensatory mitigation grant 22129
programs and other programs for streams and wetlands as approved 22130
in accordance with certifications and permits issued under 22131
sections 401 and 404 of the "Federal Water Pollution Control Act," 22132
91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, by the 22133
environmental protection agency and the United States army corps 22134
of engineers; 22135

(K) Coordinate all department activities associated with the 22136
completion of drainage ditch improvements in accordance with 22137
Chapters 6131. and 6133. of the Revised Code; 22138

(L) Assist the department and its divisions by providing 22139
department-wide planning, including at least master planning, 22140
comprehensive planning, capital improvements planning, and special 22141
purpose planning. 22142

Sec. 1511.01. For the purposes of this chapter: 22143

(A) "Conservation" means the wise use and management of 22144
natural resources. 22145

(B) "Critical natural resource area" means an area identified 22146
by the director of natural resources in which occurs a natural 22147
resource that requires special management because of its 22148
importance to the well-being of the surrounding communities, the 22149
region, or the state. 22150

(C) "Pollution abatement practice" means any erosion control 22151
or animal waste pollution abatement facility, structure, or 22152
procedure and the operation and management associated with it as 22153
contained in operation and management plans developed or approved 22154
by the chief of the division of soil and water ~~conservation~~ 22155
resources or by soil and water conservation districts established 22156
under Chapter 1515. of the Revised Code. 22157

(D) "Agricultural pollution" means failure to use management 22158
or conservation practices in farming or silvicultural operations 22159
to abate wind or water erosion of the soil or to abate the 22160
degradation of the waters of the state by animal waste or soil 22161
sediment, including substances attached thereto. 22162

(E) "Waters of the state" means all streams, lakes, ponds, 22163
wetlands, watercourses, waterways, wells, springs, irrigation 22164
systems, drainage systems, and all other bodies or accumulations 22165
of water, surface and underground, natural or artificial, 22166
regardless of the depth of the strata in which underground water 22167
is located, that are situated wholly or partly within, or border 22168
upon, this state or are within its jurisdiction, except those 22169
private waters that do not combine or effect a junction with 22170
natural surface or underground waters. 22171

(F) "Operation and management plan" means a written record, 22172
developed or approved by the district board of supervisors or the 22173
chief, for the owner or operator of agricultural land or a 22174
concentrated animal feeding ~~operations~~ operation that contains 22175
implementation schedules and operational procedures for a level of 22176
management and pollution abatement practices that will abate the 22177

degradation of the waters of the state by animal waste and by soil 22178
sediment including attached pollutants. 22179

(G) "Animal waste" means animal excreta, discarded products, 22180
bedding, wash waters, waste feed, and silage drainage. "Animal 22181
waste" also includes the compost products resulting from the 22182
composting of dead animals in operations subject to section 22183
1511.022 of the Revised Code when either of the following applies: 22184

(1) The composting is conducted by the person who raises the 22185
animals and the compost product is used in agricultural operations 22186
owned or operated by that person, regardless of whether the person 22187
owns the animals; 22188

(2) The composting is conducted by the person who owns the 22189
animals, but does not raise them and the compost product is used 22190
in agricultural operations either by a person who raises the 22191
animals or by a person who raises grain that is used to feed them 22192
and that is supplied by the owner of the animals. 22193

(H) "Composting" means the controlled decomposition of 22194
organic solid material consisting of dead animals that stabilizes 22195
the organic fraction of the material. 22196

Sec. 1511.02. The chief of the division of soil and water 22197
~~conservation~~ resources, subject to the approval of the director of 22198
natural resources, shall do all of the following: 22199

(A) Provide administrative leadership to local soil and water 22200
conservation districts in planning, budgeting, staffing, and 22201
administering district programs and the training of district 22202
supervisors and personnel in their duties, responsibilities, and 22203
authorities as prescribed in this chapter and Chapter 1515. of the 22204
Revised Code; 22205

(B) Administer this chapter and Chapter 1515. of the Revised 22206
Code pertaining to state responsibilities and provide staff 22207

assistance to the Ohio soil and water conservation commission in 22208
exercising its statutory responsibilities; 22209

(C) Assist in expediting state responsibilities for watershed 22210
development and other natural resource conservation works of 22211
improvement; 22212

(D) Coordinate the development and implementation of 22213
cooperative programs and working agreements between local soil and 22214
water conservation districts and divisions or sections of the 22215
department of natural resources, or other agencies of local, 22216
state, and federal government; 22217

(E) Subject to the approval of the Ohio soil and water 22218
conservation commission, adopt, amend, or rescind rules pursuant 22219
to Chapter 119. of the Revised Code. Rules adopted pursuant to 22220
this section: 22221

(1) Shall establish technically feasible and economically 22222
reasonable standards to achieve a level of management and 22223
conservation practices in farming or silvicultural operations that 22224
will abate wind or water erosion of the soil or abate the 22225
degradation of the waters of the state by animal waste or by soil 22226
sediment including substances attached thereto, and establish 22227
criteria for determination of the acceptability of such management 22228
and conservation practices; 22229

(2) Shall establish technically feasible and economically 22230
reasonable standards to achieve a level of management and 22231
conservation practices that will abate wind or water erosion of 22232
the soil or abate the degradation of the waters of the state by 22233
soil sediment in conjunction with land grading, excavating, 22234
filling, or other soil-disturbing activities on land used or being 22235
developed for nonfarm commercial, industrial, residential, or 22236
other nonfarm purposes, and establish criteria for determination 22237
of the acceptability of such management and conservation 22238

practices. The standards shall be designed to implement applicable 22239
areawide waste treatment management plans prepared under section 22240
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 22241
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 22242
shall not apply in any municipal corporation or county that adopts 22243
ordinances or rules pertaining to sediment control, nor to lands 22244
being used in a strip mine operation as defined in section 1513.01 22245
of the Revised Code, nor to lands being used in a surface mining 22246
operation as defined in section 1514.01 of the Revised Code. 22247

(3) May recommend criteria and procedures for the approval of 22248
urban sediment pollution abatement plans and issuance of permits 22249
prior to any grading, excavating, filling, or other whole or 22250
partial disturbance of five or more contiguous acres of land owned 22251
by one person or operated as one development unit and require 22252
implementation of such a plan. Areas of less than five contiguous 22253
acres are not exempt from compliance with other provisions of this 22254
chapter and rules adopted under them. 22255

(4) Shall establish procedures for administration of rules 22256
for agricultural pollution abatement and urban sediment pollution 22257
abatement and for enforcement of rules for agricultural pollution 22258
abatement; 22259

(5) Shall specify the pollution abatement practices eligible 22260
for state cost sharing and determine the conditions for 22261
eligibility, the construction standards and specifications, the 22262
useful life, the maintenance requirements, and the limits of cost 22263
sharing for those practices. Eligible practices shall be limited 22264
to practices that address agricultural or silvicultural operations 22265
and that require expenditures that are likely to exceed the 22266
economic returns to the owner or operator and that abate soil 22267
erosion or degradation of the waters of the state by animal waste 22268
or soil sediment including pollutants attached thereto. 22269

(6) ~~Until June 1, 1996, shall specify the multiflora rose~~ 22270

~~control practices eligible for state cost sharing, the conditions~~ 22271
~~of eligibility for state cost sharing, the limits of cost sharing~~ 22272
~~for those practices, specifications for carrying out those~~ 22273
~~practices to ensure effective control of the multiflora rose and~~ 22274
~~to safeguard the health and safety of human beings and domestic~~ 22275
~~animals and the environment, and the contract provisions to be~~ 22276
~~included in cost sharing agreements with landowners;~~ 22277

~~(7) Until June 1, 1996, shall establish procedures for~~ 22278
~~administering grants to soil and water conservation districts for~~ 22279
~~control of multiflora rose;~~ 22280

~~(8)~~ Shall establish procedures for administering grants to 22281
owners or operators of agricultural land or concentrated animal 22282
feeding operations for the implementation of operation and 22283
management plans; 22284

~~(9)~~(7) Shall establish procedures for administering grants to 22285
soil and water conservation districts for urban sediment pollution 22286
abatement programs, specify the types of projects eligible for 22287
grants, establish limits on the availability of grants, and 22288
establish requirements governing the execution of projects to 22289
encourage the reduction of erosion and sedimentation associated 22290
with soil-disturbing activities; 22291

~~(10)~~(8) Shall do all of the following with regard to 22292
composting conducted in conjunction with agricultural operations: 22293

(a) Provide for the distribution of educational material 22294
concerning composting to the offices of the Ohio cooperative 22295
extension service for the purposes of section 1511.022 of the 22296
Revised Code; 22297

(b) Establish methods, techniques, or practices for 22298
composting dead animals, or particular types of dead animals, that 22299
are to be used at such operations, as the chief considers to be 22300
necessary or appropriate; 22301

(c) Establish requirements and procedures governing the review and approval or disapproval of composting plans by the supervisors of soil and water conservation districts under division ~~(U)~~(Q) of section 1515.08 of the Revised Code.

~~(11)~~(9) Shall be adopted, amended, or rescinded after the chief does all of the following:

(a) Mails notice to each statewide organization that the chief determines represents persons or local governmental agencies who would be affected by the proposed rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(b) Mails a copy of each proposed rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request;

(c) Consults with appropriate state and local governmental agencies or their representatives, including statewide organizations of local governmental officials, industrial representatives, and other interested persons;

(d) If the rule relates to agricultural pollution abatement, develops an economic impact statement concerning the effect of the proposed rule or amendment.

~~(12)~~(10) Shall not conflict with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. Compliance with rules adopted pursuant to this section does not affect liability for noncompliance with air or water quality standards adopted pursuant to section 3704.03 or 6111.041 of the Revised Code. The application of a level of management and conservation practices recommended under this section to control windblown soil from farming operations creates a presumption of compliance with section 3704.03 of the Revised Code as that section applies to windblown soil.

~~(13)~~(11) Insofar as the rules relate to urban sediment 22333
pollution, shall not be applicable in a municipal corporation or 22334
county that adopts ordinances or rules for urban sediment control, 22335
except that a municipal corporation or county that adopts such 22336
ordinances or rules may receive moneys for urban sediment control 22337
that are disbursed by the board of supervisors of the applicable 22338
soil and water conservation district under division ~~(R)~~(N) of 22339
section 1515.08 of the Revised Code. The rules shall not exempt 22340
any person from compliance with municipal ordinances enacted 22341
pursuant to Section 3 of Article XVIII, Ohio Constitution. 22342

(F) Cost share with landowners on practices established 22343
pursuant to division (E)(5) of this section as moneys are 22344
appropriated and available for that purpose. Any practice for 22345
which cost share is provided shall be maintained for its useful 22346
life. Failure to maintain a cost share practice for its useful 22347
life shall subject the landowner to full repayment to the 22348
division. 22349

(G) Issue orders requiring compliance with any rule adopted 22350
under division (E)(1) of this section or with section 1511.022 of 22351
the Revised Code. Before the chief issues an order, the chief 22352
shall afford each person allegedly liable an adjudication hearing 22353
under Chapter 119. of the Revised Code. The chief may require in 22354
an order that a person who has caused agricultural pollution by 22355
failure to comply with the standards established under division 22356
(E)(1) of this section operate under an operation and management 22357
plan approved by the chief under this section. The chief shall 22358
require in an order that a person who has failed to comply with 22359
division (A) of section 1511.022 of the Revised Code prepare a 22360
composting plan in accordance with rules adopted under division 22361
(E)(10)(c) of this section and operate in accordance with that 22362
plan or that a person who has failed to operate in accordance with 22363
such a plan begin to operate in accordance with it. Each order 22364

shall be issued in writing and contain a finding by the chief of 22365
the facts upon which the order is based and the standard that is 22366
not being met. 22367

(H) Employ field assistants and such other employees as are 22368
necessary for the performance of the work prescribed by Chapter 22369
1515. of the Revised Code, for performance of work of the 22370
division, and as agreed to under working agreements or contractual 22371
arrangements with local soil and water conservation districts, 22372
prescribe their duties, and fix their compensation in accordance 22373
with such schedules as are provided by law for the compensation of 22374
state employees. 22375

All employees of the division, unless specifically exempted 22376
by law, shall be employed subject to the classified civil service 22377
laws in force at the time of employment. 22378

(I) In connection with new or relocated projects involving 22379
highways, underground cables, pipelines, railroads, and other 22380
improvements affecting soil and water resources, including surface 22381
and subsurface drainage: 22382

(1) Provide engineering service as is mutually agreeable to 22383
the Ohio soil and water conservation commission and the director 22384
to aid in the design and installation of soil and water 22385
conservation practices as a necessary component of such projects; 22386

(2) Maintain close liaison between the owners of lands on 22387
which the projects are executed, local soil and water conservation 22388
districts, and authorities responsible for such projects; 22389

(3) Review plans for such projects to ensure their compliance 22390
with standards developed under division (E) of this section in 22391
cooperation with the department of transportation or with any 22392
other interested agency that is engaged in soil or water 22393
conservation projects in the state in order to minimize adverse 22394
impacts on soil and water resources adjacent to or otherwise 22395

affected by these projects;	22396
(4) Recommend measures to retard erosion and protect soil and water resources through the installation of water impoundment or other soil and water conservation practices;	22397 22398 22399
(5) Cooperate with other agencies and subdivisions of the state to protect the agricultural status of rural lands adjacent to such projects and control adverse impacts on soil and water resources.	22400 22401 22402 22403
(J) Collect, analyze, inventory, and interpret all available information pertaining to the origin, distribution, extent, use, and conservation of the soil resources of the state;	22404 22405 22406
(K) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;	22407 22408 22409 22410
(L) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.	22411 22412 22413 22414 22415 22416 22417
(M) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;	22418 22419 22420
(N) When necessary for the purposes of this chapter or Chapter 1515. of the Revised Code, develop or approve operation and management plans.	22421 22422 22423
This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal	22424 22425

feeding operation or runoff therefrom into the waters of the 22426
state. 22427

Sec. 1511.021. (A) Any person who owns or operates 22428
agricultural land or a concentrated animal feeding operation may 22429
develop and operate under an operation and management plan 22430
approved by the chief of the division of soil and water 22431
~~conservation~~ resources under section 1511.02 of the Revised Code 22432
or by the supervisors of the local soil and water conservation 22433
district under section 1515.08 of the Revised Code. 22434

(B) Any person who wishes to make a complaint regarding 22435
nuisances involving agricultural pollution may do so orally or by 22436
submitting a written, signed, and dated complaint to the chief or 22437
to the chief's designee. After receiving an oral complaint, the 22438
chief or the chief's designee may cause an investigation to be 22439
conducted to determine whether agricultural pollution has occurred 22440
or is imminent. After receiving a written, signed, and dated 22441
complaint, the chief or the chief's designee shall cause such an 22442
investigation to be conducted. 22443

(C) In a private civil action for nuisances involving 22444
agricultural pollution, it is an affirmative defense if the person 22445
owning, operating, or otherwise responsible for agricultural land 22446
or a concentrated animal feeding operation is operating under and 22447
in substantial compliance with an approved operation and 22448
management plan developed under division (A) of this section, with 22449
an operation and management plan developed by the chief under 22450
section 1511.02 of the Revised Code or by the supervisors of the 22451
local soil and water conservation district under section 1515.08 22452
of the Revised Code, or with an operation and management plan 22453
required by an order issued by the chief under division (G) of 22454
section 1511.02 of the Revised Code. Nothing in this section is in 22455
derogation of the authority granted to the chief in division (E) 22456

of section 1511.02 and in section 1511.07 of the Revised Code. 22457

Sec. 1511.022. (A) Any person who owns or operates an 22458
agricultural operation, or owns the animals raised by the owner or 22459
operator of an agricultural operation, and who wishes to conduct 22460
composting of dead animals resulting from the agricultural 22461
operation shall do both of the following: 22462

(1) Participate in an educational course concerning 22463
composting conducted by the Ohio cooperative extension service and 22464
obtain a certificate of completion for the course; 22465

(2) Use the appropriate method, technique, or practice of 22466
composting established in rules adopted under division (E)~~(10)~~(8) 22467
of section 1511.02 of the Revised Code. 22468

(B) Any person who fails to comply with division (A) of this 22469
section shall prepare and operate under a composting plan in 22470
accordance with an order issued by the chief of the division of 22471
soil and water ~~conservation~~ resources under division (G) of 22472
section 1511.02 of the Revised Code. If the person's proposed 22473
composting plan is disapproved by the board of supervisors of the 22474
appropriate soil and water conservation district under division 22475
~~(U)~~(Q)(3) of section 1515.08 of the Revised Code, the person may 22476
appeal the plan disapproval to the chief, who shall afford the 22477
person a hearing. Following the hearing, the chief shall uphold 22478
the plan disapproval or reverse it. If the chief reverses the 22479
disapproval, the plan shall be deemed approved. 22480

Sec. 1511.03. The chief of the division of soil and water 22481
~~conservation~~ resources may enter into contracts or agreements, 22482
with the approval of the director of natural resources, with any 22483
agency of the United States government, or any other public or 22484
private agency, or organization, for the performance of the 22485
prescribed duties of the division, or for accomplishing 22486

cooperative projects within the designated duties of the division. 22487

Sec. 1511.04. The chief of the division of soil and water 22488
~~conservation~~ resources may accept, on behalf of the department of 22489
natural resources, donations, grants and contributions in money, 22490
service, or equipment to enlarge or expedite the prescribed work 22491
of the division. 22492

Sec. 1511.05. The chief of the division of soil and water 22493
~~conservation~~ resources, subject to approval of the terms of the 22494
agreement by the soil and water conservation commission, shall 22495
enter into cooperative agreements with the board of supervisors of 22496
any soil and water conservation district desiring to enter into 22497
such agreements pursuant to section 1515.08 of the Revised Code. 22498
Such agreements shall be entered into to obtain compliance with 22499
rules and orders of the chief pertaining to agricultural pollution 22500
abatement and urban sediment pollution abatement. 22501

The chief or any person designated by the chief may upon 22502
obtaining agreement with the owner, tenant, or manager of any 22503
land, public or private, enter thereon to make inspections to 22504
determine whether or not there is compliance with the rules 22505
adopted under division (E)(1) of section 1511.02 of the Revised 22506
Code. Upon reason to believe there is a violation, the chief or 22507
~~his~~ the chief's designee may apply for and a judge of the court of 22508
common pleas for the county where the land is located may issue an 22509
appropriate inspection warrant as necessary to achieve the 22510
purposes of this chapter. 22511

Sec. 1511.06. The chief of the division of soil and water 22512
~~conservation~~ resources may enter into agreements with local 22513
government agencies for the purpose of soil surveys, land use 22514
inventories, and other soil-related duties. 22515

Sec. 1511.07. (A)(1) No person shall fail to comply with an 22516
order of the chief of the division of soil and water ~~conservation~~ 22517
resources issued pursuant to division (G) of section 1511.02 of 22518
the Revised Code. 22519

(2) In addition to the remedies provided and irrespective of 22520
whether an adequate remedy at law exists, the chief may apply to 22521
the court of common pleas in the county where a violation of a 22522
standard established under division (E)(1) or ~~(10)~~(8)(b) of 22523
section 1511.02 of the Revised Code causes pollution of the waters 22524
of the state for an order to compel the violator to cease the 22525
violation and to remove the agricultural pollutant or to comply 22526
with the rules adopted under division (E)~~(10)~~(8)(b) of that 22527
section, as appropriate. 22528

(3) In addition to the remedies provided and irrespective of 22529
whether an adequate remedy at law exists, whenever the chief 22530
officially determines that an emergency exists because of an 22531
unauthorized release, spill, or discharge of animal waste, or a 22532
violation of a rule adopted under division (E)~~(10)~~(8)(b) of 22533
section 1511.02 of the Revised Code, that causes pollution of the 22534
waters of the state, the chief may, without notice or hearing, 22535
issue an order reciting the existence of the emergency and 22536
requiring that necessary action be taken to meet the emergency. 22537
The order shall be effective immediately. Any person to whom the 22538
order is directed shall comply with the order immediately, but on 22539
application to the chief shall be afforded a hearing as soon as 22540
possible, but not later than twenty days after making the 22541
application. On the basis of the hearing, the chief shall continue 22542
the order in effect, revoke it, or modify it. No emergency order 22543
shall remain in effect for more than sixty days after its 22544
issuance. If a person to whom an order is issued does not comply 22545
with the order within a reasonable period, as determined by the 22546
chief, the chief or the chief's designee may enter upon private or 22547

public lands and take action to mitigate, minimize, remove, or 22548
abate the release, spill, discharge, or conditions caused by the 22549
violation of the rule. 22550

(B) The attorney general, upon the written request of the 22551
chief, shall bring appropriate legal action in Franklin county 22552
against any person who fails to comply with an order of the chief 22553
issued pursuant to division (G) of section 1511.02 of the Revised 22554
Code. 22555

Sec. 1511.071. There is hereby created in the state treasury 22556
the agricultural pollution abatement fund, which shall be 22557
administered by the chief of the division of soil and water 22558
~~conservation~~ resources. The fund may be used to pay costs incurred 22559
by the division under division (A)(3) of section 1511.07 of the 22560
Revised Code in investigating, mitigating, minimizing, removing, 22561
or abating any pollution of the waters of the state caused by an 22562
unauthorized release, spill, or discharge of animal waste into or 22563
upon the environment that requires emergency action to protect the 22564
public health. 22565

Any person responsible for causing or allowing an 22566
unauthorized release, spill, or discharge is liable to the chief 22567
for any costs incurred by the division and soil and water 22568
conservation districts in investigating, mitigating, minimizing, 22569
removing, or abating the release, spill, or discharge, regardless 22570
of whether those costs were paid out of the agricultural pollution 22571
abatement fund or any other fund of the division or a district. 22572
Upon the request of the chief, the attorney general shall bring a 22573
civil action against the responsible person to recover those 22574
costs. Moneys recovered under this section shall be paid into the 22575
agricultural pollution abatement fund. 22576

Sec. 1511.08. Any person claiming to be deprived of a right 22577

or protection afforded ~~him~~ the person by law by an order of the 22578
chief of the division of soil and water ~~conservation~~ resources, 22579
except an order which adopts a rule, may appeal to the court of 22580
common pleas of Franklin county or the court of common pleas of 22581
the county in which the alleged violation exists. 22582

If the court finds that the order of the chief appealed from 22583
was lawful and reasonable, it shall affirm such order. If the 22584
court finds that such order was unreasonable or unlawful, it shall 22585
vacate such order and make the order which it finds the chief 22586
should have made. The judgment of the court is final unless 22587
reversed, vacated, or modified on appeal. 22588

Sec. 1514.08. (A) The chief of the division of mineral 22589
resources management may adopt, amend, and rescind rules in 22590
accordance with Chapter 119. of the Revised Code in order to 22591
prescribe procedures for submitting applications for permits, 22592
amendments to permits, and amendments to plans of mining and 22593
reclamation; filing annual reports and final reports; requesting 22594
inspection and approval of reclamation; paying permit and filing 22595
fees; and filing and obtaining the release of performance bonds 22596
deposited with the state. For the purpose of preventing damage to 22597
adjoining property or achieving one or more of the performance 22598
standards established in division (A)(10) of section 1514.02 of 22599
the Revised Code, the chief may establish classes of mining 22600
industries, based upon industrial categories, combinations of 22601
minerals produced, and geological conditions in which surface or 22602
in-stream mining operations occur, and may prescribe different 22603
rules consistent with the performance standards for each class. 22604
For the purpose of apportioning the workload of the division of 22605
mineral resources management among the quarters of the year, the 22606
rules may require that applications for permits and annual reports 22607
be filed in different quarters of the year, depending upon the 22608
county in which the operation is located. 22609

(B) The chief shall adopt rules under this section that do 22610
all of the following: 22611

(1) With respect to in-stream mining, and in consultation 22612
with the chief of the division of soil and water resources, 22613
determine periods of low flow, which are the only time periods 22614
during which in-stream mining is allowed, and develop and 22615
implement any criteria, in addition to the criteria established in 22616
section 1514.02 of the Revised Code, that the chief determines are 22617
necessary for the permitting of in-stream mining; 22618

(2) Establish criteria and procedures for approving or 22619
disapproving the transfer of a surface or in-stream mining permit 22620
under division (F) of section 1514.02 of the Revised Code; 22621

(3) Define when any of the following may be considered to be 22622
"significant" for purposes of section 1514.022 of the Revised 22623
Code: 22624

(a) An amendment to a permit issued under section 1514.02 of 22625
the Revised Code for a surface or in-stream mining operation; 22626

(b) An amendment to the plan of mining and reclamation that 22627
must be filed with an application for either permit under section 22628
1514.02 of the Revised Code; 22629

(c) Changes to that plan of mining and reclamation that are 22630
proposed in a permit renewal application filed under section 22631
1514.021 of the Revised Code. 22632

In defining "significant," the chief shall focus on changes 22633
that increase the likelihood that the mining operation may have a 22634
negative impact on the public. 22635

(4) Establish a framework and procedures under which the 22636
amount of any bond required to be filed under this chapter to 22637
ensure the satisfactory performance of the reclamation measures 22638
required under this chapter may be reduced by subtracting a credit 22639

based on the operator's past compliance with this chapter and 22640
rules adopted and orders issued under it. The rules also shall 22641
apply to cash, an irrevocable letter of credit, or a certificate 22642
of deposit that is on deposit in lieu of a bond. In establishing 22643
the amount of credit that an operator or applicant may receive 22644
based on past compliance, the chief may consider past compliance 22645
with respect to any permit for a surface or in-stream mining 22646
operation that has been issued in this state to the operator or 22647
applicant. 22648

(5) Establish criteria and procedures for granting a variance 22649
from compliance with the prohibitions established in divisions 22650
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 22651
criteria shall ensure that an operator may obtain a variance only 22652
if compliance with the applicable prohibition is not necessary to 22653
prevent damage to the watercourse or surrounding areas. 22654

Sec. 1514.13. (A) The chief of the division of mineral 22655
resources management shall use the compilation of data for ground 22656
water modeling submitted under section 1514.02 of the Revised Code 22657
to establish a projected cone of depression for any surface mining 22658
operation that may result in dewatering. The chief shall consult 22659
with the chief of the division of soil and water resources when 22660
projecting a cone of depression. An applicant for a surface mining 22661
permit for such an operation may submit ground water modeling that 22662
shows a projected cone of depression for that operation to the 22663
chief, provided that the modeling complies with rules adopted by 22664
the chief regarding ground water modeling. However, the chief 22665
shall establish the projected cone of depression for the purposes 22666
of this section. 22667

The chief shall adopt, and may amend and rescind, rules in 22668
accordance with Chapter 119. of the Revised Code establishing 22669
requirements and standards governing both of the following: 22670

(1) Ground water modeling for establishing a projected cone of depression. A ground water model shall be generally accepted in the scientific community.

(2) Replacement of water supplies.

(B)(1) If an owner of real property who obtains all or part of the owner's water supply for domestic, agricultural, industrial, or other legitimate use from ground water has a diminution, contamination, or interruption of that water supply and the owner's real property is located within the projected cone of depression of a surface mining operation established under this section, the owner may submit a written complaint to the operator of that operation or to the chief informing the operator or the chief that there is a diminution, contamination, or interruption of the owner's water supply. The complaint shall include the owner's name, address, and telephone number.

If the chief receives a written complaint, the chief immediately shall send a copy of the complaint to the operator, and the operator immediately shall respond by sending the chief a statement that explains how the operator resolved or will resolve the complaint. If the operator receives a written complaint, the operator immediately shall send to the chief a copy of the complaint and include a statement that explains how the operator resolved or will resolve the complaint. Not later than seventy-two hours after receipt of the complaint, the operator shall provide the owner a supply of water that is comparable, in quantity and quality, to the owner's water supply prior to the diminution, contamination, or interruption of the owner's water supply. The operator shall maintain that water supply until the operator provides a permanent replacement water supply to the owner under division (B)(3) of this section or until the division of mineral resources management completes the evaluation under division (B)(2) of this section, whichever is applicable.

(2) A rebuttable presumption exists that the operation caused 22703
the diminution, contamination, or interruption of the owner's 22704
water supply. However, not later than fourteen days after receipt 22705
of the complaint, the operator may submit to the division 22706
information showing that the operation is not the proximate cause 22707
of the diminution, contamination, or interruption of the owner's 22708
water supply. The division shall evaluate the information 22709
submitted by the operator to determine if the presumption is 22710
rebutted. If the operator fails to rebut the presumption, the 22711
division immediately shall notify the operator that the operator 22712
failed to rebut the presumption. Not later than fourteen days 22713
after receipt of that notice, the operator shall provide the owner 22714
a permanent replacement water supply that is comparable, in 22715
quantity and quality, to the owner's water supply prior to the 22716
diminution, contamination, or interruption of the owner's water 22717
supply. If the operator rebuts the presumption, the division 22718
immediately shall notify the operator that the operator rebuted 22719
the presumption, and, upon receipt of that notice, the operator 22720
may cease providing a supply of water to the owner under division 22721
(B)(1) of this section. 22722

(3) If, within fourteen days after receipt of the complaint, 22723
the operator does not submit to the division information showing 22724
that the operation is not the proximate cause of the diminution, 22725
contamination, or interruption of the owner's water supply, the 22726
operator shall provide the owner, not later than twenty-eight days 22727
after receipt of the complaint, a permanent replacement water 22728
supply that is comparable, in quantity and quality, to the owner's 22729
water supply prior to the diminution, contamination, or 22730
interruption of the owner's water supply. 22731

(4) The division may investigate a complaint under division 22732
(B) of this section. 22733

(C) If an owner of real property who obtains all or part of 22734

the owner's water supply for domestic, agricultural, industrial, 22735
or other legitimate use from ground water has a diminution, 22736
contamination, or interruption of that water supply and the 22737
owner's real property is not located within the projected cone of 22738
depression of a surface mining operation established under this 22739
section, the owner may submit a written complaint to the operator 22740
of that operation or to the chief informing the operator or the 22741
chief that there is a diminution, contamination, or interruption 22742
of the owner's water supply. The complaint shall include the 22743
owner's name, address, and telephone number. 22744

If the operator receives a written complaint, the operator 22745
immediately shall send the chief a copy of the complaint. If the 22746
chief receives a written complaint, the chief immediately shall 22747
send the operator a copy of the complaint. The chief shall 22748
investigate any complaint submitted under this division and, upon 22749
completion of the investigation, immediately shall send the 22750
results of the investigation to the operator and to the owner that 22751
filed the complaint. 22752

An owner that submits a written complaint under this division 22753
may resolve the diminution, contamination, or interruption of the 22754
owner's water supply with the operator of that operation or may 22755
commence a civil action for that purpose. 22756

(D) An operator may request the chief to amend the plan of 22757
mining and reclamation filed with the application under section 22758
1514.02 of the Revised Code when a ground water user may affect 22759
the projected cone of depression established for the operation 22760
under division (A) of this section. The operator shall submit 22761
additional data that reflect the ground water user's impact on the 22762
ground water. The chief shall perform ground water modeling using 22763
the additional data and may establish a revised projected cone of 22764
depression for that operation. 22765

(E) This section shall not be construed as creating, 22766

modifying, or affecting any right, liability, or remedy of surface 22767
riparian owners. 22768

Sec. 1515.08. The supervisors of a soil and water 22769
conservation district have the following powers in addition to 22770
their other powers: 22771

(A) To conduct surveys, investigations, and research relating 22772
to the character of soil erosion, floodwater and sediment damages, 22773
and the preventive and control measures and works of improvement 22774
for flood prevention and the conservation, development, 22775
utilization, and disposal of water needed within the district, and 22776
to publish the results of those surveys, investigations, or 22777
research, provided that no district shall initiate any research 22778
program except in cooperation or after consultation with the Ohio 22779
agricultural research and development center; 22780

(B) To develop plans for the conservation of soil resources, 22781
for the control and prevention of soil erosion, and for works of 22782
improvement for flood prevention and the conservation, 22783
development, utilization, and disposal of water within the 22784
district, and to publish those plans and information; 22785

(C) To implement, construct, repair, maintain, and operate 22786
preventive and control measures and other works of improvement for 22787
natural resource conservation and development and flood 22788
prevention, and the conservation, development, utilization, and 22789
disposal of water within the district on lands owned or controlled 22790
by this state or any of its agencies and on any other lands within 22791
the district, which works may include any facilities authorized 22792
under state or federal programs, and to acquire, by purchase or 22793
gift, to hold, encumber, or dispose of, and to lease real and 22794
personal property or interests in such property for those 22795
purposes; 22796

(D) To cooperate or enter into agreements with any occupier 22797

of lands within the district in the carrying on of natural 22798
resource conservation operations and works of improvement for 22799
flood prevention and the conservation, development, utilization, 22800
and management of natural resources within the district, subject 22801
to such conditions as the supervisors consider necessary; 22802

(E) To accept donations, gifts, grants, and contributions in 22803
money, service, materials, or otherwise, and to use or expend them 22804
according to their terms; 22805

(F) To adopt, amend, and rescind rules to carry into effect 22806
the purposes and powers of the district; 22807

(G) To sue and plead in the name of the district, and be sued 22808
and impleaded in the name of the district, with respect to its 22809
contracts and, as indicated in section 1515.081 of the Revised 22810
Code, certain torts of its officers, employees, or agents acting 22811
within the scope of their employment or official responsibilities, 22812
or with respect to the enforcement of its obligations and 22813
covenants made under this chapter; 22814

(H) To make and enter into all contracts, leases, and 22815
agreements and execute all instruments necessary or incidental to 22816
the performance of the duties and the execution of the powers of 22817
the district under this chapter, provided that all of the 22818
following apply: 22819

(1) Except as provided in section 307.86 of the Revised Code 22820
regarding expenditures by boards of county commissioners, when the 22821
cost under any such contract, lease, or agreement, other than 22822
compensation for personal services or rental of office space, 22823
involves an expenditure of more than the amount established in 22824
that section regarding expenditures by boards of county 22825
commissioners, the supervisors shall make a written contract with 22826
the lowest and best bidder after advertisement, for not less than 22827
two nor more than four consecutive weeks preceding the day of the 22828

opening of bids, in a newspaper of general circulation within the 22829
district and in such other publications as the supervisors 22830
determine. The notice shall state the general character of the 22831
work and materials to be furnished, the place where plans and 22832
specifications may be examined, and the time and place of 22833
receiving bids. 22834

(2) Each bid for a contract shall contain the full name of 22835
every person interested in it. 22836

(3) Each bid for a contract for the construction, demolition, 22837
alteration, repair, or reconstruction of an improvement shall meet 22838
the requirements of section 153.54 of the Revised Code. 22839

(4) Each bid for a contract, other than a contract for the 22840
construction, demolition, alteration, repair, or reconstruction of 22841
an improvement, at the discretion of the supervisors, may be 22842
accompanied by a bond or certified check on a solvent bank in an 22843
amount not to exceed five per cent of the bid, conditioned that, 22844
if the bid is accepted, a contract shall be entered into. 22845

(5) The supervisors may reject any and all bids. 22846

(I) To make agreements with the department of natural 22847
resources giving it control over lands of the district for the 22848
purpose of construction of improvements by the department under 22849
section 1501.011 of the Revised Code; 22850

(J) To charge, alter, and collect rentals and other charges 22851
for the use or services of any works of the district; 22852

(K) To enter, either in person or by designated 22853
representatives, upon lands, private or public, in the necessary 22854
discharge of their duties; 22855

(L) To enter into agreements or contracts with the department 22856
for the determination, implementation, inspection, and funding of 22857
agricultural pollution abatement and urban sediment pollution 22858

abatement measures whereby landowners, operators, managers, and 22859
developers may meet adopted state standards for a quality 22860
environment, except that failure of a district board of 22861
supervisors to negotiate an agreement or contract with the 22862
department shall authorize the division of soil and water 22863
~~conservation~~ resources to implement the required program; 22864

(M) To conduct demonstrations and provide information to the 22865
public regarding practices and methods for natural resource 22866
conservation, development, and utilization; 22867

~~(N) Until June 1, 1996, to conduct surveys and investigations 22868
relating to the incidence of the multiflora rose within the 22869
district and of the nature and extent of the adverse effects of 22870
the multiflora rose on agriculture, forestry, recreation, and 22871
other beneficial land uses; 22872~~

~~(O) Until June 1, 1996, to develop plans for the control of 22873
the multiflora rose within the district and to publish those plans 22874
and information related to control of the multiflora rose; 22875~~

~~(P) Until June 1, 1996, to enter into contracts or agreements 22876
with the chief of the division of soil and water conservation to 22877
implement and administer a program for control of the multiflora 22878
rose and to receive and expend funds provided by the chief for 22879
that purpose; 22880~~

~~(Q) Until June 1, 1996, to enter into cost sharing agreements 22881
with landowners for control of the multiflora rose. Before 22882
entering into any such agreement, the board of supervisors shall 22883
determine that the landowner's application meets the eligibility 22884
criteria established under division (E)(6) of section 1511.02 of 22885
the Revised Code. The cost sharing agreements shall contain the 22886
contract provisions required by the rules adopted under that 22887
division and such other provisions as the board of supervisors 22888
considers appropriate to ensure effective control of the 22889~~

~~multiflora rose.~~ 22890

~~(R)~~ To enter into contracts or agreements with the chief of 22891
the division of soil and water resources to implement and 22892
administer a program for urban sediment pollution abatement and to 22893
receive and expend moneys provided by the chief for that purpose; 22894

~~(S)~~(O) To develop operation and management plans, as defined 22895
in section 1511.01 of the Revised Code, as necessary; 22896

~~(T)~~(P) To determine whether operation and management plans 22897
developed under division (A) of section 1511.021 of the Revised 22898
Code comply with the standards established under division (E)(1) 22899
of section 1511.02 of the Revised Code and to approve or 22900
disapprove the plans, based on such compliance. If an operation 22901
and management plan is disapproved, the board shall provide a 22902
written explanation to the person who submitted the plan. The 22903
person may appeal the plan disapproval to the chief, who shall 22904
afford the person a hearing. Following the hearing, the chief 22905
shall uphold the plan disapproval or reverse it. If the chief 22906
reverses the plan disapproval, the plan shall be deemed approved 22907
under this division. In the event that any person operating or 22908
owning agricultural land or a concentrated animal feeding 22909
operation in accordance with an approved operation and management 22910
plan who, in good faith, is following that plan, causes 22911
agricultural pollution, the plan shall be revised in a fashion 22912
necessary to mitigate the agricultural pollution, as determined 22913
and approved by the board of supervisors of the soil and water 22914
conservation district. 22915

~~(U)~~(O) With regard to composting conducted in conjunction 22916
with agricultural operations, to do all of the following: 22917

(1) Upon request or upon their own initiative, inspect 22918
composting at any such operation to determine whether the 22919
composting is being conducted in accordance with section 1511.022 22920

of the Revised Code; 22921

(2) If the board determines that composting is not being so 22922
conducted, request the chief to issue an order under division (G) 22923
of section 1511.02 of the Revised Code requiring the person who is 22924
conducting the composting to prepare a composting plan in 22925
accordance with rules adopted under division ~~(E)~~(8)(c) of that 22926
section and to operate in accordance with that plan or to operate 22927
in accordance with a previously prepared plan, as applicable; 22928

(3) In accordance with rules adopted under division 22929
~~(E)~~(8)(c) of section 1511.02 of the Revised Code, review and 22930
approve or disapprove any such composting plan. If a plan is 22931
disapproved, the board shall provide a written explanation to the 22932
person who submitted the plan. 22933

As used in division ~~(U)~~(Q) of this section, "composting" has 22934
the same meaning as in section 1511.01 of the Revised Code. 22935

~~(V)~~(R) With regard to conservation activities that are 22936
conducted in conjunction with agricultural operations, to assist 22937
the county auditor, upon request, in determining whether a 22938
conservation activity is a conservation practice for purposes of 22939
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 22940
Revised Code. 22941

As used in this division, "conservation practice" has the 22942
same meaning as in section 5713.30 of the Revised Code. 22943

~~(W)~~(S) To do all acts necessary or proper to carry out the 22944
powers granted in this chapter. 22945

The director of natural resources shall make recommendations 22946
to reduce the adverse environmental effects of each project that a 22947
soil and water conservation district plans to undertake under 22948
division (A), (B), (C), or (D) of this section and that will be 22949
funded in whole or in part by moneys authorized under section 22950
1515.16 of the Revised Code and shall disapprove any such project 22951

that the director finds will adversely affect the environment 22952
without equal or greater benefit to the public. The director's 22953
disapproval or recommendations, upon the request of the district 22954
filed in accordance with rules adopted by the Ohio soil and water 22955
conservation commission, shall be reviewed by the commission, 22956
which may confirm the director's decision, modify it, or add 22957
recommendations to or approve a project the director has 22958
disapproved. 22959

Any instrument by which real property is acquired pursuant to 22960
this section shall identify the agency of the state that has the 22961
use and benefit of the real property as specified in section 22962
5301.012 of the Revised Code. 22963

Sec. 1515.14. Within the limits of funds appropriated to the 22964
department of natural resources and the soil and water 22965
conservation district assistance fund created in this section, 22966
there shall be paid in each calendar year to each local soil and 22967
water conservation district an amount not to exceed one dollar for 22968
each one dollar received in accordance with section 1515.10 of the 22969
Revised Code, received from tax levies in excess of the ten-mill 22970
levy limitation approved for the benefit of local soil and water 22971
conservation districts, or received from an appropriation by a 22972
municipal corporation or a township to a maximum of eight thousand 22973
dollars, provided that the Ohio soil and water conservation 22974
commission may approve payment to a district in an amount in 22975
excess of eight thousand dollars in any calendar year upon receipt 22976
of a request and justification from the district. The county 22977
auditor shall credit such payments to the special fund established 22978
pursuant to section 1515.10 of the Revised Code for the local soil 22979
and water conservation district. The department may make advances 22980
at least quarterly to each district on the basis of the estimated 22981
contribution of the state to each district. Moneys received by 22982
each district shall be expended for the purposes of the district. 22983

For the purpose of providing money to soil and water conservation districts under this section, there is hereby created in the state treasury the soil and water conservation district assistance fund consisting of money credited to it under section 3714.073 and division (A)(5) of section 3734.57 of the Revised Code.

Sec. 1515.183. Upon acceptance of a petition requesting the construction of an improvement, the supervisors of a soil and water conservation district shall begin to prepare, as a guide to the board of county commissioners and the petitioners, a preliminary report regarding the proposed improvement. The supervisors shall present the completed preliminary report at the hearing that is held on the proposed improvement.

The preliminary report shall include a preliminary estimate of cost, comments on the feasibility of the project, and a statement of the supervisors' opinion as to whether the benefits from the project are likely to exceed the estimated cost. The preliminary report shall identify all factors that are apparent to the supervisors, both favorable and unfavorable to the proposed improvement, so that the petitioners may be informed concerning what is involved with the construction of the improvement.

In addition to reporting on the improvement as petitioned, the supervisors may submit alternate proposals to accomplish the intent of the petition. The preliminary report and all alternate proposals shall be reviewed and receive concurrence from an engineer who is employed by the division of soil and water ~~conservation~~ resources or by the natural resources conservation service in the United States department of agriculture and who is responsible for providing technical assistance to the district or from any other registered professional engineer whom the supervisors choose.

Sec. 1519.03. The director of natural resources, through the 23015
chief of the division of ~~real-estate parks and land-management~~ 23016
recreation, shall prepare and maintain a current inventory of 23017
trails, abandoned or unmaintained roads, streets, and highways, 23018
abandoned railroad rights-of-way, utility easements, canals, and 23019
other scenic or historic corridors or rights-of-way that are 23020
suitable for recreational use. The director shall prepare and 23021
publish a comprehensive plan for development of a statewide trails 23022
system to serve present and future trail recreation needs of the 23023
state. Any state department, agency, political subdivision, or 23024
planning commission shall furnish available maps, descriptions, 23025
and other pertinent information to the director or provide access 23026
to ~~his~~ the director's representatives for inspection and 23027
duplication, upon request by the director, for trail inventory and 23028
planning purposes. 23029

Sec. 1520.02. (A) The director of natural resources has 23030
exclusive authority to administer, manage, and establish policies 23031
governing canal lands. 23032

(B)(1) The director may sell, lease, exchange, give, or grant 23033
all or part of the state's interest in any canal lands in 23034
accordance with section 1501.01 of the Revised Code. The director 23035
may stipulate that an appraisal or survey need not be conducted 23036
for, and may establish any terms or conditions that the director 23037
determines appropriate for, any such conveyance. 23038

Prior to proposing the conveyance of any canal lands, the 23039
director shall consider the local government needs and economic 23040
development potential with respect to the canal lands and the 23041
recreational, ecological, and historical value of the canal lands. 23042
In addition, the conveyance of canal lands shall be conducted in 23043
accordance with the director's policies governing the protection 23044
and conservation of canal lands established under this section. 23045

(2) With regard to canal lands, the chief of the division of ~~water~~ parks and recreation, with the approval of the director, may sell, lease, or transfer minerals or mineral rights when the chief, with the approval of the director, determines that the sale, lease, or transfer is in the best interest of the state. Consideration for minerals and mineral rights shall be by rental or on a royalty basis as prescribed by the chief, with the approval of the director, and payable as prescribed by contract. Moneys collected under division (B)(2) of this section shall be paid into the state treasury to the credit of the canal lands fund created in section 1520.05 of the Revised Code.

(C) The director may transfer to the Ohio historical society any equipment, maps, and records used on or related to canal lands that are of historical interest and that are not needed by the director to administer this chapter.

(D) If the director determines that any canal lands are a necessary part of a county's drainage or ditch system and are not needed for any purpose of the department of natural resources, the director may sell, grant, or otherwise convey those canal lands to that county in accordance with division (B) of this section. The board of county commissioners shall accept the transfer of canal lands.

(E) Notwithstanding any other section of the Revised Code, the county auditor shall transfer any canal lands conveyed under this section, and the county recorder shall record the deed for those lands in accordance with section 317.12 of the Revised Code.

Sec. 1520.03. (A) The director of natural resources may appropriate real property in accordance with Chapter 163. of the Revised Code for the purpose of administering this chapter.

(B)(1) The director shall operate and maintain all canals and canal reservoirs owned by the state except those canals that are

operated by the Ohio historical society on July 1, 1989. 23077

(2) On behalf of the director, the division of ~~water~~ parks 23078
and recreation shall have the care and control of all canals and 23079
canal reservoirs owned by the state, the water in them, and canal 23080
lands and shall protect, operate, and maintain them and keep them 23081
in repair. The chief of the division of ~~water~~ parks and recreation 23082
may remove obstructions from or on them and shall make any 23083
alterations or changes in or to them and construct any feeders, 23084
dikes, reservoirs, dams, locks, or other works, devices, or 23085
improvements in or on them that are necessary in the discharge of 23086
the chief's duties. 23087

In accordance with Chapter 119. of the Revised Code, the 23088
chief may adopt, amend, and rescind rules that are necessary for 23089
the administration of this division. 23090

(C) The director may sell or lease water from any canal or 23091
canal reservoir that the director operates and maintains only to 23092
the extent that the water is in excess of the quantity that is 23093
required for navigation, recreation, and wildlife purposes. ~~The~~ 23094
With the approval of the director, the chief may adopt, amend, and 23095
rescind rules in accordance with Chapter 119. of the Revised Code 23096
necessary to administer this division. 23097

The withdrawal of water from any canal or canal reservoir for 23098
domestic use is exempt from this division. However, the director 23099
may require water conservation measures for water that is 23100
withdrawn from any canal or canal reservoir for domestic use 23101
during drought conditions or other emergencies declared by the 23102
governor. 23103

(D) No person shall take or divert water from any canal or 23104
canal reservoir operated and maintained by the director except in 23105
accordance with division (C) of this section. 23106

(E) At the request of the director, the attorney general may 23107

commence a civil action for civil penalties and injunctions, in a 23108
court of common pleas, against any person who has violated or is 23109
violating division (D) of this section. The court of common pleas 23110
in which an action for injunctive relief is filed has jurisdiction 23111
to and shall grant preliminary and permanent injunctive relief 23112
upon a showing that the person against whom the action is brought 23113
has violated or is violating that division. 23114

Upon a finding of a violation, the court shall assess a civil 23115
penalty of not more than one thousand dollars for each day of each 23116
violation if the violator is an individual who took or diverted 23117
the water in question for residential or agricultural use. The 23118
court shall assess a civil penalty of not more than five thousand 23119
dollars for each day of each violation if the violator is any 23120
other person who took or diverted the water in question for 23121
industrial or commercial use excluding agricultural use. Moneys 23122
from civil penalties assessed under this division shall be paid 23123
into the state treasury to the credit of the canal lands fund 23124
created in section 1520.05 of the Revised Code. 23125

Any action under this division is a civil action, governed by 23126
the rules of civil procedure and other rules of practice and 23127
procedure applicable to civil actions. 23128

(F) As used in this section, "person" means any agency of 23129
this state, any political subdivision of this state or of the 23130
United States, or any legal entity defined as a person under 23131
section 1.59 of the Revised Code. 23132

Sec. 1521.03. The chief of the division of soil and water 23133
resources shall do all of the following: 23134

(A) Assist in an advisory capacity any properly constituted 23135
watershed district, conservancy district, or soil and water 23136
conservation district or any county, municipal corporation, or 23137
other government agency of the state in the planning of works for 23138

ground water recharge, flood mitigation, floodplain management, 23139
flood control, flow capacity and stability of streams, rivers, and 23140
watercourses, or the establishment of water conservation 23141
practices, within the limits of the appropriations for those 23142
purposes; 23143

(B) Have authority to conduct basic inventories of the water 23144
and related natural resources in each drainage basin in the state; 23145
to develop a plan on a watershed basis that will recognize the 23146
variety of uses to which water may be put and the need for its 23147
management for those uses; with the approval of the director of 23148
natural resources and the controlling board, to transfer 23149
appropriated or other funds, authorized for those inventories and 23150
plan, to any division of the department of natural resources or 23151
other state agencies for the purpose of developing pertinent data 23152
relating to the plan of water management; and to accept and expend 23153
moneys contributed by any person for implementing the development 23154
of the plan; 23155

(C) Have authority to make detailed investigations of all 23156
factors relating to floods, floodplain management, and flood 23157
control in the state with particular attention to those factors 23158
bearing upon the hydraulic and hydrologic characteristics of 23159
rivers, streams, and watercourses, recognizing the variety of uses 23160
to which water and watercourses may be put; 23161

(D) Cooperate with the United States or any agency thereof 23162
and with any political subdivision of the state in planning and 23163
constructing flood control works; 23164

(E) Hold meetings or public hearings, whichever is considered 23165
appropriate by the chief, to assist in the resolution of conflicts 23166
between ground water users. Such meetings or hearings shall be 23167
called upon written request from boards of health of city or 23168
general health districts created by or under the authority of 23169
Chapter 3709. of the Revised Code or authorities having the duties 23170

of a board of health as authorized by section 3709.05 of the Revised Code, boards of county commissioners, boards of township trustees, legislative authorities of municipal corporations, or boards of directors of conservancy districts and may be called by the chief upon the request of any other person or at the chief's discretion. The chief shall collect and present at such meetings or hearings the available technical information relevant to the conflicts and to the ground water resource. The chief shall prepare a report, and may make recommendations, based upon the available technical data and the record of the meetings or hearings, about the use of the ground water resource. In making the report and any recommendations, the chief also may consider the factors listed in division (B) of section 1521.17 of the Revised Code. The technical information presented, the report prepared, and any recommendations made under this division shall be presumed to be prima-facie authentic and admissible as evidence in any court pursuant to Evidence Rule 902.

(F) Perform stream or ground water gauging and may contract with the United States government or any other agency for the gauging of any streams or ground water within the state;

(G) Primarily with regard to water quantity, have authority to collect, study, map, and interpret all available information, statistics, and data pertaining to the availability, supply, use, conservation, and replenishment of the ground and surface waters in the state in coordination with other agencies of this state;

(H) Primarily with regard to water quantity and availability, be authorized to cooperate with and negotiate for the state with any agency of the United States government, of this state, or of any other state pertaining to the water resources of the state;

(I) Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code.

Sec. 1521.031. There is hereby created in the department of 23202
natural resources the Ohio water advisory council. The council 23203
shall consist of seven members appointed by the governor with the 23204
advice and consent of the senate. No more than four of the members 23205
shall be of the same political party. Members shall be persons who 23206
have a demonstrated interest in water management and whose 23207
expertise reflects the various responsibilities of the division of 23208
soil and water resources under this chapter and Chapter 1523. of 23209
the Revised Code, including, but not limited to, dam safety, 23210
surface water, groundwater, and flood plain management. The chief 23211
of the division of soil and water resources may participate in the 23212
deliberations of the council, but shall not vote. 23213

Terms of office of members shall be for two years commencing 23214
on the second day of February and ending on the first day of 23215
February. Each member shall hold office from the date of 23216
appointment until the end of the term for which ~~he was~~ appointed. 23217
The governor may remove any member at any time for inefficiency, 23218
neglect of duty, or malfeasance in office. In the event of the 23219
death, removal, resignation, or incapacity of any member, the 23220
governor, with the advice and consent of the senate, shall appoint 23221
a successor to hold office for the remainder of the term for which 23222
~~his~~ the member's predecessor was appointed. Any member shall 23223
continue in office following the expiration date of ~~his~~ the 23224
member's term until ~~his~~ the member's successor takes office or 23225
until sixty days have elapsed, whichever occurs first. Membership 23226
on the council does not constitute holding a public office or 23227
position of employment under the Revised Code and is not grounds 23228
for removal of public officers or employees from their offices or 23229
positions of employment. 23230

The council annually shall select from its members a ~~chairman~~ 23231
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 23232
shall hold at least one meeting each calendar quarter and shall 23233

keep a record of its proceedings, which shall be open to the public for inspection. Special meetings may be called by the ~~chairman~~ chairperson and shall be called upon the written request of two or more members. A majority of the members constitutes a quorum. The division shall furnish clerical, technical, legal, and other services required by the council in the performance of its duties.

Members shall receive no compensation, but shall be reimbursed from the appropriations for the division for the actual and necessary expenses incurred by them in the performance of their official duties.

The council shall:

(A) Advise the chief of the division of soil and water resources in carrying out the duties of the division under this chapter and Chapter 1523. of the Revised Code;

(B) Recommend such policy and legislation with respect to water management and conservation as will promote the economic, industrial, and social development of the state while minimizing threats to the state's natural environment;

(C) Review and make recommendations on the development of plans and programs for long-term, comprehensive water management throughout the state; and

(D) Recommend ways to enhance cooperation among governmental agencies having an interest in water to encourage wise use and protection of the state's ground and surface waters. To this end, the council shall request nonvoting representation from appropriate governmental agencies.

Sec. 1521.04. The chief of the division of soil and water resources, with the approval of the director of natural resources, may make loans and grants from the water management fund created

in section 1501.32 of the Revised Code to governmental agencies 23264
for water management, water supply improvements, and planning and 23265
may administer grants from the federal government and from other 23266
public or private sources for carrying out those functions and for 23267
the performance of any acts that may be required by the United 23268
States or by any agency or department thereof as a condition for 23269
the participation by any governmental agency in any federal 23270
financial or technical assistance program. Direct and indirect 23271
costs of administration may be paid from the fund. 23272

The chief may use the water management fund for the purposes 23273
of administering the water diversion and consumptive use permit 23274
programs established in sections 1501.30 to 1501.35 of the Revised 23275
Code; to perform watershed and water resources studies for the 23276
purposes of water management planning; and to acquire, construct, 23277
reconstruct, improve, equip, maintain, operate, and dispose of 23278
water management improvements. The chief may fix, alter, charge, 23279
and collect rates, fees, rentals, and other charges to be paid 23280
into the fund by governmental agencies and persons who are 23281
supplied with water by facilities constructed or operated by the 23282
department of natural resources in order to amortize and defray 23283
the cost of the construction, maintenance, and operation of those 23284
facilities. 23285

Sec. 1521.05. (A) As used in this section: 23286

(1) "Construct" or "construction" includes drilling, boring, 23287
digging, deepening, altering, and logging. 23288

(2) "Altering" means changing the configuration of a well, 23289
including, without limitation, deepening a well, extending or 23290
replacing any portion of the inside or outside casing or wall of a 23291
well that extends below ground level, plugging a portion of a well 23292
back to a certain depth, and reaming out a well to enlarge its 23293
original diameter. 23294

- (3) "Logging" means describing the lithology, grain size, color, and texture of the formations encountered during the drilling, boring, digging, deepening, or altering of a well. 23295
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- (4) "Grouting" means neat cement; bentonite products in slurry, granular, or pelletized form, excluding drilling mud or fluids; or any combination of neat cement and bentonite products that is placed within a well to seal the annular space or to seal an abandoned well and that is impervious to and capable of preventing the movement of water. 23298
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- (5) "Abandoned well" means a well whose use has been permanently discontinued and that poses potential health and safety hazards or that has the potential to transmit surface contaminants into the aquifer in which the well has been constructed. 23304
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- (6) "Sealing" means the complete filling of an abandoned well with grouting or other approved materials in order to permanently prevent the vertical movement of water in the well and thus prevent the contamination of ground water or the intermixing of water between aquifers. 23309
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- (B) Any person that constructs a well shall keep a careful and accurate log of the construction of the well. The log shall show all of the following: 23314
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- (1) The character, including, without limitation, the lithology, color, texture, and grain size, the name, if known, and the depth of all formations passed through or encountered; 23317
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- (2) The depths at which water is encountered; 23320
- (3) The static water level of the completed well; 23321
- (4) A copy of the record of all pumping tests and analyses related to those tests, if any; 23322
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- (5) Construction details, including lengths, diameters, and 23324

thicknesses of casing and screening and the volume, type of	23325
material, and method of introducing gravel packing and grouting	23326
into the well;	23327
(6) The type of pumping equipment installed, if any;	23328
(7) The name of the owner of the well, the address of the	23329
location where the well was constructed, and either the state	23330
plane coordinates or the latitude and longitude of the well;	23331
(8) The signature of the individual who constructed the well	23332
and filed the well log;	23333
(9) Any other information required by the chief of the	23334
division of <u>soil and water resources</u> .	23335
The log shall be furnished to <u>filed with</u> the division of <u>soil</u>	23336
<u>and water resources</u> within thirty days after the completion of	23337
construction of the well on forms prescribed and prepared by the	23338
division. The log shall be kept on file by the division.	23339
(C) Any person that seals a well shall keep a careful and	23340
accurate report of the sealing of the well. The sealing report	23341
shall show all of the following:	23342
(1) The name of the owner of the well, the address of the	23343
location where the well was constructed, and either the state	23344
plane coordinates or the latitude and longitude of the well;	23345
(2) The depth of the well, the size and length of its casing,	23346
and the static water level of the well;	23347
(3) The sealing procedures, including the volume and type of	23348
sealing material or materials and the method and depth of	23349
placement of each material;	23350
(4) The date on which the sealing was performed;	23351
(5) The signature of the individual who sealed the well and	23352
filed the sealing report;	23353

(6) Any other information required by the chief. 23354

The sealing report shall be ~~furnished to~~ filed with the 23355
division within thirty days after the completion of the sealing of 23356
the well on forms prescribed and prepared by the division. 23357

(D) In accordance with Chapter 119. of the Revised Code, the 23358
chief may adopt, amend, and rescind rules requiring other persons 23359
that are involved in the construction or subsequent development of 23360
a well to submit well logs under division (B) of this section 23361
containing any or all of the information specified in divisions 23362
(B)(1) to (9) of this section and specifying additional 23363
information to be included in sealing reports required under 23364
division (C) of this section. The chief shall adopt rules 23365
establishing procedures and requirements governing the payment and 23366
collection of water well log filing fees, including the amount of 23367
any filing fee to be imposed as an alternative to the 23368
twenty-dollar filing fee established in division (G) of this 23369
section and including procedures for the quarterly transfer of 23370
filing fees by boards of health and the director of environmental 23371
protection under that division. 23372

(E)(1) No person shall fail to keep and ~~submit~~ file a well 23373
log or a sealing report as required by this section. 23374

(2) No person shall make a false statement in any well log or 23375
sealing report required to be kept and ~~submitted~~ filed under this 23376
section. Violation of division (E)(2) of this section is 23377
falsification under section 2921.13 of the Revised Code. 23378

(F) For the purposes of prosecution of a violation of 23379
division (E)(1) of this section, a prima-facie case is established 23380
when the division obtains either of the following: 23381

(1) A certified copy of a permit for a private water system 23382
issued in accordance with rules adopted under section 3701.344 of 23383
the Revised Code, or a certified copy of the invoice or a canceled 23384

check from the owner of a well indicating the construction or 23385
sealing services performed; 23386

(2) A certified copy of any permit issued under Chapter 3734. 23387
or 6111. of the Revised Code or plan approval granted under 23388
Chapter 6109. of the Revised Code for any activity that includes 23389
the construction or sealing of a well as applicable. 23390

(G) In accordance with rules adopted under this section, a 23391
person or entity that constructs a well for the purpose of 23392
extracting potable water as part of a private water system that is 23393
subject to rules adopted under section 3701.344 of the Revised 23394
Code or a public water system that is required to be licensed 23395
under Chapter 6109. of the Revised Code shall pay a well log 23396
filing fee of twenty dollars per well log or, if the chief has 23397
adopted rules establishing an alternative fee amount, the fee 23398
amount established under rules. The fee shall be collected by a 23399
board of health under section 3701.344 of the Revised Code or the 23400
environmental protection agency under section 6109.22 of the 23401
Revised Code, as applicable. 23402

Each calendar quarter, a board of health or the environmental 23403
protection agency, as applicable, shall forward all well log 23404
filing fees collected during the previous calendar quarter to the 23405
division of soil and water resources. The fees shall be forwarded 23406
in accordance with procedures established in rules adopted under 23407
this section. 23408

Proceeds of well log filing fees shall be used by the 23409
division of soil and water resources for the purposes of 23410
acquiring, maintaining, and dispensing digital and paper records 23411
of well logs that are filed with the division. 23412

Sec. 1521.06. (A) No dam may be constructed for the purpose 23413
of storing, conserving, or retarding water, or for any other 23414
purpose, nor shall any levee be constructed for the purpose of 23415

diverting or retaining flood water, unless the person or 23416
governmental agency desiring the construction has a construction 23417
permit for the dam or levee issued by the chief of the division of 23418
soil and water resources. 23419

A construction permit is not required under this section for: 23420

(1) A dam that is or will be less than ten feet in height and 23421
that has or will have a storage capacity of not more than fifty 23422
acre-feet at the elevation of the top of the dam, as determined by 23423
the chief. For the purposes of this section, the height of a dam 23424
shall be measured from the natural stream bed or lowest ground 23425
elevation at the downstream or outside limit of the dam to the 23426
elevation of the top of the dam. 23427

(2) A dam, regardless of height, that has or will have a 23428
storage capacity of not more than fifteen acre-feet at the 23429
elevation of the top of the dam, as determined by the chief; 23430

(3) A dam, regardless of storage capacity, that is or will be 23431
six feet or less in height, as determined by the chief; 23432

(4) A dam or levee that belongs to a class exempted by the 23433
chief; 23434

(5) The repair, maintenance, improvement, alteration, or 23435
removal of a dam or levee that is subject to section 1521.062 of 23436
the Revised Code, unless the construction constitutes an 23437
enlargement or reconstruction of the structure as determined by 23438
the chief; 23439

(6) A dam or impoundment constructed under Chapter 1513. of 23440
the Revised Code. 23441

(B) Before a construction permit may be issued, three copies 23442
of the plans and specifications, including a detailed cost 23443
estimate, for the proposed construction, prepared by a registered 23444
professional engineer, together with the filing fee specified by 23445

this section and the bond or other security required by section 23446
1521.061 of the Revised Code, shall be filed with the chief. The 23447
detailed estimate of the cost shall include all costs associated 23448
with the construction of the dam or levee, including supervision 23449
and inspection of the construction by a registered professional 23450
engineer. The filing fee shall be based on the detailed cost 23451
estimate for the proposed construction as filed with and approved 23452
by the chief, and shall be determined by the following schedule 23453
unless otherwise provided by rules adopted under this section: 23454

(1) For the first one hundred thousand dollars of estimated 23455
cost, a fee of four per cent; 23456

(2) For the next four hundred thousand dollars of estimated 23457
cost, a fee of three per cent; 23458

(3) For the next five hundred thousand dollars of estimated 23459
cost, a fee of two per cent; 23460

(4) For all costs in excess of one million dollars, a fee of 23461
one-half of one per cent. 23462

In no case shall the filing fee be less than one thousand 23463
dollars or more than one hundred thousand dollars. If the actual 23464
cost exceeds the estimated cost by more than fifteen per cent, an 23465
additional filing fee shall be required equal to the fee 23466
determined by the preceding schedule less the original filing fee. 23467
All fees collected pursuant to this section, and all fines 23468
collected pursuant to section 1521.99 of the Revised Code, shall 23469
be deposited in the state treasury to the credit of the dam safety 23470
fund, which is hereby created. Expenditures from the fund shall be 23471
made by the chief for the purpose of administering this section 23472
and sections 1521.061 and 1521.062 of the Revised Code. 23473

(C) The chief shall, within thirty days from the date of the 23474
receipt of the application, fee, and bond or other security, issue 23475
or deny a construction permit for the construction or may issue a 23476

construction permit conditioned upon the making of such changes in 23477
the plans and specifications for the construction as the chief 23478
considers advisable if the chief determines that the construction 23479
of the proposed dam or levee, in accordance with the plans and 23480
specifications filed, would endanger life, health, or property. 23481

(D) The chief may deny a construction permit after finding 23482
that a dam or levee built in accordance with the plans and 23483
specifications would endanger life, health, or property, because 23484
of improper or inadequate design, or for such other reasons as the 23485
chief may determine. 23486

In the event the chief denies a permit for the construction 23487
of the dam or levee, or issues a permit conditioned upon a making 23488
of changes in the plans or specifications for the construction, 23489
the chief shall state the reasons therefor and so notify, in 23490
writing, the person or governmental agency making the application 23491
for a permit. If the permit is denied, the chief shall return the 23492
bond or other security to the person or governmental agency making 23493
application for the permit. 23494

The decision of the chief conditioning or denying a 23495
construction permit is subject to appeal as provided in Chapter 23496
119. of the Revised Code. A dam or levee built substantially at 23497
variance from the plans and specifications upon which a 23498
construction permit was issued is in violation of this section. 23499
The chief may at any time inspect any dam or levee, or site upon 23500
which any dam or levee is to be constructed, in order to determine 23501
whether it complies with this section. 23502

(E) A registered professional engineer shall inspect the 23503
construction for which the permit was issued during all phases of 23504
construction and shall furnish to the chief such regular reports 23505
of the engineer's inspections as the chief may require. When the 23506
chief finds that construction has been fully completed in 23507
accordance with the terms of the permit and the plans and 23508

specifications approved by the chief, the chief shall approve the 23509
construction. When one year has elapsed after approval of the 23510
completed construction, and the chief finds that within this 23511
period no fact has become apparent to indicate that the 23512
construction was not performed in accordance with the terms of the 23513
permit and the plans and specifications approved by the chief, or 23514
that the construction as performed would endanger life, health, or 23515
property, the chief shall release the bond or other security. No 23516
bond or other security shall be released until one year after 23517
final approval by the chief, unless the dam or levee has been 23518
modified so that it will not retain water and has been approved as 23519
nonhazardous after determination by the chief that the dam or 23520
levee as modified will not endanger life, health, or property. 23521

(F) When inspections required by this section are not being 23522
performed, the chief shall notify the person or governmental 23523
agency to which the permit has been issued that inspections are 23524
not being performed by the registered professional engineer and 23525
that the chief will inspect the remainder of the construction. 23526
Thereafter, the chief shall inspect the construction and the cost 23527
of inspection shall be charged against the owner. Failure of the 23528
registered professional engineer to submit required inspection 23529
reports shall be deemed notice that the engineer's inspections are 23530
not being performed. 23531

(G) The chief may order construction to cease on any dam or 23532
levee that is being built in violation of this section, and may 23533
prohibit the retention of water behind any dam or levee that has 23534
been built in violation of this section. The attorney general, 23535
upon written request of the chief, may bring an action for an 23536
injunction against any person who violates this section or to 23537
enforce an order or prohibition of the chief made pursuant to this 23538
section. 23539

(H) The chief may adopt rules in accordance with Chapter 119. 23540

of the Revised Code, for the design and construction of dams and levees for which a construction permit is required by this section or for which periodic inspection is required by section 1521.062 of the Revised Code, for establishing a filing fee schedule in lieu of the schedule established under division (B) of this section, for deposit and forfeiture of bonds and other securities required by section 1521.061 of the Revised Code, for the periodic inspection, operation, repair, improvement, alteration, or removal of all dams and levees, as specified in section 1521.062 of the Revised Code, and for establishing classes of dams or levees that are exempt from the requirements of this section and section 1521.062 of the Revised Code as being of a size, purpose, or situation that does not present a substantial hazard to life, health, or property. The chief may, by rule, limit the period during which a construction permit issued under this section is valid. The rules may allow for the extension of the period during which a permit is valid upon written request, provided that the written request includes a revised construction cost estimate, and may require the payment of an additional filing fee for the requested extension. If a construction permit expires without an extension before construction is completed, the person or agency shall apply for a new permit, and shall not continue construction until the new permit is issued.

Sec. 1521.061. Except as otherwise provided in this section, a construction permit shall not be issued under section 1521.06 of the Revised Code unless the person or governmental agency applying for the permit executes and files a surety bond conditioned on completion of the dam or levee in accordance with the terms of the permit and the plans and specifications approved by the chief of the division of soil and water resources, in an amount equal to fifty per cent of the estimated cost of the project.

If a permittee requests an extension of the time period

during which a construction permit is valid in accordance with 23573
rules adopted under section 1521.06 of the Revised Code, the chief 23574
shall determine whether the revised construction cost estimate 23575
provided with the request exceeds the original construction cost 23576
estimate that was filed with the chief by more than twenty-five 23577
per cent. If the revised construction cost estimate exceeds the 23578
original construction cost estimate by more than twenty-five per 23579
cent, the chief may require an additional surety bond to be filed 23580
so that the total amount of the surety bonds equals at least fifty 23581
per cent of the revised construction cost estimate. 23582

The chief shall not approve any bond until it is personally 23583
signed and acknowledged by both principal and surety, or as to 23584
either by the attorney in fact thereof, with a certified copy of 23585
the power of attorney attached. The chief shall not approve the 23586
bond unless there is attached a certificate of the superintendent 23587
of insurance that the company is authorized to transact a fidelity 23588
and surety business in this state. 23589

All bonds shall be given in a form prescribed by the chief 23590
and shall run to the state as obligee. 23591

The applicant may deposit, in lieu of a bond, cash in an 23592
amount equal to the amount of the bond or United States government 23593
securities or negotiable certificates of deposit issued by any 23594
bank organized or transacting business in this state having a par 23595
value equal to or greater than the amount of the bond. Such cash 23596
or securities shall be deposited upon the same terms as bonds. If 23597
one or more certificates of deposit are deposited in lieu of a 23598
bond, the chief shall require the bank that issued any such 23599
certificate to pledge securities of the aggregate market value 23600
equal to the amount of the certificate that is in excess of the 23601
amount insured by the federal deposit insurance corporation. The 23602
securities to be pledged shall be those designated as eligible 23603
under section 135.18 of the Revised Code. The securities shall be 23604

security for the repayment of the certificate of deposit. 23605

Immediately upon a deposit of cash, securities, or 23606
certificates of deposit, the chief shall deliver them to the 23607
treasurer of state, who shall hold them in trust for the purposes 23608
for which they have been deposited. The treasurer of state is 23609
responsible for the safekeeping of such deposits. An applicant 23610
making a deposit of cash, securities, or certificates of deposit 23611
may withdraw and receive from the treasurer of state, on the 23612
written order of the chief, all or any portion of the cash, 23613
securities, or certificates of deposit, upon depositing with the 23614
treasurer of state cash, other United States government 23615
securities, or negotiable certificates of deposit issued by any 23616
bank organized or transacting business in this state equal in par 23617
value to the par value of the cash, securities, or certificates of 23618
deposit withdrawn. An applicant may demand and receive from the 23619
treasurer of state all interest or other income from any such 23620
securities or certificates as it becomes due. If securities so 23621
deposited with and in the possession of the treasurer of state 23622
mature or are called for payment by the issuer thereof, the 23623
treasurer of state, at the request of the applicant who deposited 23624
them, shall convert the proceeds of the redemption or payment of 23625
the securities into such other United States government 23626
securities, negotiable certificates of deposit issued by any bank 23627
organized or transacting business in this state, or cash as the 23628
applicant designates. 23629

When the chief finds that a person or governmental agency has 23630
failed to comply with the conditions of the person's or agency's 23631
bond, the chief shall make a finding of that fact and declare the 23632
bond, cash, securities, or certificates of deposit forfeited in 23633
the amount set by rule of the chief. The chief shall thereupon 23634
certify the total forfeiture to the attorney general, who shall 23635
proceed to collect that amount. 23636

In lieu of total forfeiture, the surety, at its option, may 23637
cause the dam or levee to be completed as required by section 23638
1521.06 of the Revised Code and rules of the chief, or otherwise 23639
rendered nonhazardous, or pay to the treasurer of state the cost 23640
thereof. 23641

All moneys collected on account of forfeitures of bonds, 23642
cash, securities, and certificates of deposit under this section 23643
shall be credited to the dam safety fund created in section 23644
1521.06 of the Revised Code. The chief shall make expenditures 23645
from the fund to complete dams and levees for which bonds have 23646
been forfeited or to otherwise render them nonhazardous. 23647

Expenditures from the fund for those purposes shall be made 23648
pursuant to contracts entered into by the chief with persons who 23649
agree to furnish all of the materials, equipment, work, and labor 23650
as specified and provided in the contract. 23651

A surety bond shall not be required for a permit for a dam or 23652
levee that is to be designed and constructed by an agency of the 23653
United States government, if the agency files with the chief 23654
written assurance of the agency's financial responsibility for the 23655
structure during the one-year period following the chief's 23656
approval of the completed construction provided for under division 23657
(E) of section 1521.06 of the Revised Code. 23658

Sec. 1521.062. (A) All dams and levees constructed in this 23659
state and not exempted by this section or by the chief of the 23660
division of soil and water resources under section 1521.06 of the 23661
Revised Code shall be inspected periodically by the chief, except 23662
for classes of dams that, in accordance with rules adopted under 23663
this section, are required to be inspected by registered 23664
professional engineers who have been approved for that purpose by 23665
the chief. The inspection shall ensure that continued operation 23666
and use of the dam or levee does not constitute a hazard to life, 23667

health, or property. Periodic inspections shall not be required of 23668
the following structures: 23669

(1) A dam that is less than ten feet in height and has a 23670
storage capacity of not more than fifty acre-feet at the elevation 23671
of the top of the dam, as determined by the chief. For the 23672
purposes of this section, the height of a dam shall be measured 23673
from the natural stream bed or lowest ground elevation at the 23674
downstream or outside limit of the dam to the elevation of the top 23675
of the dam. 23676

(2) A dam, regardless of height, that has a storage capacity 23677
of not more than fifteen acre-feet at the elevation of the top of 23678
the dam, as determined by the chief; 23679

(3) A dam, regardless of storage capacity, that is six feet 23680
or less in height, as determined by the chief; 23681

(4) A dam or levee belonging to a class exempted by the 23682
chief; 23683

(5) A dam or levee that has been exempted in accordance with 23684
rules adopted under section 1521.064 of the Revised Code. 23685

(B) In accordance with rules adopted under this section, the 23686
owner of a dam that is in a class of dams that is designated in 23687
the rules for inspection by registered professional engineers 23688
shall obtain the services of a registered professional engineer 23689
who has been approved by the chief to conduct the periodic 23690
inspection of dams pursuant to schedules and other standards and 23691
procedures established in the rules. The registered professional 23692
engineer shall prepare a report of the inspection in accordance 23693
with the rules and provide the inspection report to the dam owner 23694
who shall submit it to the chief. A dam that is designated under 23695
the rules for inspection by a registered professional engineer, 23696
but that is not inspected within a five-year period may be 23697
inspected by the chief at the owner's expense. 23698

(C) Intervals between periodic inspections shall be 23699
determined by the chief, but shall not exceed five years. 23700

(D) In the case of a dam or levee that the chief inspects, 23701
the chief shall furnish a report of the inspection to the owner of 23702
the dam or levee. With regard to a dam or levee that has been 23703
inspected, either by the chief or by a registered professional 23704
engineer, and that is the subject of an inspection report prepared 23705
or received by the chief, the chief shall inform the owner of any 23706
required repairs, maintenance, investigations, and other remedial 23707
and operational measures. The chief shall order the owner to 23708
perform such repairs, maintenance, investigations, or other 23709
remedial or operational measures as the chief considers necessary 23710
to safeguard life, health, or property. The order shall permit the 23711
owner a reasonable time in which to perform the needed repairs, 23712
maintenance, investigations, or other remedial measures, and the 23713
cost thereof shall be borne by the owner. All orders of the chief 23714
are subject to appeal as provided in Chapter 119. of the Revised 23715
Code. The attorney general, upon written request of the chief, may 23716
bring an action for an injunction against any person who violates 23717
this section or to enforce an order of the chief made pursuant to 23718
this section. 23719

(E) The owner of a dam or levee shall monitor, maintain, and 23720
operate the structure and its appurtenances safely in accordance 23721
with state rules, terms and conditions of permits, orders, and 23722
other requirements issued pursuant to this section or section 23723
1521.06 of the Revised Code. The owner shall fully and promptly 23724
notify the division of soil and water resources and other 23725
responsible authorities of any condition that threatens the safety 23726
of the structure and shall take all necessary actions to safeguard 23727
life, health, and property. 23728

(F) Before commencing the repair, improvement, alteration, or 23729
removal of a dam or levee, the owner shall file an application 23730

including plans, specifications, and other required information 23731
with the division and shall secure written approval of the 23732
application by the chief. Emergency actions by the owner required 23733
to safeguard life, health, or property are exempt from this 23734
requirement. The chief may, by rule, define maintenance, repairs, 23735
or other remedial measures of a routine nature that are exempt 23736
from this requirement. 23737

(G) The chief may remove or correct, at the expense of the 23738
owner, any unsafe structures found to be constructed or maintained 23739
in violation of this section or section 1521.06 of the Revised 23740
Code. In the case of an owner other than a governmental agency, 23741
the cost of removal or correction of any unsafe structure, 23742
together with a description of the property on which the unsafe 23743
structure is located, shall be certified by the chief to the 23744
county auditor and placed by the county auditor upon the tax 23745
duplicate. This cost is a lien upon the lands from the date of 23746
entry and shall be collected as other taxes and returned to the 23747
division. In the case of an owner that is a governmental agency, 23748
the cost of removal or correction of any unsafe structure shall be 23749
recoverable from the owner by appropriate action in a court of 23750
competent jurisdiction. 23751

(H) If the condition of any dam or levee is found, in the 23752
judgment of the chief, to be so dangerous to the safety of life, 23753
health, or property as not to permit time for the issuance and 23754
enforcement of an order relative to repair, maintenance, or 23755
operation, the chief shall employ any of the following remedial 23756
means necessary to protect life, health, and property: 23757

(1) Lower the water level of the lake or reservoir by 23758
releasing water; 23759

(2) Completely drain the lake or reservoir; 23760

(3) Take such other measures or actions as the chief 23761

considers necessary to safeguard life, health, and property. 23762

The chief shall continue in full charge and control of the 23763
dam or levee until the structure is rendered safe. The cost of the 23764
remedy shall be recoverable from the owner of the structure by 23765
appropriate action in a court of competent jurisdiction. 23766

(I) The chief may accept and expend gifts, bequests, and 23767
grants from the United States government or from any other public 23768
or private source and may contract with the United States 23769
government or any other agency or entity for the purpose of 23770
carrying out the dam safety functions set forth in this section 23771
and section 1521.06 of the Revised Code. 23772

(J) In accordance with Chapter 119. of the Revised Code, the 23773
chief may adopt, and may amend or rescind, rules that do all of 23774
the following: 23775

(1) Designate classes of dams for which dam owners must 23776
obtain the services of a registered professional engineer to 23777
periodically inspect the dams and to prepare reports of the 23778
inspections for submittal to the chief; 23779

(2) Establish standards in accordance with which the chief 23780
must approve or disapprove registered professional engineers to 23781
inspect dams together with procedures governing the approval 23782
process; 23783

(3) Establish schedules, standards, and procedures governing 23784
periodic inspections and standards and procedures governing the 23785
preparation and submittal of inspection reports; 23786

(4) Establish provisions regarding the enforcement of this 23787
section and rules adopted under it. 23788

(K) The owner of a dam or levee shall notify the chief in 23789
writing of a change in ownership of the dam or levee prior to the 23790
exchange of the property. 23791

Sec. 1521.063. (A) Except for the federal government, the
owner of any a dam, that is classified as a class I, class II, or
class III dam under rules adopted under section 1521.06 of the
Revised Code and subject to section 1521.062 of the Revised Code
shall pay an annual fee, based upon the height of the dam, the
linear foot length of the dam, and the per-acre foot of volume of
water impounded by the dam. The fee shall be paid to the division
of soil and water ~~on or before June 30, 1988,~~ and resources on or
before the thirtieth day of June of each ~~succeeding~~ year. The
annual fee shall be as follows until otherwise provided by rules
adopted under this section:

(1) For any dam classified as a class I dam under rules
adopted by the chief of the division of soil and water resources
under section 1521.06 of the Revised Code, ~~thirty three hundred~~
dollars plus ten dollars per foot of height of dam, five cents per
foot of length of the dam and five cents per-acre foot of water
impounded by the dam;

(2) For any dam classified as a class II dam under those
rules, ~~thirty ninety~~ dollars plus ~~one dollar~~ six dollars per foot
of height of dam, five cents per foot of length of the dam and
five cents per-acre foot of water impounded by the dam;

(3) For any dam classified as a class III dam under those
rules, ~~thirty ninety~~ dollars plus four dollars per foot of height
of the dam, five cents per foot of length of the dam, and five
cents per-acre foot of volume of water impounded by the dam.

For purposes of this section, the height of a dam is the
vertical height, to the nearest foot, as determined by the
division under section 1521.062 of the Revised Code.

All fees collected under this section shall be deposited in
the dam safety fund created in section 1521.06 of the Revised
Code. Any owner who fails to pay any annual fee required by this

section within sixty days after the due date shall be assessed a 23823
penalty of ten per cent of the annual fee plus interest at the 23824
rate of one-half per cent per month from the due date until the 23825
date of payment. 23826

There is hereby created the compliant dam discount program to 23827
be administered by the chief. Under the program, the chief may 23828
reduce the amount of the annual fee that an owner of a dam is 23829
required to pay under division (A)(1), (2), or (3) of this section 23830
if the owner is in compliance with section 1521.062 of the Revised 23831
Code and has developed an emergency action plan pursuant to 23832
standards established in rules adopted under this section. The 23833
chief shall not discount an annual fee by more than twenty-five 23834
per cent of the total annual fee that is due. In addition, the 23835
chief shall not discount the annual fee that is due from the owner 23836
of a dam who has been assessed a penalty under this section. 23837

23838

(B) The chief shall, in accordance with Chapter 119. of the 23839
Revised Code and subject to the prior approval of the director of 23840
natural resources, adopt, and may amend or rescind, rules for the 23841
collection of fees and the administration, implementation, and 23842
enforcement of this section and for the establishment of an annual 23843
fee schedule in lieu of the schedule established ~~under~~ in division 23844
(A) of this section. 23845

(C)(1) No person, political subdivision, or state 23846
governmental agency shall violate or fail to comply with this 23847
section or any rule or order adopted or issued under it. 23848

(2) The attorney general, upon written request of the chief, 23849
may commence an action against any such violator. Any action under 23850
division (C)(2) of this section is a civil action. 23851

(D) As used in this section, "political subdivision" includes 23852
townships, municipal corporations, counties, school districts, 23853

municipal universities, park districts, sanitary districts, and 23854
conservancy districts and subdivisions thereof. 23855

Sec. 1521.064. The chief of the division of soil and water 23856
resources, in accordance with Chapter 119. of the Revised Code, 23857
shall adopt, and may amend and rescind, rules establishing a 23858
program under which dams and levees may be exempted from 23859
inspections under section 1521.062 of the Revised Code if the 23860
continued operation and use of, and any rupturing of or other 23861
structural damage to, the dams and levees will not constitute a 23862
hazard to life, health, or property. The rules shall establish, 23863
without limitation, all of the following: 23864

(A) A procedure by which the owner of such a dam or levee may 23865
apply for an exemption under this section; 23866

(B) The standards that a dam or levee shall meet in order to 23867
be exempted under this section; 23868

(C) A procedure by which the chief shall periodically review 23869
the status of a dam or levee that has been exempted under this 23870
section to determine if the exemption should be rescinded; 23871

(D) A requirement that the owner of any dam or levee exempted 23872
under this section shall agree, in writing, to accept liability 23873
for any injury, death, or loss to persons or property caused by 23874
the rupturing of or other structural damage to the dam or levee. 23875

Sec. 1521.07. The chief of the division of soil and water 23876
resources or any employee in the service of the division may enter 23877
upon lands to make surveys and inspections in accordance with this 23878
chapter, when necessary in the discharge of the duties enumerated 23879
in this chapter. 23880

Sec. 1521.10. In order to be entitled to the compensation 23881
provided for in section 1521.09 of the Revised Code, the landowner 23882

~~must~~ shall have prepared and submit to the division of soil and 23883
water resources complete plans for the dam provided for in such 23884
section. The plans shall have the approval of the chief of the 23885
division of soil and water resources and the dam shall be 23886
constructed in accordance with such plans before compensation can 23887
be claimed. 23888

Sec. 1521.11. Upon the completion of the dam referred to in 23889
section 1521.09 of the Revised Code to the satisfaction of the 23890
division of soil and water resources, it shall certify the 23891
completion and the capacity thereof to the county auditor who 23892
shall thereupon make such reduction in the assessed valuation of 23893
the contiguous landowner as ~~he~~ the contiguous landowner is 23894
entitled to receive under sections 1521.09 to 1521.12, ~~inclusive,~~ 23895
of the Revised Code. 23896

Sec. 1521.12. In the event that any dam is constructed before 23897
plans are submitted to and approved by the division of soil and 23898
water resources as required by section 1521.10 of the Revised 23899
Code, the landowner may submit plans of the dam ~~he~~ the landowner 23900
has built, showing the area of the drainage basin above the dam, a 23901
cross section of the dam site, a cross section, plan, and 23902
elevation of the dam, a map of the spillway, a topographic map of 23903
the reservoir basin, and such other data and information as the 23904
division requires. If the plans receive the approval of the 23905
division, and upon examination the dam is found to be 23906
satisfactorily completed in accordance with such plans, ~~said~~ the 23907
division shall certify the completion and capacity thereof to the 23908
county auditor. If the plans fail to meet the requirements of the 23909
division, the owner may submit revised plans, and when such 23910
revised plans have been approved and the dam rebuilt to conform to 23911
such plans, the completion of the dam and its capacity shall then 23912
be certified to the auditor who shall thereupon make such 23913

reduction in the assessed valuation of the contiguous land as such 23914
owner is entitled to receive under sections 1521.09 to 1521.12~~7~~ 23915
~~inclusive~~, of the Revised Code. 23916

Sec. 1521.13. (A) Development in one-hundred-year floodplain 23917
areas shall be protected to at least the one-hundred-year flood 23918
level, and flood water conveyance shall be maintained, at a 23919
minimum, in accordance with standards established under the 23920
national flood insurance program. This division does not preclude 23921
a state agency or political subdivision from establishing flood 23922
protection standards that are more restrictive than this division. 23923

(B) Prior to the expenditure of money for or the construction 23924
of buildings, structures, roads, bridges, or other facilities in 23925
locations that may be subject to flooding or flood damage, all 23926
state agencies and political subdivisions shall notify and consult 23927
with the division of soil and water resources and shall furnish 23928
information that the division reasonably requires in order to 23929
avoid the uneconomic, hazardous, or unnecessary use of floodplains 23930
in connection with such facilities. 23931

(C) The chief of the division of soil and water resources 23932
shall do all of the following: 23933

(1) Coordinate the floodplain management activities of state 23934
agencies and political subdivisions with the floodplain management 23935
activities of the United States, including the national flood 23936
insurance program; 23937

(2) Collect, prepare, and maintain technical data and 23938
information on floods and floodplain management and make the data 23939
and information available to the public, state agencies, political 23940
subdivisions, and agencies of the United States; 23941

(3) Cooperate and enter into agreements with persons for the 23942
preparation of studies and reports on floods and floodplain 23943

management;	23944
(4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs;	23945 23946
(5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management;	23947 23948 23949 23950
(6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans;	23951 23952 23953 23954 23955
(7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it;	23956 23957 23958 23959 23960 23961
(8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code;	23962 23963 23964 23965
(9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards established under the national flood insurance program.	23966 23967 23968 23969 23970 23971 23972 23973
(10) On behalf of the director of natural resources,	23974

administer section 1506.04 of the Revised Code. 23975

In addition to the duties imposed in divisions (C)(1) to (10) 23976
of this section, and with respect to existing publicly owned 23977
facilities that have suffered flood damage or that may be subject 23978
to flood damage, the chief may conspicuously mark past and 23979
probable flood heights in order to assist in creating public 23980
awareness of and knowledge about flood hazards. 23981

(D)(1) Development that is funded, financed, undertaken, or 23982
preempted by state agencies shall comply with division (A) of this 23983
section and with rules adopted under division (C)(9) of this 23984
section. 23985

(2) State agencies shall apply floodproofing measures in 23986
order to reduce potential additional flood damage of existing 23987
publicly owned facilities that have suffered flood damage. 23988

(3) Before awarding funding or financing or granting a 23989
license, permit, or other authorization for a development that is 23990
or is to be located within a one-hundred-year floodplain, a state 23991
agency shall require the applicant to demonstrate to the 23992
satisfaction of the agency that the development will comply with 23993
division (A) of this section, rules adopted under division (C)(9) 23994
of this section, and any applicable local floodplain management 23995
resolution or ordinance. 23996

(4) Prior to the disbursement of any state disaster 23997
assistance money in connection with any incident of flooding to or 23998
within a county or municipal corporation that is not listed by the 23999
chief as being in compliance under division (D)(1) of section 24000
1521.18 of the Revised Code, a state agency that has authority to 24001
disburse such money shall require the county or municipal 24002
corporation to establish or reestablish compliance as provided in 24003
that division. 24004

(E)(1) Subject to section 1521.18 of the Revised Code, a 24005

county or a municipal corporation may do all of the following:	24006
(a) Adopt floodplain maps that reflect the best available data and that indicate the areas to be regulated under a floodplain management resolution or ordinance, as applicable;	24007 24008 24009
(b) Develop and adopt a floodplain management resolution or ordinance, as applicable;	24010 24011
(c) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program.	24012 24013 24014
(2) A county or municipal corporation shall examine and apply, where economically feasible, floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.	24015 24016 24017 24018
(3) A county that adopts a floodplain management resolution shall do so in accordance with the procedures established in section 307.37 of the Revised Code. The county may enforce the resolution by issuing stop work orders, seeking injunctive relief, or pursuing other civil actions that the county considers necessary to ensure compliance with the resolution. In addition, failure to comply with the floodplain management resolution constitutes a violation of division (D) of section 307.37 of the Revised Code.	24019 24020 24021 24022 24023 24024 24025 24026 24027
(4) No action challenging the validity of a floodplain management resolution adopted by a county or a floodplain management ordinance adopted by a municipal corporation, or an amendment to such a resolution or ordinance, because of a procedural error in the adoption of the resolution, ordinance, or amendment shall be brought more than two years after the adoption of the resolution, ordinance, or amendment.	24028 24029 24030 24031 24032 24033 24034
Sec. 1521.14. Upon the written request of the director of	24035

natural resources, the attorney general shall bring an action for 24036
appropriate relief in a court of competent jurisdiction against 24037
any development that is not in compliance with the standards of 24038
the national flood insurance program and that is one of the 24039
following: 24040

(A) Located in a county or municipal corporation that is not 24041
listed by the chief of the division of soil and water resources as 24042
being in compliance under division (D)(1) of section 1521.18 of 24043
the Revised Code; 24044

(B) Funded, financed, undertaken, or preempted by a state 24045
agency. 24046

Sec. 1521.15. (A) The chief of the division of soil and water 24047
resources shall develop and maintain, in cooperation with local, 24048
state, federal, and private agencies and entities, a water 24049
resources inventory for the collection, interpretation, storage, 24050
retrieval, exchange, and dissemination of information concerning 24051
the water resources of this state, including, but not limited to, 24052
information on the location, type, quantity, and use of those 24053
resources and the location, type, and quantity of consumptive use 24054
and diversion of the water resources. The water resources 24055
inventory also shall include, without limitation, information to 24056
assist in determining the reasonableness of water use and sharing 24057
under common law, promoting reasonable use and development of 24058
water resources, and resolving water use conflicts. 24059

All agencies of the state shall cooperate with the chief in 24060
the development and maintenance of the inventory. 24061

(B) The chief shall cooperate with the other great lakes 24062
states and provinces to develop a common base of data regarding 24063
the management of the water resources of the Lake Erie drainage 24064
basin and to establish systematic arrangements for the exchange of 24065
those data. 24066

~~(C) The chief shall prepare and present to the governor no later than September 1, 1998, a long term water resources plan for the protection, conservation, and management of the water resources of the Lake Erie drainage basin. The plan shall include, without limitation, all of the following:~~

~~(1) An inventory of surface and ground water resources;~~

~~(2) Identification and assessment of existing uses and future demand for all of the following:~~

~~(a) Withdrawal of water resources for domestic, agricultural, manufacturing, mining, navigation, power production, recreation, fish and wildlife, and other uses;~~

~~(b) Diversion;~~

~~(c) Consumptive use.~~

~~(3) Guidelines to minimize consumptive use;~~

~~(4) Guidelines and procedures to coordinate, conserve, develop, protect, use, and manage the water resources of the Lake Erie drainage basin.~~

Sec. 1521.16. (A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of soil and water resources, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's

water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

The registration date of any facility whose construction was completed prior to January 1, 1990, and that is registered under this division prior to January 1, 1991, shall be January 1, 1990. The registration date of any facility whose construction was completed prior to January 1, 1990, and that is required to register under this division prior to January 1, 1991, but that is not registered prior to that date, and the registration date of any facility whose construction was completed after January 1, 1990, and that is required to register under this division shall be the date on which the registration is received by the chief.

(B) In accordance with division (D) of this section, the chief shall adopt rules establishing standards and criteria for determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section

of the newspaper. Any person who owns a facility in the designated 24129
ground water stress area that is not registered under division (A) 24130
of this section and that has the capacity to withdraw waters of 24131
the state in an amount greater than the threshold withdrawal 24132
capacity for the area from all sources shall register ~~his~~ the 24133
facility with the chief not later than thirty days after 24134
publication of the notice. A person registering a facility under 24135
this division shall do so using a form prescribed by the chief. 24136
The form shall include the information specified in division (A) 24137
of this section. 24138

(C) Any person who owns a facility registered under division 24139
(A) or (B) of this section shall file a report annually with the 24140
chief listing the amount of water withdrawn per day by the 24141
facility, the return flow per day, and any other information the 24142
chief may require by rule. Any person who, under Chapter 6109. of 24143
the Revised Code, provides such information to the Ohio 24144
environmental protection agency is exempt from reporting under 24145
this division. The director of environmental protection shall 24146
provide the chief any such reported information upon ~~his~~ request. 24147

(D) The chief shall adopt, and may amend or rescind, rules in 24148
accordance with Chapter 119. of the Revised Code to carry out this 24149
section. 24150

(E)(1) No person knowingly shall fail to register a facility 24151
or file a report as required under this section. 24152

(2) No person shall file a false report under this section. 24153
Violation of division (E)(2) of this section is falsification 24154
under section 2921.13 of the Revised Code. 24155

(F) At the request of the director of natural resources, the 24156
attorney general may commence a civil action to compel compliance 24157
with this section, in a court of common pleas, against any person 24158
who has violated or is violating division (E)(1) of this section. 24159

The court of common pleas in which a civil action is commenced 24160
under this division has jurisdiction to and shall compel 24161
compliance with this section upon a showing that the person 24162
against whom the action is brought has violated or is violating 24163
that division. 24164

Any action under this division is a civil action, governed by 24165
the rules of civil procedure and other rules of practice and 24166
procedure applicable to civil actions. 24167

Sec. 1521.18. (A) For the purposes of this section, a 24168
one-hundred-year floodplain is limited to an area identified as a 24169
one-hundred-year floodplain in accordance with the "National Flood 24170
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 24171
amended. 24172

(B) Each municipal corporation or county that has within its 24173
boundaries a one-hundred-year floodplain and that adopts a 24174
floodplain management ordinance or resolution or any amendments to 24175
such an ordinance or resolution on or after April 11, 1991, after 24176
adopting the ordinance, resolution, or amendments and before 24177
submitting the ordinance, resolution, or amendments to the federal 24178
emergency management agency for final approval for compliance with 24179
applicable standards adopted under the "National Flood Insurance 24180
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 24181
submit the ordinance, resolution, or amendments to the chief of 24182
the division of soil and water resources for the chief's review 24183
for compliance with those standards. Within forty-five days after 24184
receiving any such ordinance, resolution, or amendments, the chief 24185
shall complete the review and notify the municipal corporation or 24186
county as to whether the ordinance, resolution, or amendments 24187
comply with those standards. If the chief finds that the 24188
ordinance, resolution, or amendments comply with those standards, 24189
the chief shall forward it or them to the federal emergency 24190

management agency for final approval. 24191

(C)(1) If the chief determines that a county or municipal 24192
corporation that has adopted a floodplain management resolution or 24193
ordinance fails to administer or enforce the resolution or 24194
ordinance, the chief shall send a written notice by certified mail 24195
to the board of county commissioners of the county or the chief 24196
executive officer of the municipal corporation stating the nature 24197
of the noncompliance. 24198

(2) In order to maintain its compliance status in accordance 24199
with division (D) of this section, a county or municipal 24200
corporation that has received a notice of noncompliance under 24201
division (C)(1) of this section may submit information to the 24202
chief not later than thirty days after receiving the notice that 24203
demonstrates compliance or indicates the actions that the county 24204
or municipal corporation is taking to administer or enforce the 24205
resolution or ordinance. The chief shall review the information 24206
and shall issue a final determination by certified mail to the 24207
county or municipal corporation of the compliance or noncompliance 24208
status of the county or municipal corporation. If the chief issues 24209
a final determination of noncompliance, the chief shall send a 24210
copy of that determination to the federal emergency management 24211
agency concurrently with mailing the notice to the municipal 24212
corporation or county. 24213

(D)(1) A county or municipal corporation is considered to be 24214
in compliance for the purposes of this section if either of the 24215
following applies: 24216

(a) The county or municipal corporation has adopted a 24217
floodplain management resolution or ordinance that the chief has 24218
determined complies with applicable standards adopted under the 24219
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 24220
4001, as amended, and is adequately administering and enforcing it 24221
as determined under division (C) of this section. 24222

(b) The county or municipal corporation is participating in 24223
the national flood insurance program and has not received a notice 24224
of noncompliance under division (B) or (C) of this section. 24225

(2) The chief shall maintain a list of all counties and 24226
municipal corporations that have one-hundred-year floodplains 24227
within their boundaries. The list shall indicate whether each such 24228
county or municipal corporation is in compliance or noncompliance 24229
as provided in division (D)(1) of this section and whether each 24230
such county or municipal corporation is participating in the 24231
national flood insurance program. The chief shall provide a copy 24232
of the list to the general assembly and all state agencies 24233
annually and shall notify the general assembly and the agencies of 24234
any changes at least quarterly. 24235

(E) Any county or municipal corporation that is adversely 24236
affected by any determination of the chief under this section may 24237
appeal it in accordance with Chapter 119. of the Revised Code not 24238
later than thirty days after the final determination. 24239

Sec. 1521.19. (A) There is hereby created the Ohio water 24240
resources council consisting of the directors of agriculture, 24241
development, environmental protection, health, natural resources, 24242
transportation, and the Ohio public works commission, the 24243
chairperson of the public utilities commission of Ohio, the 24244
executive director of the Ohio water development authority, and an 24245
executive assistant in the office of the governor appointed by the 24246
governor. The governor shall appoint one of the members of the 24247
council to serve as its chairperson. The council may adopt bylaws 24248
that are necessary for the implementation of this section. The 24249
council shall provide a forum for policy development, 24250
collaboration and coordination among state agencies, and strategic 24251
direction with respect to state water resource programs. The 24252
council shall be assisted in its functions by a state agency 24253

coordinating group and an advisory group as provided in this 24254
section. 24255

(B) The state agency coordinating group shall consist of the 24256
executive director of the Ohio Lake Erie commission and a member 24257
or members from each state agency, commission, and authority 24258
represented on the council, to be appointed by the applicable 24259
director, chairperson, or executive director. However, the 24260
environmental protection agency shall be represented on the group 24261
by the chiefs of the divisions within that agency having 24262
responsibility for surface water programs and drinking and ground 24263
water programs, and the department of natural resources shall be 24264
represented on the group by the chief of the division of ~~water and~~ 24265
~~the chief of the division of~~ soil and water ~~conservation~~ 24266
resources. The chairperson of the council shall appoint a leader 24267
of the state agency coordinating group. The group shall provide 24268
assistance to and perform duties on behalf of the council as 24269
directed by the council. 24270

(C) The advisory group shall consist of not more than 24271
twenty-four members, each representing an organization or entity 24272
with an interest in water resource issues. The council shall 24273
appoint the members of the advisory group. Of the initial 24274
appointments, not more than ten members shall be appointed for 24275
one-year terms, and not more than ten members shall be appointed 24276
for two-year terms. Of the four initial appointments made after 24277
~~the effective date of this amendment~~ April 6, 2007, two of the 24278
members shall be appointed for one-year terms, and two of the 24279
members shall be appointed for two-year terms. Thereafter, all 24280
advisory group members shall serve two-year terms. Members may be 24281
reappointed. Each member shall hold office from the date of the 24282
member's appointment until the end of the member's term. A member 24283
shall continue in office subsequent to the expiration date of the 24284
member's term until the member's successor takes office or until a 24285

period of sixty days has elapsed, whichever occurs first. The 24286
council may remove a member for misfeasance, nonfeasance, or 24287
malfeasance in office. The council shall appoint members to fill 24288
any vacancies on the group. A member appointed to fill a vacancy 24289
shall hold office for the remainder of the term for which that 24290
member was appointed. 24291

The chairperson of the council shall appoint a chairperson of 24292
the advisory group. The advisory group shall advise the council on 24293
water resources issues addressed by the council. 24294

(D) There is hereby created in the state treasury the Ohio 24295
water resources council fund. The department of natural resources 24296
shall serve as the fiscal agent for the fund. The departments of 24297
agriculture, development, environmental protection, health, 24298
natural resources, and transportation shall transfer moneys to the 24299
fund in equal amounts via intrastate transfer voucher. The public 24300
utilities commission of Ohio, Ohio public works commission, and 24301
Ohio water development authority may transfer moneys to the fund. 24302
If a voluntary transfer of moneys is made to the fund, the portion 24303
that is required to be transferred by the departments of 24304
agriculture, development, environmental protection, health, 24305
natural resources, and transportation may be equally reduced. 24306
Moneys in the fund shall be used to pay the operating expenses of 24307
the Ohio water resources council, including those specified in 24308
division (E) of this section. 24309

(E) The Ohio water resources council may hire staff to 24310
support its activities. The council may enter into contracts and 24311
agreements with federal agencies, state agencies, political 24312
subdivisions, and private entities to assist in accomplishing its 24313
objectives. Advisory group members shall be reimbursed for 24314
expenses necessarily incurred in the performance of their duties 24315
pursuant to section 126.31 of the Revised Code and any applicable 24316
rules pertaining to travel reimbursement adopted by the office of 24317

budget and management. 24318

Sec. 1523.01. In addition to all other powers granted to and 24319
duties devolving upon the chief of the division of soil and water 24320
resources, when in the chief's judgment it is for the public 24321
welfare and the best interests of the citizens of the state that 24322
the surplus, flood, and other waters of any of the watersheds, 24323
rivers, streams, watercourses, or public waters should be 24324
conserved, impounded, and stored in order to insure and promote 24325
the public health, welfare, and safety and to encourage and 24326
promote agriculture, commerce, manufacturing, and other public 24327
purposes, such chief shall proceed in furtherance of the purposes 24328
of sections 1523.01 to 1523.13 of the Revised Code, and for the 24329
preservation of the use of such waters for navigation, in case 24330
such waters are required for navigation, to construct such 24331
reservoirs, dams, storage basins, dikes, canals, raceways, and 24332
other improvements as are necessary for such purposes, or the 24333
chief may make additions to, enlarge, and make alterations in and 24334
upon such reservoirs, dams, storage basins, dikes, canals, 24335
raceways, and other improvements already in existence and 24336
constituting a part of the public works, as are necessary for such 24337
purposes. Any rights or privileges granted by sections 1523.01 to 24338
1523.13 of the Revised Code, shall not interfere with the control 24339
and maintenance of the state reservoirs or public parks which have 24340
been dedicated to the public for purposes of recreation and 24341
pleasure. 24342

~~Said~~ The chief, subject to the written approval of the 24343
director of natural resources and the governor, may acquire by 24344
gift, purchase, or by appropriation proceedings, in the name of 24345
and on behalf of the state, such real and personal property, 24346
rights, privileges, and appurtenances as are necessary in the 24347
chief's judgment for the construction of such reservoirs, dams, 24348
storage basins, dikes, canals, raceways, and other improvements, 24349

or for the alteration, enlargement, or maintenance of existing 24350
reservoirs, dams, and other improvements, together with such 24351
rights of way, drives, and roadways as are necessary for 24352
convenient access thereto. The appropriation proceedings referred 24353
to in this section shall be restricted to private property only. 24354

Before proceeding to purchase or appropriate any such 24355
property or rights, the cost of which, together with the land or 24356
real estate necessary upon which to locate and construct such 24357
improvements, including damages to remaining property, is in 24358
excess of one thousand dollars, the chief shall prepare plans, 24359
specifications, and estimates of such cost, including all material 24360
and labor therefor, together with the cost of such land or real 24361
estate and damages, and shall thereupon submit such plans, 24362
specifications, and estimates to the director, who in turn shall 24363
submit them to the governor for approval. 24364

The governor shall thereupon publish written notice once a 24365
week for two consecutive weeks in a newspaper published in and of 24366
general circulation in the counties where any such improvements 24367
are proposed to be constructed, setting forth the location and 24368
character of the proposed improvements, that the plans, 24369
specifications, and estimates therefor are on file in the 24370
governor's office, and that objections thereto will be heard by 24371
the governor on a day to be named in ~~said~~ the notice, which day 24372
shall be not less than ten nor more than twenty days after the 24373
first publication thereof. Within thirty days after the date fixed 24374
for ~~said~~ the hearing, the governor shall return such plans, 24375
specifications, and estimates to the director, with the governor's 24376
written approval or rejection thereof indorsed thereon. The 24377
director shall immediately return such plans, specifications, and 24378
estimates, together with the governor's indorsement thereon, to 24379
the chief. 24380

Any instrument by which real property is acquired pursuant to 24381

this section shall identify the agency of the state that has the 24382
use and benefit of the real property as specified in section 24383
5301.012 of the Revised Code. 24384

Sec. 1523.02. If the governor approves the plans, 24385
specifications, and estimates authorized by section 1523.01 of the 24386
Revised Code, the chief of the division of soil and water 24387
resources shall thereupon proceed, as provided in sections 1523.02 24388
to 1523.13 of the Revised Code, to construct the improvements or 24389
to make alterations in or to enlarge those already existing, in 24390
such manner and form as is shown by such plans and specifications. 24391
In order to provide the funds for such construction, alteration, 24392
or enlargement, the chief shall issue and sell bonds of the state, 24393
not in excess of the estimated cost of such improvements. The 24394
bonds shall be issued in denominations of not less than one 24395
hundred dollars payable as a whole or in series on or before fifty 24396
years from the date thereof, with interest not to exceed the rate 24397
provided in section 9.95 of the Revised Code, payable either 24398
annually or semiannually. 24399

The bonds shall show on their face the purpose for which 24400
issued and shall create no liability upon or be considered an 24401
indebtedness of the state, but both the principal and interest 24402
shall be paid solely out of the proceeds arising from the 24403
improvements constructed, altered, or enlarged by the chief, or 24404
from the proceeds of the sale or foreclosure of the lien securing 24405
the bonds on such improvement or such part thereof as is 24406
constructed from the money realized from the sale of the bonds. 24407

The form of the bonds shall be approved by the attorney 24408
general, and they shall be signed by the governor and attested by 24409
the director of natural resources and the chief. The bonds may be 24410
issued as coupon bonds, payable to bearer only, or upon demand of 24411
the owner or holder thereof as registered bonds. 24412

Such bonds shall be sold by the chief to the highest bidder 24413
therefor, but for not less than the par value thereof, with 24414
accrued interest thereon, after thirty days' notice in at least 24415
two newspapers of general circulation in the county where such 24416
improvements are to be constructed, altered, or enlarged, setting 24417
forth the nature, amount, rate of interest, and length of time the 24418
bonds have to run, with the time and place of sale. 24419

The treasurer of state shall be the treasurer of the fund 24420
realized from the sale of such bonds, and the auditor of state 24421
shall be the auditor of such fund. The proceeds of such sale shall 24422
be turned over to the treasurer of state and shall be deposited by 24423
the treasurer of state in a solvent bank, located either in 24424
Columbus or in the county in which such improvements are located. 24425
Such proceeds shall be kept by such bank in a fund to be known as 24426
the water conservation improvement fund. Such fund shall be used 24427
to acquire the necessary real estate and to construct such new 24428
improvements and for no other purpose, except that the treasurer 24429
of state may pay the interest on the bonds during the period of 24430
condemnation and the construction, alteration, or enlargement of 24431
such improvements out of the proceeds arising from the sale of the 24432
bonds for a term not exceeding three years from the date on which 24433
the bonds are issued. The bank shall give bond to the state in 24434
such amount as the treasurer of state considers advisable, and 24435
with surety to the satisfaction of the treasurer of state, for the 24436
benefit of the holders of the bonds, and for the benefit of any 24437
contractors performing labor or furnishing material for such 24438
improvements, as provided by law, conditioned that it will safely 24439
keep the money and will make no payments or disbursements 24440
therefrom except as provided in sections 1523.01 to 1523.13 of the 24441
Revised Code. 24442

The treasurer of state shall hold such fund as trustee for 24443
the holders of the bonds and for all persons performing labor or 24444

furnishing material for the construction, alteration, or 24445
enlargement of any improvement made under such sections. Such 24446
funds shall not be turned into the state treasury, but shall be 24447
deposited and disbursed by the treasurer of state as provided in 24448
such sections. The interest coupons attached to such bonds shall 24449
bear the signature of the treasurer of state, executed by the 24450
treasurer of state or printed or lithographed thereon. 24451

Both the interest and principal of such bonds shall be made 24452
payable at the office of the treasurer of state in Columbus, and 24453
shall be paid by the treasurer of state, without warrant or 24454
authority of the director of budget and management, to the owner 24455
or holder of such bonds upon presentation by the owner or holder 24456
of matured interest coupons or bonds. 24457

Sec. 1523.03. Immediately after the sale of the bonds 24458
authorized by section 1523.02 of the Revised Code and the payment 24459
of the proceeds thereof to the treasurer of state as provided in 24460
such section, the chief of the division of soil and water 24461
resources shall make a written contract for the construction of 24462
the improvements or for the making of additions to or alterations 24463
in existing improvements with the lowest responsive and 24464
responsible bidder, in accordance with section 9.312 of the 24465
Revised Code, after advertisements once a week for four 24466
consecutive weeks in one newspaper in each of the cities of 24467
Columbus, Cleveland, and Cincinnati having a general circulation 24468
therein, one trade paper having a circulation among contractors 24469
engaged in the construction of public improvement work of like 24470
character, and two newspapers having a general circulation within 24471
the county in which the dam, reservoir, storage basin, or other 24472
improvement is located or is to be located. 24473

All bids shall be filed with the chief, within the time fixed 24474
for the filing of such bids in ~~said~~ the advertisement. The bids 24475

shall be opened and publicly read by the chief at twelve noon on 24476
the last day for filing them. Each bid shall contain the full 24477
names of every person or company interested in it, shall 24478
separately state the price of both the labor and material to be 24479
furnished under it, and shall meet the requirements of section 24480
153.54 of the Revised Code. 24481

The chief may reject any bids. If the chief rejects all bids, 24482
the chief shall within sixty days thereafter readvertise for bids 24483
for the construction of such improvements, as provided in this 24484
section, and may continue to readvertise for bids every sixty days 24485
until bids are received which are made to the chief's satisfaction 24486
and in conformity to sections 1523.01 to 1523.13 of the Revised 24487
Code. 24488

The chief may award separate contracts to bidders for each 24489
part of the labor to be done or material to be furnished for the 24490
construction of such improvements, provided that the amount of the 24491
contract, if awarded as a whole, or the aggregate of ~~said the~~ the 24492
several contracts, if awarded separately, shall not, together with 24493
the cost of the land necessary for such improvements and the 24494
estimated damages to remaining property, be in excess of the 24495
estimated cost of the construction thereof, including such land 24496
and damages. Such contracts shall provide that all payments 24497
thereunder shall be made only from the proceeds of the sale of the 24498
bonds issued for the construction of such improvements. No 24499
contractor shall receive payment for any work or labor performed 24500
or material furnished for such improvements unless the contract 24501
therefor was, at the time of its execution, approved by the 24502
governor by the governor's written indorsement on such contract. 24503

Sec. 1523.04. When estimates or statements for either 24504
material theretofore furnished or labor theretofore performed 24505
under a contract entered into as provided in section 1523.03 of 24506

the Revised Code are presented to the chief of the division of 24507
soil and water ~~of the department of natural~~ resources by the 24508
contractor, certified as to the correctness thereof under oath by 24509
~~him~~ the contractor or ~~his~~ the contractor's authorized agent and 24510
approved in writing by the chief, the chief shall pay the amount 24511
of such estimates or statements from the water conservation 24512
improvement fund. 24513

Sec. 1523.05. The chief of the division of soil and water 24514
resources shall by contract in writing sell or lease for 24515
agricultural, commercial, manufacturing, or other lawful purposes, 24516
for any term not exceeding fifty years, the water, or any part 24517
thereof, conserved and stored by the improvements then existing, 24518
or that will be conserved and stored by any improvements 24519
thereafter to be constructed by ~~him~~ the chief. The chief may lease 24520
the land surrounding ~~said~~ the water for a term not exceeding fifty 24521
years, as shown by the plans and specifications prepared by ~~him~~ 24522
the chief and approved by the governor as provided in section 24523
1523.01 of the Revised Code. Such agreements shall be for a 24524
certain price or rental for the water or lands furnished to or 24525
used by the grantees, lessees, or their assigns, to be paid 24526
quarterly, semiannually, or annually as the chief deems advisable. 24527

~~Said~~ The chief may, for a term not exceeding fifty years, 24528
sell or lease power generated by any head of water raised or 24529
maintained by any such improvement, or ~~he~~ the chief may sell or 24530
lease the right to use such head of water for generating power or 24531
other hydraulic purposes. 24532

All such contracts of sale or lease, whether for water or 24533
power, shall contain such reservations or restrictions as the 24534
chief deems necessary and proper in furtherance of the purposes of 24535
sections 1523.01 to 1523.13, ~~inclusive,~~ of the Revised Code, and 24536
the preservation of the use of such waters for navigation in case 24537

they are required therefor. 24538

Such contracts or leases ~~must~~ shall be approved by the 24539
attorney general as to their general form and legality and, before 24540
becoming binding obligations on the state, they shall be approved 24541
by the governor by ~~his~~ the governor's written indorsement thereon. 24542

Sec. 1523.06. (A) The chief of the division of soil and water 24543
resources before selling bonds as provided in section 1523.02 of 24544
the Revised Code or before receiving bids for the construction of 24545
improvements as authorized by section 1523.03 of the Revised Code 24546
may enter into tentative agreements for the sale or lease of water 24547
or power to: 24548

(1) Ascertain whether the public interest and welfare 24549
reasonably require the proposed improvements in the proposed 24550
locality; 24551

(2) Determine whether the revenues which the state may derive 24552
from the lease of lands and the lease and sale of the waters which 24553
are estimated will be conserved, impounded, and stored, or from 24554
the sale or lease of the power generated by such improvements, 24555
will be sufficient: 24556

(a) To pay the interest on bonds issued under section 1523.02 24557
of the Revised Code; 24558

(b) To create a sinking fund to retire ~~said~~ the bonds at 24559
their maturity; 24560

(c) To maintain and keep ~~said~~ the improvements in repair. 24561

(B) The performance and carrying out of such tentative 24562
agreements shall be conditioned upon the ability of such chief to: 24563

(1) Sell ~~said~~ the proposed bonds at not less than par and 24564
accrued interest; 24565

(2) Secure bids for the furnishing of all the labor and 24566

material necessary in the construction of such improvements, 24567
including all real estate required and damages incurred, at such a 24568
price that the rentals or compensation to be paid will provide 24569
during the terms of such contracts or leases a sum sufficient to 24570
pay ~~said~~ the interest, retire ~~said~~ the bonds, and maintain and 24571
keep ~~said~~ the improvements in repair. 24572

Sec. 1523.07. The treasurer of state shall be treasurer and 24573
the auditor of state shall be auditor of all moneys derived from 24574
the use of the improvements authorized by sections 1523.01 to 24575
1523.13, ~~inclusive,~~ of the Revised Code. The treasurer of state 24576
shall hold ~~said~~ the moneys as trustee for the maintenance of any 24577
improvements constructed under such sections, and for the holders 24578
of any bonds issued in accordance with section 1523.02 of the 24579
Revised Code. ~~Said~~ The moneys shall not be turned into the state 24580
treasury, but shall be deposited and disbursed by the treasurer of 24581
state in the manner provided in this section. All such moneys 24582
shall be collected by the treasurer of state on statements to be 24583
furnished by the chief of the division of soil and water resources 24584
and when so collected shall be deposited in solvent banks in the 24585
state upon the same terms as state funds are now loaned. ~~Said~~ The 24586
funds shall be kept by such banks in a fund known as the "water 24587
conservation fund" and shall be used, first, to maintain and keep 24588
in repair the dams, reservoirs, storage basins, and other 24589
improvements, and, second, to pay the interest upon and principal 24590
of the bonds issued and sold pursuant to section 1523.02 of the 24591
Revised Code, as such interest falls due or ~~said~~ the bonds mature. 24592

The banks in which the treasurer of state deposits any of the 24593
moneys belonging either to the water conservation improvement fund 24594
provided for in section 1523.02 of the Revised Code or the water 24595
conservation fund provided for in this section shall be state 24596
depository banks as provided for in sections 135.01 to 135.21, ~~inclusive,~~ 24597
~~inclusive,~~ of the Revised Code. An amount not to exceed fifty 24598

thousand dollars of the money on deposit at any one time in the 24599
water conservation improvement fund, and an amount not to exceed 24600
ten thousand dollars in the water conservation fund shall be held 24601
by any of ~~said~~ the banks as an active deposit, and ~~said~~ the banks 24602
shall pay the treasurer of state on such deposits, both active and 24603
inactive, the same rate of interest then being paid by them upon 24604
the funds of the state then deposited with them by the treasurer 24605
of state. All such payments of interest shall be credited to the 24606
respective funds upon which such interest is paid. 24607

Sec. 1523.08. When the cost of any repairs to the 24608
improvements authorized by section 1523.01 of the Revised Code 24609
does not exceed one thousand dollars, the chief of the division of 24610
soil and water ~~of the department of natural~~ resources either may 24611
make such repairs ~~himself~~ or may let a contract therefor without 24612
advertising for bids. If the cost of any such repairs is in excess 24613
of one thousand dollars, the chief shall advertise for bids for 24614
the making of such repairs and let a contract therefor as provided 24615
in section 1523.03 of the Revised Code. 24616

When itemized statements are presented to the chief showing 24617
the amount of labor performed and material furnished in the making 24618
of such repairs, verified by the person making them and approved 24619
in writing by the chief, the chief shall pay the amount of such 24620
statement from the water conservation fund. 24621

Sec. 1523.09. If a reservoir, dam, storage basin, or other 24622
improvement constructed or enlarged by the chief of the division 24623
of soil and water resources as provided in sections 1523.01 to 24624
1523.13 of the Revised Code constitutes a part of the canal system 24625
of the state or is located upon any river, stream, or body of 24626
water formerly used as a feeder for the canal system, no water 24627
shall be sold or leased from the improvement ~~by the chief~~ except 24628
in accordance with section 1520.03 of the Revised Code. 24629

Sec. 1523.10. The funds derived from the sale, use, or lease 24630
of the water impounded and conserved or the power generated by the 24631
improvements constructed pursuant to sections 1523.01 to 1523.13~~7~~ 24632
~~inclusive~~, of the Revised Code, or from the lease of the lands and 24633
improvements adjacent thereto are hereby expressly pledged for the 24634
purpose of maintaining and keeping ~~said the~~ improvements in repair 24635
and for the payment of the interest on and principal of the bonds 24636
issued under section 1523.02 of the Revised Code, as the same fall 24637
due and mature. The owners of such bonds are hereby given a lien 24638
for the payment of the principal and interest of such bonds upon 24639
any dam, reservoir, storage basin, or other improvements, or any 24640
part thereof, with the appurtenances belonging thereto, 24641
constructed by the chief of the division of soil and water 24642
resources with the funds derived from the sale of such bonds. 24643

If default is made in the payment of the interest on any of 24644
~~said the~~ bonds for three or more successive years, or if bonds, 24645
aggregating in par value not less than ten per cent of the total 24646
amount of such bonds then outstanding are not paid at maturity, 24647
then all of ~~said the~~ bonds, both principal and interest, shall 24648
become due and payable, and the owners of any of ~~said the~~ bonds, 24649
aggregating in par value not less than ten per cent of the total 24650
amount of such bonds then outstanding, may institute proceedings 24651
to foreclose such lien against the state in the court of common 24652
pleas of the county in which is located any of ~~said the~~ 24653
improvements, constructed, altered, or enlarged out of the 24654
proceeds of the sale of such bonds. 24655

~~Said The~~ court shall have jurisdiction of such action with 24656
full power to foreclose such lien and to make an order to the 24657
sheriff of ~~said the~~ county, acting as a master commissioner, 24658
directing ~~him~~ the sheriff to make a sale of such improvements or 24659
part thereof at not less than two-thirds of the appraised value 24660
thereof, and upon such terms and in manner and form as provided 24661

for in ~~said~~ the order, and to pay the proceeds of such sale to the 24662
clerk of the court of common pleas. Upon motion of the purchaser 24663
of such improvements at such sale, the court, if such sale is 24664
found to be regular in all respects and according to law, shall 24665
confirm the sale and order the sheriff to execute a deed to such 24666
purchaser and ~~his~~ the purchaser's assigns, conveying to ~~him~~ the 24667
purchaser and the purchaser's assigns all the right, title, and 24668
interest of the holders of ~~said~~ the bonds in and to ~~said~~ the 24669
improvements, and all the right, title, and interest of the state, 24670
for a period of not more than fifty years from the date of such 24671
conveyance, in the same, with full right and franchise, for ~~said~~ 24672
the period of not to exceed fifty years, to operate ~~said~~ the 24673
improvements and dispose of the water conserved or the power 24674
generated thereby, with the further right, for ~~said~~ the period of 24675
fifty years, to flow, transport, and convey ~~said~~ the water from 24676
~~said~~ the improvements, or to conduct and transmit power generated 24677
thereby through, over, and upon any of the lands of the state or 24678
channels or beds of any of its reservoirs, lakes, canals, races, 24679
aqueducts, or watercourses. In the exercise of such rights, such 24680
purchaser or ~~his~~ the purchaser's assigns shall at all times during 24681
the term of ~~said~~ the grant maintain the improvements so conveyed 24682
to them in a good state of repair and shall not interfere with the 24683
navigation of the canals of the state or with the control and 24684
maintenance thereof or with the sale of water by the state from 24685
its dams, reservoirs, and improvements other than those so 24686
constructed. The state does not incur any liability by reason of 24687
such sale and the rights granted thereunder to continue to 24688
maintain such canals, races, channels, or watercourses, or to 24689
continue the use thereof. Such conveyance or grant by the sheriff 24690
as such master commissioner shall contain a clause giving the 24691
chief such control of waste gates and wickets as to regulate the 24692
flow of water in the state reservoirs or canals, in such manner as 24693
to maintain the proper level therein and to prevent the flowing 24694

into such reservoirs and canals of such quantities of water as 24695
might impair any of the property of the state or its lessees, 24696
except as otherwise provided in section 1520.03 of the Revised 24697
Code. 24698

Upon the foreclosure of ~~said~~ the lien and the sale of ~~said~~ 24699
the improvements, all contracts or leases for the sale, use, or 24700
lease of water, the lands and improvements adjacent thereto, or 24701
power rights then outstanding shall become void, and the rights of 24702
the state and the several lessees thereunder, shall cease. 24703

Upon the making of an order by the court for the sale of such 24704
improvements, and before they are offered for sale by the sheriff, 24705
the court shall appoint three disinterested appraisers, one of 24706
whom shall be a water-works or hydraulic engineer with at least 24707
five years' experience in the practice of ~~his~~ the engineer's 24708
profession, and two of whom shall be freeholders residing in the 24709
county in which any of such improvements are located. ~~Said~~ The 24710
appraisers shall appraise ~~said~~ the improvements and shall, within 24711
the time fixed by the court, file such appraisal in writing with 24712
the clerk. If the lien given by this section as security for the 24713
payment of ~~said~~ the bonds covers a part only of ~~said~~ the 24714
improvements, ~~said~~ the appraisers shall appraise ~~said~~ the 24715
improvements as an entirety, and shall also appraise separately 24716
the part constructed from the proceeds of the sale of ~~said~~ the 24717
bonds, the lien of which is being foreclosed in such proceeding. 24718

In making such appraisal and fixing the value of ~~said~~ the 24719
improvements or of such part thereof, ~~said~~ the appraisers shall 24720
have access to all papers and documents on file in the office of 24721
the chief relating to such improvements, including the plans and 24722
specifications therefor, and the bids made and contracts entered 24723
into for the construction thereof, and all leases and contracts 24724
for the sale of water impounded therein and power generated 24725
thereby. The order of the court shall direct the sale only of such 24726

part of ~~said~~ the improvements as have been constructed from the 24727
proceeds of the sale of ~~said~~ the bonds. The purchaser at such 24728
sale, in the operation of such improvements during the term of the 24729
franchise granted to ~~him~~ the purchaser by this section, shall draw 24730
from the dam or reservoir impounding such water only such portion 24731
thereof as the appraised value of that part of such improvements, 24732
constructed from the proceeds of the sale of such bonds and sold 24733
to ~~him~~ the purchaser under the order of the court, bears to the 24734
entire appraised value of such improvements. 24735

If at any time during the term of the franchise granted to 24736
the purchaser of such improvements at such foreclosure sale any 24737
controversy arises between ~~him~~ the purchaser or ~~his~~ the 24738
purchaser's assigns and the chief as to the operation of such 24739
improvements, or as to the amount of water which ~~said~~ the 24740
purchaser is drawing or is entitled to draw therefrom, either ~~said~~ 24741
the purchaser or ~~said~~ the chief may file a petition in ~~said~~ the 24742
court, setting forth the facts connected with such controversy. 24743

Notice in writing of the filing of such petition shall be 24744
given to the opposite party to ~~said~~ the controversy within thirty 24745
days from the date of the filing thereof, either by service of 24746
such notice personally upon such opposite party by the sheriff of 24747
such county or by service by mail by the clerk. Such notice shall 24748
be mailed to the name and address which the purchaser filed with 24749
~~said~~ the clerk at the time of the delivery to the purchaser by the 24750
sheriff of the deed. Within thirty days from the serving or 24751
mailing of such notice, the opposite party to ~~said~~ the controversy 24752
shall file ~~his~~ an answer in ~~said~~ the court, and thereupon the 24753
court shall hear and determine ~~said~~ the controversy and make such 24754
order in regard to it as is just and proper, which order shall be 24755
binding upon all the parties to ~~said~~ the controversy. 24756

At the termination of ~~said~~ the period of not to exceed fifty 24757
years, all of the rights and privileges conveyed to ~~said~~ the 24758

purchaser by the deed and grant of such sheriff as master 24759
commissioner shall cease and ~~said~~ the improvements, with all the 24760
appurtenances belonging thereto, shall revert to and become the 24761
property of the state, free and clear of any claims whatever 24762
against them. 24763

The clerk shall distribute and pay the money received by ~~him~~ 24764
the clerk from the sheriff as such master commissioner from the 24765
sale of such improvements to the holders of ~~said~~ the bonds pro 24766
rata, and upon such payment to any of ~~said~~ the bondholders, they 24767
shall surrender to the ~~said~~ the clerk their bonds, with all unpaid 24768
interest coupons thereon. The clerk shall thereupon cancel the 24769
same and deliver them, so canceled, to the treasurer of the water 24770
conservation improvement fund. 24771

Sec. 1523.11. All appropriations of property made by the 24772
chief of the division of soil and water resources in carrying out 24773
sections 1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, shall 24774
be made in accordance with sections 163.01 to 163.22, ~~inclusive~~, 24775
of the Revised Code, provided that possession of any property so 24776
appropriated shall not be taken by the state or the chief before 24777
the compensation and damages awarded therefor in the appropriation 24778
proceedings have been paid into court. 24779

Sec. 1523.12. Sections 1523.01 to 1523.13, ~~inclusive~~, of the 24780
Revised Code do not authorize any reduction in the quantity or any 24781
impairment in the quality of the water in any watershed, stream, 24782
or basin, developed or undeveloped, from which any political 24783
subdivision is, at the time the chief of the division of soil and 24784
water resources proposes and is proceeding to construct in such 24785
watershed, stream, or basin any of the improvements authorized by 24786
such sections, taking water for the use of itself or its 24787
inhabitants, or has plans under way, or has made or begun 24788
appropriation of any property or rights in such watershed, stream, 24789

or basin for the purpose of acquiring a water supply for itself or 24790
its inhabitants for either domestic, industrial, or other uses. 24791
Such sections do not authorize the chief to sell or lease the 24792
right to use water at any time for any purpose or to such an 24793
extent as to prejudice, abrogate, or supersede any of the water 24794
rights granted by the state to the city of Akron as provided in 24795
volume 102, Ohio Laws, page 175, sections 1 to 3, ~~inclusive~~. 24796

Sec. 1523.13. If by reason of severe drought or other causes 24797
the water supply of any political subdivision is, in the judgment 24798
of the chief of the division of soil and water resources, at any 24799
time so reduced or impaired as to endanger the property of such 24800
political subdivision, or the health, safety, or property of the 24801
inhabitants thereof, then the chief, under such regulations as ~~he~~ 24802
the chief prescribes, may grant to such political subdivision the 24803
right, during the continuance of such emergency, to draw or take 24804
such quantity of water as is necessary to protect the property of 24805
such political subdivision and the health, safety, or property of 24806
its inhabitants from any improvement constructed under sections 24807
1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, before any of 24808
the lessees or grantees of the state using the water for 24809
industrial purposes take water therefrom. Such political 24810
subdivision shall pay such price per thousand gallons for the 24811
water so taken by it as is fixed by the chief and the governor. 24812
The price so fixed shall not exceed the maximum price then being 24813
paid for water to the state by any of its lessees or grantees. 24814
Such grant by the chief to such political subdivision shall not 24815
modify the terms or impair the validity of any leases then 24816
existing between the state and other persons, firms, or 24817
corporations, except as expressly provided in this section. 24818

Sec. 1523.14. The director of transportation in constructing 24819
highways, bridges, and culverts as provided by law; the board of 24820

county commissioners in constructing highways, bridges, and 24821
culverts as provided by law; the board of township trustees of any 24822
township in constructing highways, bridges, and culverts as 24823
provided by law; and any municipal corporation constructing or 24824
improving viaducts, bridges, and culverts under section 717.01 of 24825
the Revised Code, either severally or jointly, upon request of the 24826
chief of the division of soil and water resources and with the 24827
approval of the director of transportation, may construct and 24828
maintain slack-water dams in connection with ~~said~~ the highway, 24829
highway bridge, or culvert so as to create reservoirs, ponds, 24830
water parks, basins, lakes, or other incidental works to conserve 24831
the water supply of the state. 24832

Sec. 1523.15. The chief of the division of soil and water ~~of~~ 24833
~~the department of natural~~ resources may request the public 24834
authority having charge of the construction of state, county, or 24835
township highways, highway bridges, and culverts, or municipal 24836
streets, for the construction of slack-water dams in connection 24837
with the construction of any such highway, street, highway bridge, 24838
or culvert whenever, in ~~his~~ the chief's opinion, the construction 24839
of such dam is desirable and feasible for the economical creation 24840
and construction of reservoirs, ponds, water parks, basins, lakes, 24841
or other incidental works for the conservation of the water supply 24842
of the state. 24843

The public authority having charge of such construction may 24844
approve such request when, in its opinion, the construction of 24845
such dams will not unnecessarily delay or hinder the construction 24846
of the highway, street, highway bridge, or culvert, or will not 24847
interfere with its value or use for highway purposes. 24848

If such request is approved, the chief, in cooperation with 24849
the department of transportation and the public authority 24850
participating in the project, shall make a survey and prepare 24851

plans, specifications, and estimates for the construction of such 24852
dams and the reservoir, pond, water park, basin, lake, or other 24853
incidental works in connection therewith. 24854

Upon approval of the plans and specifications and 24855
determination to proceed with the project, the chief shall enter 24856
into an agreement with the public authority on the distribution of 24857
the cost and expense of the construction of such dams and 24858
incidental works in connection therewith. The portion of the cost 24859
to be paid by the division of soil and water resources shall be 24860
paid from any funds appropriated for or paid into the division and 24861
available for such purpose. 24862

Such dams shall be constructed under and subject to any laws 24863
governing the construction of state, county, or township highways, 24864
bridges, or culverts. Any public authority undertaking 24865
construction under sections 1523.14 to 1523.20 of the Revised Code 24866
shall proceed in the same manner as provided for the construction 24867
of highway or street improvements. 24868

Sec. 1523.16. Any department or division of the state 24869
government, or any county, township, municipal corporation, park 24870
board, or district, or any organization, club, corporation, or 24871
private person may petition the chief of the division of soil and 24872
water resources for the construction of dams and reservoir 24873
projects in connection with the construction of any highway, 24874
highway bridge, or culvert. 24875

Upon receipt of such a petition and its approval by the 24876
chief, ~~he~~ the chief shall proceed as authorized by section 1523.15 24877
of the Revised Code. If the public authority having charge of the 24878
construction of such highway, street, highway bridge, or culvert 24879
approves the request, then the chief shall enter into an agreement 24880
with the public authority, organization, or person petitioning for 24881
the construction of such dam or reservoir on the apportionment of 24882

the cost and expense of construction. The cost and expense of such 24883
dam project shall include the cost of clearing and grubbing and 24884
the cost of property and damages incidental thereto. Such 24885
agreement shall also contain provisions for the proper maintenance 24886
and repair of such projects after completion, and also apportion 24887
the revenue derived therefrom between the division of soil and 24888
water resources and the petitioner. 24889

Sec. 1523.17. In all cases in which a public authority, 24890
private organization, or person petitions for the construction of 24891
a dam and reservoir project as authorized by ~~section~~ sections 24892
1523.14 to 1523.20 of the Revised Code, the chief of the division 24893
of soil and water ~~of the department of natural~~ resources, as a 24894
condition precedent to the construction of such project, shall 24895
require the petitioning authority, organization, or person to pay 24896
~~his~~ the petitioning authority's, organization's, or person's share 24897
of the cost and expense of such project. 24898

Any deficiency shall be made up by the parties bearing the 24899
cost before any further work is done. If the deficiency is not 24900
made up within sixty days after it is known, the amount paid in, 24901
less the expense incurred by the chief and the cooperating public 24902
authorities, shall be refunded to the donor. After completion of 24903
the work, any amount remaining to the credit of the project shall 24904
likewise be refunded. 24905

Sec. 1523.18. In the construction of dams, reservoirs, and 24906
other incidental works under sections 1523.14 to 1523.20 of the 24907
Revised Code, the chief of the division of soil and water 24908
resources shall proceed as provided by law, and shall enter into 24909
contracts therefor as provided in sections 153.01 to 153.29 of the 24910
Revised Code. The director of transportation, the chief of the 24911
division of wildlife with the approval of the director of natural 24912
resources, and any county, township, municipal corporation, and 24913

public park board or district may proceed with the letting of 24914
contracts for the construction of such dams or reservoir projects, 24915
approved by the chief of the division of soil and water resources, 24916
under any laws regulating the letting of contracts applicable to 24917
their respective departments, divisions, districts, or political 24918
subdivisions, and the authority of sections 1523.14 to 1523.20 of 24919
the Revised Code. 24920

Sec. 1523.19. The chief of the division of soil and water 24921
resources shall have the supervision, care, and control of all 24922
dams, reservoirs, ponds, water parks, basins, lakes, or other 24923
incidental works constructed under sections 1523.14 to 1523.20~~7~~ 24924
~~inclusive~~, of the Revised Code, and shall maintain and keep them 24925
in repair. The cost of such maintenance and repair shall be paid 24926
from any funds appropriated to the division of soil and water 24927
resources for that purpose or paid into the state treasury as 24928
agreed upon with the public or contracting authorities 24929
co-operating in the construction of such projects. 24930

Such projects may also be maintained by any department or 24931
division of state government or other public authorities leasing 24932
or operating the projects, through agreements made with ~~said the~~ the 24933
chief. All rentals derived from the lessees of such projects shall 24934
be used by ~~said the~~ the chief in the maintenance or repair of all such 24935
projects constructed under such sections. The costs and expenses 24936
of the reconstruction of any such projects shall be distributed, 24937
unless otherwise agreed, on the same basis and pro-rata share of 24938
the costs and expenses as was paid by the contracting authorities 24939
contributing to the cost of the original project. 24940

Sec. 1523.20. When the chief of the division of soil and 24941
water resources and the owners of the lands, waters, or riparian 24942
rights are unable to agree upon the terms, purchase price, and 24943
sale thereof, the chief may acquire the lands by appropriation 24944

proceedings in the manner provided by sections 163.01 to 163.22 of 24945
the Revised Code. 24946

The title or lease to any such lands, waters, or riparian 24947
rights shall be taken by the chief, subject to the approval of the 24948
governor and the attorney general, in the name of the state. The 24949
lease rentals or purchase price of any such lands, waters, or 24950
riparian rights, as well as all costs and expenses of constructing 24951
any such reservoirs, ponds, water parks, basins, lakes, or other 24952
incidental works on those lands, may be paid for from any funds 24953
appropriated for the use of or paid into the division of soil and 24954
water resources and available for that purpose. The chief may 24955
accept contributions to those funds from individuals, 24956
associations, clubs, organizations, and corporations. 24957

Sec. 1531.01. As used in this chapter and Chapter 1533. of 24958
the Revised Code: 24959

(A) "Person" means a person as defined in section 1.59 of the 24960
Revised Code or a company; an employee, agent, or officer of such 24961
a person or company; a combination of individuals; the state; a 24962
political subdivision of the state; an interstate body created by 24963
a compact; or the federal government or a department, agency, or 24964
instrumentality of it. 24965

(B) "Resident" means any individual who has resided in this 24966
state for not less than six months next preceding the date of 24967
making application for a license. 24968

(C) "Nonresident" means any individual who does not qualify 24969
as a resident. 24970

(D) "Division rule" or "rule" means any rule adopted by the 24971
chief of the division of wildlife under section 1531.10 of the 24972
Revised Code unless the context indicates otherwise. 24973

(E) "Closed season" means that period of time during which 24974

the taking of wild animals protected by this chapter and Chapter 24975
1533. of the Revised Code is prohibited. 24976

(F) "Open season" means that period of time during which the 24977
taking of wild animals protected by this chapter and Chapter 1533. 24978
of the Revised Code is permitted. 24979

(G) "Take or taking" includes pursuing, shooting, hunting, 24980
killing, trapping, angling, fishing with a trotline, or netting 24981
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 24982
wild bird, or wild quadruped, and any lesser act, such as 24983
wounding, or placing, setting, drawing, or using any other device 24984
for killing or capturing any wild animal, whether it results in 24985
killing or capturing the animal or not. "Take or taking" includes 24986
every attempt to kill or capture and every act of assistance to 24987
any other person in killing or capturing or attempting to kill or 24988
capture a wild animal. 24989

(H) "Possession" means both actual and constructive 24990
possession and any control of things referred to. 24991

(I) "Bag limit" means the number, measurement, or weight of 24992
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 24993
birds, and wild quadrupeds permitted to be taken. 24994

(J) "Transport and transportation" means carrying or moving 24995
or causing to be carried or moved. 24996

(K) "Sell and sale" means barter, exchange, or offer or 24997
expose for sale. 24998

(L) "Whole to include part" means that every provision 24999
relating to any wild animal protected by this chapter and Chapter 25000
1533. of the Revised Code applies to any part of the wild animal 25001
with the same effect as it applies to the whole. 25002

(M) "Angling" means fishing with not more than two hand 25003
lines, not more than two units of rod and line, or a combination 25004

of not more than one hand line and one rod and line, either in 25005
hand or under control at any time while fishing. The hand line or 25006
rod and line shall have attached to it not more than three baited 25007
hooks, not more than three artificial fly rod lures, or one 25008
artificial bait casting lure equipped with not more than three 25009
sets of three hooks each. 25010

(N) "Trotline" means a device for catching fish that consists 25011
of a line having suspended from it, at frequent intervals, 25012
vertical lines with hooks attached. 25013

(O) "Fish" means a cold-blooded vertebrate having fins. 25014

(P) "Measurement of fish" means length from the end of the 25015
nose to the longest tip or end of the tail. 25016

(Q) "Wild birds" includes game birds and nongame birds. 25017

(R) "Game" includes game birds, game quadrupeds, and 25018
fur-bearing animals. 25019

(S) "Game birds" includes mourning doves, ringneck pheasants, 25020
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 25021
grouse, wild turkey, Hungarian partridge, Chukar partridge, 25022
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 25023
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 25024
duck, geese, brant, and crows. 25025

(T) "Nongame birds" includes all other wild birds not 25026
included and defined as game birds or migratory game birds. 25027

(U) "Wild quadrupeds" includes game quadrupeds and 25028
fur-bearing animals. 25029

(V) "Game quadrupeds" includes cottontail rabbits, gray 25030
squirrels, black squirrels, fox squirrels, red squirrels, flying 25031
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 25032
wild boar, and black bears. 25033

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 25034

skunks, opossums, muskrats, fox, beavers, badgers, otters, 25035
coyotes, and bobcats. 25036

(X) "Wild animals" includes mollusks, crustaceans, aquatic 25037
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 25038
and all other wild mammals, but does not include domestic deer. 25039

(Y) "Hunting" means pursuing, shooting, killing, following 25040
after or on the trail of, lying in wait for, shooting at, or 25041
wounding wild birds or wild quadrupeds while employing any device 25042
commonly used to kill or wound wild birds or wild quadrupeds 25043
whether or not the acts result in killing or wounding. "Hunting" 25044
includes every attempt to kill or wound and every act of 25045
assistance to any other person in killing or wounding or 25046
attempting to kill or wound wild birds or wild quadrupeds. 25047

(Z) "Trapping" means securing or attempting to secure 25048
possession of a wild bird or wild quadruped by means of setting, 25049
placing, drawing, or using any device that is designed to close 25050
upon, hold fast, confine, or otherwise capture a wild bird or wild 25051
quadruped whether or not the means results in capture. "Trapping" 25052
includes every act of assistance to any other person in capturing 25053
wild birds or wild quadrupeds by means of the device whether or 25054
not the means results in capture. 25055

(AA) "Muskrat spear" means any device used in spearing 25056
muskrats. 25057

(BB) "Channels and passages" means those narrow bodies of 25058
water lying between islands or between an island and the mainland 25059
in Lake Erie. 25060

(CC) "Island" means a rock or land elevation above the waters 25061
of Lake Erie having an area of five or more acres above water. 25062

(DD) "Reef" means an elevation of rock, either broken or in 25063
place, or gravel shown by the latest United States chart to be 25064
above the common level of the surrounding bottom of the lake, 25065

other than the rock bottom, or in place forming the base or 25066
foundation rock of an island or mainland and sloping from the 25067
shore of it. "Reef" also means all elevations shown by that chart 25068
to be above the common level of the sloping base or foundation 25069
rock of an island or mainland, whether running from the shore of 25070
an island or parallel with the contour of the shore of an island 25071
or in any other way and whether formed by rock, broken or in 25072
place, or from gravel. 25073

(EE) "Fur farm" means any area used exclusively for raising 25074
fur-bearing animals or in addition thereto used for hunting game, 25075
the boundaries of which are plainly marked as such. 25076

(FF) "Waters" includes any lake, pond, reservoir, stream, 25077
channel, lagoon, or other body of water, or any part thereof, 25078
whether natural or artificial. 25079

(GG) "Crib" or "car" refers to that particular compartment of 25080
the net from which the fish are taken when the net is lifted. 25081

(HH) "Commercial fish" means those species of fish permitted 25082
to be taken, possessed, bought, or sold unless otherwise 25083
restricted by the Revised Code or division rule and are alewife 25084
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 25085
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 25086
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 25087
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 25088
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 25089
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 25090
olivaris), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 25091
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 25092
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 25093
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 25094
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 25095
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 25096
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 25097

than buffalo and quillback (Carpoides sp., Catostomus sp.,
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone
chrysops), white perch (Roccus americanus), and yellow perch
(Perca flavescens). When the common name of a fish is used in this
chapter or Chapter 1533. of the Revised Code, it refers to the
fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any
method, and all other acts such as placing, setting, drawing, or
using any device commonly used to take fish whether resulting in a
taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from
both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from
one side of a fish.

(LL) "Round" when used in describing fish means with head and
tail intact.

(MM) "Migrate" means the transit or movement of fish to or
from one place to another as a result of natural forces or
instinct and includes, but is not limited to, movement of fish
induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across
the entire width of the back, at the top and bottom of the cars in
all trap, crib, and fyke nets for the purpose of keeping the
meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration
or hire, operates a boat, rents, leases, or otherwise furnishes
angling devices, ice fishing shanties or shelters of any kind, or
other fishing equipment, and accompanies, guides, directs, or
assists any other person in order for the other person to engage
in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.

(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.

(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.

(WW) "Reptiles" includes common musk turtle (*sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), ouachita

map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland	25159
painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider	25160
(<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle	25161
(<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle	25162
(<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus</i>	25163
<i>undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>),	25164
five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces</i>	25165
<i>laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	25166
European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina</i>	25167
<i>septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	25168
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	25169
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	25170
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	25171
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	25172
northern redbelly snake (<i>Storeria occipitomaculata</i>	25173
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	25174
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	25175
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	25176
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	25177
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	25178
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	25179
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	25180
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	25181
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis</i>	25182
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	25183
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	25184
(<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis</i>	25185
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	25186
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	25187
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	25188
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	25189
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	25190
rattlesnake (<i>Crotalus horridus horridus</i>).	25191

(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	25192
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	25193
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	25194
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	25195
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	25196
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	25197
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	25198
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	25199
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	25200
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	25201
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	25202
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	25203
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	25204
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	25205
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	25206
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	25207
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	25208
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	25209
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	25210
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	25211
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	25212
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	25213
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	25214
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	25215
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	25216
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	25217
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	25218
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	25219
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	25220
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	25221
frog (<i>Rana sylvatica</i>).	25222
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	25223
<i>virginianus</i>).	25224

(ZZ) "Domestic deer" means nonnative deer that have been 25225
legally acquired or their offspring and that are held in private 25226
ownership for primarily agricultural purposes. 25227

(AAA) "Migratory game bird" includes waterfowl (Anatidae); 25228
doves (Columbidae); cranes (Gruidae); cormorants 25229
(Phalacrocoracidea); rails, coots, and gallinules (Rallidae); and 25230
woodcock and snipe (Scolopacidae). 25231

(BBB) "Accompany" means to go along with another person while 25232
staying within a distance from the person that enables 25233
uninterrupted, unaided visual and auditory communication. 25234

(CCC) "Electric-powered all-purpose vehicle" means any 25235
battery-powered self-propelled electric vehicle that is designed 25236
primarily for cross-country travel on land, water, or land and 25237
water and that is steered by wheels, caterpillar treads, or a 25238
combination of wheels and caterpillar treads and includes vehicles 25239
that operate on a cushion of air, vehicles commonly known as 25240
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 25241
bikes. "Electric-powered all-purpose vehicle" does not include a 25242
utility vehicle as defined in section 4501.01 of the Revised Code, 25243
any vehicle that is principally used in playing golf, any motor 25244
vehicle or aircraft that is required to be registered under 25245
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 25246
excluded from the definition of "motor vehicle" as provided in 25247
division (B) of section 4501.01 of the Revised Code. 25248

(DDD) "Children" means biological or adopted sons or 25249
daughters and adopted stepsons or stepdaughters. 25250

(EEE) "Grandchildren" means the children of one's child. 25251

Sec. 1533.10. Except as provided in this section or division 25252
(A)(2) of section 1533.12 of the Revised Code, no person shall 25253
hunt any wild bird or wild quadruped without a hunting license. 25254

Each day that any person hunts within the state without procuring 25255
such a license constitutes a separate offense. Except as otherwise 25256
provided in this section, every applicant for a hunting license 25257
who is a resident of the state and eighteen years of age or more 25258
shall procure a resident hunting license or an apprentice resident 25259
hunting license, the fee for which shall be eighteen dollars 25260
unless the rules adopted under division (B) of section 1533.12 of 25261
the Revised Code provide for issuance of a resident hunting 25262
license to the applicant free of charge. Except as provided in 25263
rules adopted under division (B)(2) of that section, each 25264
applicant who is a resident of this state and who at the time of 25265
application is sixty-six years of age or older shall procure a 25266
special senior hunting license, the fee for which shall be 25267
one-half of the regular hunting license fee. Every applicant who 25268
is under the age of eighteen years shall procure a special youth 25269
hunting license or an apprentice youth hunting license, the fee 25270
for which shall be one-half of the regular hunting license fee. 25271
The owner of lands in the state and the owner's children of any 25272
age and grandchildren ~~under eighteen years~~ of any age may hunt on 25273
the lands without a hunting license. The tenant and children of 25274
the tenant, residing on lands in the state, may hunt on them 25275
without a hunting license. Except as otherwise provided in 25276
division (A)(1) of section 1533.12 of the Revised Code, every 25277
applicant for a hunting license who is a nonresident of the state 25278
and who is eighteen years of age or older shall procure a 25279
nonresident hunting license or an apprentice nonresident hunting 25280
license, the fee for which shall be one hundred twenty-four 25281
dollars unless the applicant is a resident of a state that is a 25282
party to an agreement under section 1533.91 of the Revised Code, 25283
in which case the fee shall be eighteen dollars. Apprentice 25284
resident hunting licenses, apprentice youth hunting licenses, and 25285
apprentice nonresident hunting licenses are subject to the 25286
requirements established under section 1533.102 of the Revised 25287

Code and rules adopted pursuant to it. 25288

The chief of the division of wildlife may issue a small game 25289
hunting license expiring three days from the effective date of the 25290
license to a nonresident of the state, the fee for which shall be 25291
thirty-nine dollars. No person shall take or possess deer, wild 25292
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 25293
animal while possessing only a small game hunting license. A small 25294
game hunting license or an apprentice nonresident hunting license 25295
does not authorize the taking or possessing of ducks, geese, or 25296
brant without having obtained, in addition to the small game 25297
hunting license or the apprentice nonresident hunting license, a 25298
wetlands habitat stamp as provided in section 1533.112 of the 25299
Revised Code. A small game hunting license or an apprentice 25300
nonresident hunting license does not authorize the taking or 25301
possessing of deer, wild turkeys, or fur-bearing animals. A 25302
nonresident of the state who wishes to take or possess deer, wild 25303
turkeys, or fur-bearing animals in this state shall procure, 25304
respectively, a deer or wild turkey permit as provided in section 25305
1533.11 of the Revised Code or a fur taker permit as provided in 25306
section 1533.111 of the Revised Code in addition to a nonresident 25307
hunting license, an apprentice nonresident hunting license, a 25308
special youth hunting license, or an apprentice youth hunting 25309
license, as applicable, as provided in this section. 25310

No person shall procure or attempt to procure a hunting 25311
license by fraud, deceit, misrepresentation, or any false 25312
statement. 25313

This section does not authorize the taking and possessing of 25314
deer or wild turkeys without first having obtained, in addition to 25315
the hunting license required by this section, a deer or wild 25316
turkey permit as provided in section 1533.11 of the Revised Code 25317
or the taking and possessing of ducks, geese, or brant without 25318
first having obtained, in addition to the hunting license required 25319

by this section, a wetlands habitat stamp as provided in section 25320
1533.112 of the Revised Code. 25321

This section does not authorize the hunting or trapping of 25322
fur-bearing animals without first having obtained, in addition to 25323
a hunting license required by this section, a fur taker permit as 25324
provided in section 1533.111 of the Revised Code. 25325

No hunting license shall be issued unless it is accompanied 25326
by a written explanation of the law in section 1533.17 of the 25327
Revised Code and the penalty for its violation, including a 25328
description of terms of imprisonment and fines that may be 25329
imposed. 25330

No hunting license, other than an apprentice hunting license, 25331
shall be issued unless the applicant presents to the agent 25332
authorized to issue the license a previously held hunting license 25333
or evidence of having held such a license in content and manner 25334
approved by the chief, a certificate of completion issued upon 25335
completion of a hunter education and conservation course approved 25336
by the chief, or evidence of equivalent training in content and 25337
manner approved by the chief. A previously held apprentice hunting 25338
license does not satisfy the requirement concerning the 25339
presentation of a previously held hunting license or evidence of 25340
it. 25341

No person shall issue a hunting license, except an apprentice 25342
hunting license, to any person who fails to present the evidence 25343
required by this section. No person shall purchase or obtain a 25344
hunting license, other than an apprentice hunting license, without 25345
presenting to the issuing agent the evidence required by this 25346
section. Issuance of a hunting license in violation of the 25347
requirements of this section is an offense by both the purchaser 25348
of the illegally obtained hunting license and the clerk or agent 25349
who issued the hunting license. Any hunting license issued in 25350
violation of this section is void. 25351

The chief, with approval of the wildlife council, shall adopt 25352
rules prescribing a hunter education and conservation course for 25353
first-time hunting license buyers, other than buyers of apprentice 25354
hunting licenses, and for volunteer instructors. The course shall 25355
consist of subjects including, but not limited to, hunter safety 25356
and health, use of hunting implements, hunting tradition and 25357
ethics, the hunter and conservation, the law in section 1533.17 of 25358
the Revised Code along with the penalty for its violation, 25359
including a description of terms of imprisonment and fines that 25360
may be imposed, and other law relating to hunting. Authorized 25361
personnel of the division or volunteer instructors approved by the 25362
chief shall conduct such courses with such frequency and at such 25363
locations throughout the state as to reasonably meet the needs of 25364
license applicants. The chief shall issue a certificate of 25365
completion to each person who successfully completes the course 25366
and passes an examination prescribed by the chief. 25367

Sec. 1533.11. (A) Except as provided in this section, no 25368
person shall hunt deer on lands of another without first obtaining 25369
an annual deer permit. Except as provided in this section, no 25370
person shall hunt wild turkeys on lands of another without first 25371
obtaining an annual wild turkey permit. Each applicant for a deer 25372
or wild turkey permit shall pay an annual fee of twenty-three 25373
dollars for each permit unless the rules adopted under division 25374
(B) of section 1533.12 of the Revised Code provide for issuance of 25375
a deer or wild turkey permit to the applicant free of charge. 25376
Except as provided in rules adopted under division (B)(2) of that 25377
section, each applicant who is a resident of this state and who at 25378
the time of application is sixty-six years of age or older shall 25379
procure a senior deer or wild turkey permit, the fee for which 25380
shall be one-half of the regular deer or wild turkey permit fee. 25381
Each applicant who is under the age of eighteen years shall 25382
procure a youth deer or wild turkey permit, the fee for which 25383

shall be one-half of the regular deer or wild turkey permit fee. 25384
Except as provided in division (A)(2) of section 1533.12 of the 25385
Revised Code, a deer or wild turkey permit shall run concurrently 25386
with the hunting license. The money received shall be paid into 25387
the state treasury to the credit of the wildlife fund, created in 25388
section 1531.17 of the Revised Code, exclusively for the use of 25389
the division of wildlife in the acquisition and development of 25390
land for deer or wild turkey management, for investigating deer or 25391
wild turkey problems, and for the stocking, management, and 25392
protection of deer or wild turkey. Every person, while hunting 25393
deer or wild turkey on lands of another, shall carry the person's 25394
deer or wild turkey permit and exhibit it to any enforcement 25395
officer so requesting. Failure to so carry and exhibit such a 25396
permit constitutes an offense under this section. The chief of the 25397
division of wildlife shall adopt any additional rules the chief 25398
considers necessary to carry out this section and section 1533.10 25399
of the Revised Code. 25400

The owner and the children of the owner of lands in this 25401
state may hunt deer or wild turkey thereon without a deer or wild 25402
turkey permit. The tenant and children of the tenant may hunt deer 25403
or wild turkey on lands where they reside without a deer or wild 25404
turkey permit. 25405

(B) A deer or wild turkey permit is not transferable. No 25406
person shall carry a deer or wild turkey permit issued in the name 25407
of another person. 25408

(C) The wildlife refunds fund is hereby created in the state 25409
treasury. The fund shall consist of money received from 25410
application fees for deer permits that are not issued. Money in 25411
the fund shall be used to make refunds of such application fees. 25412

(D) If the division establishes a system for the electronic 25413
submission of information regarding deer or wild turkey that are 25414
taken, the division shall allow the owner and the children of the 25415

owner of lands in this state to use the owner's name or address 25416
for purposes of submitting that information electronically via 25417
that system. 25418

Sec. 1533.12. (A)(1) Except as otherwise provided in division 25419
(A)(2) of this section, every person on active duty in the armed 25420
forces of the United States who is stationed in this state and who 25421
wishes to engage in an activity for which a license, permit, or 25422
stamp is required under this chapter first shall obtain the 25423
requisite license, permit, or stamp. Such a person is eligible to 25424
obtain a resident hunting or fishing license regardless of whether 25425
the person qualifies as a resident of this state. To obtain a 25426
resident hunting or fishing license, the person shall present a 25427
card or other evidence identifying the person as being on active 25428
duty in the armed forces of the United States and as being 25429
stationed in this state. 25430

(2) Every person on active duty in the armed forces of the 25431
United States, while on leave or furlough, may take or catch fish 25432
of the kind lawfully permitted to be taken or caught within the 25433
state, may hunt any wild bird or wild quadruped lawfully permitted 25434
to be hunted within the state, and may trap fur-bearing animals 25435
lawfully permitted to be trapped within the state, without 25436
procuring a fishing license, a hunting license, a fur taker 25437
permit, or a wetlands habitat stamp required by this chapter, 25438
provided that the person shall carry on the person when fishing, 25439
hunting, or trapping, a card or other evidence identifying the 25440
person as being on active duty in the armed forces of the United 25441
States, and provided that the person is not otherwise violating 25442
any of the hunting, fishing, and trapping laws of this state. 25443

In order to hunt deer or wild turkey, any such person shall 25444
obtain a deer or wild turkey permit, as applicable, under section 25445
1533.11 of the Revised Code. However, the person need not obtain a 25446

hunting license in order to obtain such a permit. 25447

(B) The chief of the division of wildlife shall provide by 25448
rule adopted under section 1531.10 of the Revised Code all of the 25449
following: 25450

(1) Every resident of this state with a disability that has 25451
been determined by the veterans administration to be permanently 25452
and totally disabling, who receives a pension or compensation from 25453
the veterans administration, and who received an honorable 25454
discharge from the armed forces of the United States, and every 25455
veteran to whom the registrar of motor vehicles has issued a set 25456
of license plates under section 4503.41 of the Revised Code, shall 25457
be issued a fishing license, hunting license, fur taker permit, 25458
deer or wild turkey permit, or wetlands habitat stamp, or any 25459
combination of those licenses, permits, and stamp, free of charge 25460
on an annual, multi-year, or lifetime basis as determined 25461
appropriate by the chief when application is made to the chief in 25462
the manner prescribed by and on forms provided by the chief. 25463

(2) Every resident of the state who was born on or before 25464
December 31, 1937, shall be issued an annual fishing license, 25465
hunting license, fur taker permit, deer or wild turkey permit, or 25466
wetlands habitat stamp, or any combination of those licenses, 25467
permits, and stamp, free of charge when application is made to the 25468
chief in the manner prescribed by and on forms provided by the 25469
chief. 25470

(3) Every resident of state or county institutions, 25471
charitable institutions, and military homes in this state shall be 25472
issued an annual fishing license free of charge when application 25473
is made to the chief in the manner prescribed by and on forms 25474
provided by the chief. 25475

(4) Any mobility impaired or blind person, as defined in 25476
section 955.011 of the Revised Code, who is a resident of this 25477

state and who is unable to engage in fishing without the 25478
assistance of another person shall be issued an annual fishing 25479
license free of charge when application is made to the chief in 25480
the manner prescribed by and on forms provided by the chief. The 25481
person who is assisting the mobility impaired or blind person may 25482
assist in taking or catching fish of the kind permitted to be 25483
taken or caught without procuring the license required under 25484
section 1533.32 of the Revised Code, provided that only one line 25485
is used by both persons. 25486

(5) As used in division (B)(5) of this section, "prisoner of 25487
war" means any regularly appointed, enrolled, enlisted, or 25488
inducted member of the military forces of the United States who 25489
was captured, separated, and incarcerated by an enemy of the 25490
United States. 25491

Any person who has been a prisoner of war, was honorably 25492
discharged from the military forces, and is a resident of this 25493
state shall be issued a fishing license, hunting license, fur 25494
taker permit, or wetlands habitat stamp, or any combination of 25495
those licenses, permits, and stamp, free of charge on an annual, 25496
multi-year, or lifetime basis as determined appropriate by the 25497
chief when application is made to the chief in the manner 25498
prescribed by and on forms provided by the chief. 25499

(6) Every member of the Ohio national guard shall be issued 25500
an annual fishing license, hunting license, or combination of 25501
those licenses free of charge when application is made to the 25502
chief in the manner prescribed by and on forms provided by the 25503
chief. 25504

(C) The chief shall adopt rules pursuant to section 1531.08 25505
of the Revised Code designating not more than two days, which need 25506
not be consecutive, in each year as "free sport fishing days" on 25507
which any resident may exercise the privileges accorded the holder 25508
of a fishing license issued under section 1533.32 of the Revised 25509

Code without procuring such a license, provided that the person is 25510
not otherwise violating any of the fishing laws of this state. 25511

Sec. 1541.03. All lands and waters dedicated and set apart 25512
for state park purposes shall be under the control and management 25513
of the division of parks and recreation, which shall protect, 25514
maintain, and keep them in repair. The division shall have the 25515
following powers over all such lands and waters: 25516

(A) To make alterations and improvements; 25517

(B) To construct and maintain dikes, wharves, landings, 25518
docks, dams, and other works; 25519

(C) To construct and maintain roads and drives in, around, 25520
upon, and to the lands and waters to make them conveniently 25521
accessible and useful to the public; 25522

(D) Except as otherwise provided in this section, to adopt, 25523
amend, and rescind, in accordance with Chapter 119. of the Revised 25524
Code, rules necessary for the proper management of state parks, 25525
bodies of water, and the lands adjacent to them under its 25526
jurisdiction and control, including the following: 25527

(1) Governing opening and closing times and dates of the 25528
parks; 25529

(2) Establishing fees and charges for use of facilities in 25530
state parks; 25531

(3) Governing camps, camping, and fees for camps and camping; 25532

(4) Governing the application for and rental of, rental fees 25533
for, and the use of cottages; 25534

(5) Relating to public use of state park lands, and governing 25535
the operation of motor vehicles, including speeds, and parking on 25536
those lands; 25537

(6) Governing all advertising within state parks and the 25538

requirements for the operation of places selling tangible personal 25539
property and control of food service sales on lands and waters 25540
under the control of the division, which rules shall establish 25541
uniform requirements; 25542

(7) Providing uniform standards relating to the size, type, 25543
location, construction, and maintenance of structures and devices 25544
used for fishing or moorage of watercraft, rowboats, sailboats, 25545
and powercraft, as those terms are defined in section 1547.01 of 25546
the Revised Code, over waters under the control of the division 25547
and establishing reasonable fees for the construction of and 25548
annual use permits for those structures and devices; 25549

(8) Governing state beaches, swimming, inflatable devices, 25550
and fees for them; 25551

(9) Governing the removal and disposition of any watercraft, 25552
rowboat, sailboat, or powercraft, as those terms are defined in 25553
section 1547.01 of the Revised Code, left unattended for more than 25554
seven days on any lands or waters under the control of the 25555
division; 25556

(10) Governing the establishment and collection of check 25557
collection charges for checks that are returned to the division or 25558
dishonored for any reason. 25559

(E) To coordinate and plan trails in accordance with section 25560
1519.03 of the Revised Code; 25561

(F) To cooperate with the United States and agencies of it 25562
and with political subdivisions in administering federal 25563
recreation moneys under the "Land and Water Conservation Fund Act 25564
of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and 25565
distribute the statewide comprehensive outdoor recreation plan; 25566
and administer the state recreational vehicle fund created in 25567
section 4519.11 of the Revised Code; 25568

(G) To administer any state or federally funded grant program 25569

that is related to natural resources and recreation as considered 25570
necessary by the director of natural resources; 25571

(H) To assist the department of natural resources and its 25572
divisions by providing department-wide planning, capital 25573
improvements planning, and special purpose planning. 25574

With the approval of the director, the chief of the division 25575
of parks and recreation may enter into contracts or agreements 25576
with any agency of the United States government, any other public 25577
agency, or any private entity or organization for the performance 25578
of the duties of the division. 25579

The division shall adopt rules under this section 25580
establishing a discount program for all persons who are issued a 25581
golden buckeye card under section 173.06 of the Revised Code. The 25582
discount program shall provide a discount for all park services 25583
and rentals, but shall not provide a discount for the purchase of 25584
merchandise. 25585

The division shall not adopt rules establishing fees or 25586
charges for parking a motor vehicle in a state park or for 25587
admission to a state park. 25588

Every resident of this state with a disability that has been 25589
determined by the veterans administration to be permanently and 25590
totally disabling, who receives a pension or compensation from the 25591
veterans administration, and who received an honorable discharge 25592
from the armed forces of the United States, and every veteran to 25593
whom the registrar of motor vehicles has issued a set of license 25594
plates under section 4503.41 of the Revised Code, shall be exempt 25595
from the fees for camping, provided that the resident or veteran 25596
carries in the state park such evidence of the resident's or 25597
veteran's disability as the chief ~~of the division of parks and~~ 25598
~~recreation~~ prescribes by rule. 25599

Unless otherwise provided by division rule, every resident of 25600

this state who is sixty-five years of age or older or who is 25601
permanently and totally disabled and who furnishes evidence of 25602
that age or disability in a manner prescribed by division rule 25603
shall be charged one-half of the regular fee for camping, except 25604
on the weekends and holidays designated by the division, and shall 25605
not be charged more than ninety per cent of the regular charges 25606
for state recreational facilities, equipment, services, and food 25607
service operations utilized by the person at any time of year, 25608
whether maintained or operated by the state or leased for 25609
operation by another entity. 25610

As used in this section, "food service operations" means 25611
restaurants that are owned by the department of natural resources 25612
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 25613
parks or are part of a state park lodge. "Food service operations" 25614
does not include automatic vending machines, concession stands, or 25615
snack bars. 25616

As used in this section, "prisoner of war" means any 25617
regularly appointed, enrolled, enlisted, or inducted member of the 25618
military forces of the United States who was captured, separated, 25619
and incarcerated by an enemy of the United States. Any person who 25620
has been a prisoner of war, was honorably discharged from the 25621
military forces, and is a resident of this state is exempt from 25622
the fees for camping. To claim this exemption, the person shall 25623
present written evidence in the form of a record of separation, a 25624
letter from one of the military forces of the United States, or 25625
such other evidence as the chief prescribes by rule that satisfies 25626
the eligibility criteria established by this section. 25627

Sec. 1545.073. (A) A board of park commissioners of a park 25628
district may create a building department and employ the personnel 25629
it determines necessary to administer and enforce this section. 25630
The building department may enforce the state nonresidential 25631

building code adopted pursuant to Chapter 3781. of the Revised 25632
Code regarding any building existing or constructed on the park 25633
district's property if the building department is certified 25634
pursuant to section 3781.10 of the Revised Code to enforce that 25635
code. 25636

(B) The board may direct the building department, upon 25637
certification, to exercise enforcement authority and to accept and 25638
approve plans regarding any building existing or constructed on 25639
the park district's property pursuant to sections 3781.10 and 25640
3791.04 of the Revised Code for the class of building for which 25641
the department and personnel are certified. 25642

(C) Where a municipal, township, or county building 25643
department is located within the same jurisdiction of a park 25644
district building department certified to exercise enforcement 25645
authority pursuant to sections 3781.10 and 3791.04 of the Revised 25646
Code, the municipal, township, or county building department shall 25647
not exercise its enforcement authority regarding any buildings 25648
existing or constructed on the park district's property. 25649

Sec. 1548.10. (A) The clerk of the court of common pleas 25650
shall charge and retain fees as follows: 25651

(1) Fifteen dollars for each duplicate copy of a certificate 25652
of title. The clerk shall retain that entire fee. 25653

(2) Fifteen dollars for each certificate of title, which 25654
shall include any notation or indication of any lien or security 25655
interest on a certificate of title and any memorandum certificate 25656
of title or non-negotiable evidence of ownership requested at the 25657
time the certificate of title is issued. The clerk shall retain 25658
ten dollars and fifty cents of that fee when there is a notation 25659
of a lien or security interest on the certificate of title and 25660
twelve dollars when there is no lien or security interest noted on 25661

the certificate of title. 25662

(3) Five dollars for each certificate of title with no 25663
security interest noted that is issued to a licensed watercraft 25664
dealer for resale purposes. The clerk shall retain two dollars of 25665
that fee. 25666

(4) Five dollars for each memorandum certificate of title or 25667
non-negotiable evidence of ownership that is applied for 25668
separately. The clerk shall retain that entire fee. 25669

(B) The fees charged for a certificate of title and the 25670
notation or indication of any lien or security interest on a 25671
certificate of title that are not retained by the clerk shall be 25672
paid to the chief of the division of watercraft by monthly 25673
returns, which shall be forwarded to the chief not later than the 25674
fifth day of the month next succeeding that in which the 25675
certificate is forwarded, or that in which the chief is notified 25676
of a lien or security interest or cancellation of a lien or 25677
security interest. 25678

The chief shall deposit one dollar of the amount the chief 25679
receives for each certificate of title in the automated title 25680
processing fund created in section 4505.09 of the Revised Code. 25681
Moneys deposited in that fund under this section shall be used for 25682
the purpose specified in division (B)(3)(b) of that section. 25683

Sec. 1707.17. (A)(1) The license of every dealer in and 25684
salesperson of securities shall expire on the thirty-first day of 25685
December of each year, and may be renewed upon the filing with the 25686
division of securities of an application for renewal, and the 25687
payment of the fee prescribed in this section. The division shall 25688
give notice, without unreasonable delay, of its action on any 25689
application for renewal of a dealer's or salesperson's license. 25690

(2) The license of every investment adviser and investment 25691

adviser representative licensed under section 1707.141 or 1707.161 25692
of the Revised Code shall expire on the thirty-first day of 25693
December of each year. The licenses may be renewed upon the filing 25694
with the division of an application for renewal, and the payment 25695
of the fee prescribed in division (B) of this section. The 25696
division shall give notice, without unreasonable delay, of its 25697
action on any application for renewal. 25698

(3) An investment adviser required to make a notice filing 25699
under division (B) of section 1707.141 of the Revised Code 25700
annually shall file with the division the notice filing and the 25701
fee prescribed in division (B) of this section, no later than the 25702
thirty-first day of December of each year. 25703

(4) The license of every state retirement system investment 25704
officer licensed under section 1707.163 of the Revised Code and 25705
the license of a bureau of workers' compensation chief investment 25706
officer issued under section 1707.165 of the Revised Code shall 25707
expire on the thirtieth day of June of each year. The licenses may 25708
be renewed on the filing with the division of an application for 25709
renewal, and the payment of the fee prescribed in division (B) of 25710
this section. The division shall give notice, without unreasonable 25711
delay, of its action on any application for renewal. 25712

(B)(1) The fee for each dealer's license, and for each annual 25713
renewal thereof, shall be ~~one~~ two hundred dollars. 25714

(2) The fee for each salesperson's license, and for each 25715
annual renewal thereof, shall be ~~fifty~~ sixty dollars. 25716

(3) The fee for each investment adviser's license, and for 25717
each annual renewal thereof, shall be ~~fifty~~ one hundred dollars. 25718

(4) The fee for each investment adviser notice filing 25719
required by division (B) of section 1707.141 of the Revised Code 25720
shall be ~~fifty~~ one hundred dollars. 25721

(5) The fee for each investment adviser representative's 25722

license, and for each annual renewal thereof, shall be thirty-five 25723
dollars. 25724

(6) The fee for each state retirement system investment 25725
officer's license, and for each annual renewal thereof, shall be 25726
fifty dollars. 25727

(7) The fee for a bureau of workers' compensation chief 25728
investment officer's license, and for each annual renewal thereof, 25729
shall be fifty dollars. 25730

(C) A dealer's, salesperson's, investment adviser's, 25731
investment adviser representative's, bureau of workers' 25732
compensation chief investment officer's, or state retirement 25733
system investment officer's license may be issued at any time for 25734
the remainder of the calendar year. In that event, the annual fee 25735
shall not be reduced. 25736

Sec. 1710.02. (A) A special improvement district may be 25737
created within the boundaries of any one municipal corporation, 25738
any one township, or any combination of contiguous municipal 25739
corporations and townships by a petition of the property owners 25740
within the proposed district, for the purpose of developing and 25741
implementing plans for public improvements and public services 25742
that benefit the district. All territory in a district shall be 25743
contiguous. 25744

The district shall be governed by the board of trustees of a 25745
nonprofit corporation. This board shall be known as the board of 25746
directors of the special improvement district. No special 25747
improvement district shall include any church property, or 25748
property of the federal or state government or a county, township, 25749
or municipal corporation, unless the church or the county, 25750
township, or municipal corporation specifically requests in 25751
writing that the property be included within the district. More 25752
than one district may be created within a participating political 25753

subdivision, but no real property may be included within more than 25754
one district unless the owner of the property files a written 25755
consent with the clerk of the legislative authority, the township 25756
fiscal officer, or the village clerk, as appropriate. The area of 25757
each district shall be contiguous. 25758

(B) Except as provided in division (C) of this section, a 25759
district created under this chapter is not a political 25760
subdivision. A district created under this chapter shall be 25761
considered a public agency under section 102.01 and a public 25762
authority under section 4115.03 of the Revised Code. Each member 25763
of the board of directors of a district, each member's designee or 25764
proxy, and each officer and employee of a district shall be 25765
considered a public official or employee under section 102.01 of 25766
the Revised Code and a public official and public servant under 25767
section 2921.42 of the Revised Code. Districts created under this 25768
chapter are not subject to section ~~121.24~~ 121.251 of the Revised 25769
Code. Districts created under this chapter are subject to sections 25770
121.22 and 121.23 of the Revised Code. 25771

(C) Each district created under this chapter shall be 25772
considered a political subdivision for purposes of section 4905.34 25773
of the Revised Code. 25774

Membership on the board of directors of the district shall 25775
not be considered as holding a public office. Directors and their 25776
designees shall be entitled to the immunities provided by Chapter 25777
1702. and to the same immunity as an employee under division 25778
(A)(6) of section 2744.03 of the Revised Code, except that 25779
directors and their designees shall not be entitled to the 25780
indemnification provided in section 2744.07 of the Revised Code 25781
unless the director or designee is an employee or official of a 25782
participating political subdivision of the district and is acting 25783
within the scope of the director's or designee's employment or 25784
official responsibilities. 25785

District officers and district members and directors and their designees or proxies shall not be required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code. All records of the district shall be treated as public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district shall not be considered to be public records under section 149.43 or section 149.431 of the Revised Code solely by reason of any contract with a district.

(D) Except as otherwise provided in this section, the nonprofit corporation that governs a district shall be organized in the manner described in Chapter 1702. of the Revised Code. The corporation's articles of incorporation are required to be approved, as provided in division (E) of this section, by resolution of the legislative authority of each participating political subdivision of the district. A copy of that resolution shall be filed along with the articles of incorporation in the secretary of state's office.

In addition to meeting the requirements for articles of incorporation set forth in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation governing a district formed under this chapter shall provide all the following:

(1) The name for the district, which shall include the name of each participating political subdivision of the district;

(2) A description of the territory within the district, which may be all or part of each participating political subdivision. The description shall be specific enough to enable real property owners to determine if their property is located within the district.

(3) A description of the procedure by which the articles of

incorporation may be amended. The procedure shall include 25817
receiving approval of the amendment, by resolution, from the 25818
legislative authority of each participating political subdivision 25819
and filing the approved amendment and resolution with the 25820
secretary of state. 25821

(4) The reasons for creating the district, plus an 25822
explanation of how the district will be conducive to the public 25823
health, safety, peace, convenience, and welfare of the district. 25824

(E) The articles of incorporation for a nonprofit corporation 25825
governing a district created under this chapter and amendments to 25826
them shall be submitted to the municipal executive, if any, and 25827
the legislative authority of each municipal corporation or 25828
township in which the proposed district is to be located, 25829
accompanied by a petition signed either by the owners of at least 25830
sixty per cent of the front footage of all real property located 25831
in the proposed district that abuts upon any street, alley, public 25832
road, place, boulevard, parkway, park entrance, easement, or other 25833
existing public improvement within the proposed district, 25834
excluding church property or property owned by the state, county, 25835
township, municipal, or federal government, unless a church, 25836
county, township, or municipal corporation has specifically 25837
requested in writing that the property be included in the 25838
district, or by the owners of at least seventy-five per cent of 25839
the area of all real property located within the proposed 25840
district, excluding church property or property owned by the 25841
state, county, township, municipal, or federal government, unless 25842
a church, county, township, or municipal corporation has 25843
specifically requested in writing that the property be included in 25844
the district. For purposes of determining compliance with these 25845
requirements, the area of the district, or the front footage and 25846
ownership of property, shall be as shown in the most current 25847
records available at the county recorder's office and the county 25848

engineer's office sixty days prior to the date on which the 25849
petition is filed. 25850

Each municipal corporation or township with which the 25851
petition is filed has sixty days to approve or disapprove, by 25852
resolution, the petition, including the articles of incorporation. 25853
This chapter does not prohibit or restrict the rights of municipal 25854
corporations under Article XVIII of the Ohio Constitution or the 25855
right of the municipal legislative authority to impose reasonable 25856
conditions in a resolution of approval. 25857

(F) Persons proposing creation and operation of the district 25858
may propose an initial plan for public services or public 25859
improvements that benefit all or any part of the district. Any 25860
initial plan shall be submitted as part of the petition proposing 25861
creation of the district. 25862

An initial plan may include provisions for the following: 25863

(1) Creation and operation of the district and of the 25864
nonprofit corporation to govern the district under this chapter; 25865

(2) Hiring employees and professional services; 25866

(3) Contracting for insurance; 25867

(4) Purchasing or leasing office space and office equipment; 25868

(5) Other actions necessary initially to form, operate, or 25869
organize the district and the nonprofit corporation to govern the 25870
district; 25871

(6) A plan for public improvements or public services that 25872
benefit all or part of the district, which plan shall comply with 25873
the requirements of division (A) of section 1710.06 of the Revised 25874
Code and may include, but is not limited to, any of the permissive 25875
provisions described in the fourth sentence of that division or 25876
listed in divisions (A)(1) to (5) of that section. 25877

After the initial plan is approved by all municipal 25878

corporations and townships to which it is submitted for approval 25879
and the district is created, each participating subdivision shall 25880
levy a special assessment within its boundaries to pay for the 25881
costs of the initial plan. The levy shall be for no more than ten 25882
years from the date of the approval of the initial plan. For 25883
purposes of levying an assessment for this initial plan, the 25884
services or improvements included in the initial plan shall be 25885
deemed a special benefit to property owners within the district. 25886

(G) Each nonprofit corporation governing a district under 25887
this chapter may do the following: 25888

(1) Exercise all powers of nonprofit corporations granted 25889
under Chapter 1702. of the Revised Code that do not conflict with 25890
this chapter; 25891

(2) Develop, adopt, revise, implement, and repeal plans for 25892
public improvements and public services for all or any part of the 25893
district; 25894

(3) Contract with any person, political subdivision as 25895
defined in section 2744.01 of the Revised Code, or state agency as 25896
defined in section 1.60 of the Revised Code to develop and 25897
implement plans for public improvements or public services within 25898
the district; 25899

(4) Contract and pay for insurance for the district and for 25900
directors, officers, agents, contractors, employees, or members of 25901
the district for any consequences of the implementation of any 25902
plan adopted by the district or any actions of the district. 25903

Sec. 1721.211. (A) As used in this section, "preneed cemetery 25904
merchandise and services contract" means a written agreement, 25905
contract, or series of contracts to sell or otherwise provide an 25906
outer burial container, monument, marker, urn, other type of 25907
merchandise customarily sold by cemeteries, or opening and closing 25908

services to be used or provided in connection with the final 25909
disposition of a dead human body, where payment for the container, 25910
monument, marker, urn, other type of merchandise customarily sold 25911
by cemeteries, or opening and closing services is made either 25912
outright or on an installment basis, prior to the death of the 25913
person so purchasing or for whom so purchased. "Preneed cemetery 25914
merchandise and services contract" does not include any preneed 25915
funeral contract or any agreement, contract, or series of 25916
contracts pertaining to the sale of any burial lot, burial or 25917
interment right, entombment right, or columbarium right with 25918
respect to which an endowment care trust is established or is 25919
exempt from establishment pursuant to section 1721.21 of the 25920
Revised Code. 25921

(B) Subject to the limitations and restrictions contained in 25922
Chapters 1101. to 1127. of the Revised Code, a trust company 25923
licensed under Chapter 1111. of the Revised Code or a national 25924
bank or federal savings association that pledges securities in 25925
accordance with section 1111.04 of the Revised Code or the 25926
individuals described in division (C)(2) of this section have the 25927
power as trustee to receive and to hold and invest in accordance 25928
with sections 2109.37 and 2109.371 of the Revised Code moneys 25929
under a preneed cemetery merchandise and services contract. 25930

(C)(1) The greater of one hundred ten per cent of the 25931
seller's actual cost or thirty per cent of the seller's retail 25932
price of the merchandise and seventy per cent of the seller's 25933
retail price of the services to be provided under a preneed 25934
cemetery merchandise and services contract shall remain intact as 25935
a fund until the death of the person for whose benefit the 25936
contract is made or the merchandise is delivered as set forth in 25937
division (K) of this section. However, any moneys held pursuant to 25938
this section shall be released upon demand of the person for whose 25939
benefit the contract was made or upon the demand of the seller for 25940

its share of the moneys held and earned interest if the contract 25941
has been canceled as set forth in division (G) of this section. 25942

(2) The trustee of the fund described in division (C)(1) of 25943
this section shall be a trust company licensed under Chapter 1111. 25944
of the Revised Code or a national bank or federal savings 25945
association that pledges securities in accordance with section 25946
1111.04 of the Revised Code or at least three individuals who have 25947
been residents of the county in which the seller is located for at 25948
least one year, each of whom shall be bonded by a corporate surety 25949
in an amount that is at least equal to the amount deposited in the 25950
fund of which those persons serve as trustee. Amounts in the fund 25951
shall be held and invested in the manner in which trust funds are 25952
permitted to be held and invested pursuant to sections 2109.37 and 25953
2109.371 of the Revised Code. 25954

(3) Every preneed cemetery and merchandise contract entered 25955
into on or after the effective date of this amendment shall 25956
include a provision in substantially the following form: 25957

NOTICE: Under Ohio law, the person holding the right of 25958
disposition of the remains of the beneficiary of this contract 25959
pursuant to section 2108.70 or 2108.81 of the Revised Code will 25960
have the right to purchase cemetery merchandise and services 25961
inconsistent with the merchandise and services set forth in this 25962
contract. However, the beneficiary is encouraged to state his or 25963
her preferences as to the manner of final disposition in a 25964
declaration of the right of disposition pursuant to section 25965
2108.72 of the Revised Code, including that the arrangements set 25966
forth in this contract shall be followed. 25967

(D) Within thirty days after the last business day of the 25968
month in which the seller of cemetery merchandise or services 25969
receives final contractual payment under a preneed cemetery 25970
merchandise and services contract, the seller shall deliver the 25971
greater of one hundred ten per cent of the seller's actual cost or 25972

thirty per cent of the seller's retail price of the merchandise 25973
and seventy per cent of the seller's current retail price of the 25974
services as of the date of the contract to a trustee or to 25975
trustees as described in division (C)(2) of this section, and the 25976
moneys and accruals or income on the moneys shall be held in a 25977
fund and designated for the person for whose benefit the fund was 25978
established as a preneed cemetery merchandise and services 25979
contract fund. 25980

(E) The moneys received from more than one preneed cemetery 25981
merchandise and services contract may, at the option of the 25982
persons for whose benefit the contracts are made, be placed in a 25983
common or pooled trust fund in this state under a single trust 25984
instrument. If three individuals are designated as the trustees as 25985
provided in division (C)(2) of this section, they shall be bonded 25986
by a corporate surety or fidelity bond in an aggregate amount of 25987
not less than one hundred per cent of the funds held by them as 25988
trustees. The trustees or their agent shall, on a continuous 25989
basis, keep exact records as to the amount of funds under a single 25990
trust instrument being held for the individual beneficiaries 25991
showing the amount paid, the amount deposited and invested, and 25992
accruals and income. 25993

(F) The (1) Except as provided in division (F)(2) of this 25994
section, the seller of merchandise or services under a preneed 25995
cemetery merchandise and services contract shall annually submit 25996
to the division of real estate of the department of commerce an 25997
affidavit in a form prescribed by the division, sworn under oath, 25998
specifying each of the following: 25999

~~(1)~~(a) That, within the time specified in division (D) of 26000
this section, the amounts required by that division were deposited 26001
in an appropriate fund; 26002

~~(2)~~(b) That the fund has not been used to collateralize or 26003
guarantee loans and has not otherwise been subjected to any 26004

consensual lien; 26005

~~(3)~~(c) That the fund is invested in compliance with the 26006
investing standards set forth in sections 2109.37 and 2109.371 of 26007
the Revised Code; 26008

~~(4)~~(d) That no moneys have been removed from the fund, except 26009
as provided for in this section. 26010

(2) A licensed funeral director who sells preneed funeral 26011
contracts and who also sells merchandise or services under a 26012
preneed cemetery merchandise and services contract shall be deemed 26013
to have met the requirement in division (F)(1) of this section by 26014
submitting the annual preneed cemetery merchandise and services 26015
contract affidavit to the board of embalmers and funeral directors 26016
along with or as part of the annual preneed funeral contract 26017
report required under divisions (I) and (J) of section 4717.31 of 26018
the Revised Code. 26019

(G) This division is subject to division (I) of this section. 26020

Any person upon initially entering into a preneed cemetery 26021
merchandise and services contract may, within seven days, cancel 26022
the contract and request and receive from the seller one hundred 26023
per cent of all payments made under the contract. After the 26024
expiration of the above period, any person who has entered into a 26025
preneed cemetery merchandise and services contract may, on not 26026
less than fifteen days' notice, cancel the contract and request 26027
and receive from the seller sixty per cent of the payments made 26028
under the contract which have been paid up to the time of 26029
cancellation; except that, if a preneed cemetery merchandise and 26030
services contract stipulates a firm or fixed or guaranteed price 26031
for the merchandise or services for future use at a time 26032
determined by the death of the person on behalf of whom payments 26033
are made, the person who has entered into the contract may, if the 26034
merchandise has not been delivered or the services have not been 26035

performed as set forth in division (K) or (L) of this section, on 26036
not less than fifteen days' notice, cancel the contract and 26037
receive from the seller sixty per cent of the principal paid 26038
pursuant to the contract and not less than eighty per cent of any 26039
interest paid, up to the time of cancellation, and not less than 26040
eighty per cent of any accrual or income earned while the moneys 26041
have been held pursuant to divisions (C) and (D) of this section, 26042
up to the time of cancellation. Upon cancellation, after the 26043
moneys have been distributed to the beneficiary pursuant to this 26044
division, all remaining moneys being held pursuant to divisions 26045
(C) and (D) of this section shall be paid to the seller. If more 26046
than one person enters into the contract, all of those persons 26047
must request cancellation for it to be effective under this 26048
division. In such a case, the seller shall refund to each person 26049
only those moneys that each person has paid under the contract. 26050

(H) Upon receipt of a certified copy of the certificate of 26051
death or evidence of delivery of the merchandise or performance of 26052
the services pursuant to division (K) or (L) of this section, the 26053
trustee described in division (C)(2) of this section or its agent, 26054
shall forthwith pay the fund and accumulated interest, if any, to 26055
the person entitled to them under the preneed cemetery merchandise 26056
and services contract. The payment of the fund and accumulated 26057
interest pursuant to this section, either to a seller or person 26058
making the payments, shall relieve the trustee of any further 26059
liability on the fund or accumulated interest. 26060

(I) Notwithstanding any other provision of this section, any 26061
preneed cemetery merchandise and services contract may specify 26062
that it is irrevocable. All irrevocable preneed cemetery 26063
merchandise and services contracts shall include a clear and 26064
conspicuous disclosure of irrevocability in the contract and any 26065
person entering into an irrevocable preneed cemetery merchandise 26066
and services contract shall sign a separate acknowledgment of the 26067

person's waiver of the right to revoke. If a contract satisfies 26068
the requirements of this division, division (G) of this section 26069
does not apply to that contract. 26070

(J) Any preneed cemetery merchandise and services contract 26071
that involves the payment of money shall be in writing and in 26072
compliance with the laws and rules of this state. 26073

(K) For purposes of this section, the seller is considered to 26074
have delivered merchandise pursuant to a preneed cemetery 26075
merchandise and services contract when either of the following 26076
occur: 26077

(1) The seller makes actual delivery of the merchandise to 26078
the beneficiary, or the seller pays for the merchandise and 26079
identifies it as being stored for the benefit of the beneficiary 26080
at a manufacturer's warehouse. 26081

(2) The seller receives delivery of the merchandise on behalf 26082
of the beneficiary, and all of the following occur: 26083

(a) The merchandise is permanently affixed to or stored upon 26084
the real property of a cemetery located in this state. 26085

(b) The seller notifies the beneficiary of receipt of the 26086
merchandise and identifies the specific location of the 26087
merchandise. 26088

(c) The seller at the time of the beneficiary's final payment 26089
provides the beneficiary with evidence of ownership in the 26090
beneficiary's name showing the merchandise to be free and clear of 26091
any liens or other encumbrances. 26092

(L) For purposes of this section, a seller is considered to 26093
have performed services pursuant to a preneed cemetery merchandise 26094
and services contract when the beneficiary's next of kin signs a 26095
written statement that the services have been performed or, if no 26096
next of kin of the beneficiary can be located through reasonable 26097

diligence, when the owner or other person responsible for the 26098
operation of the cemetery signs a statement of that nature. 26099

(M) Notwithstanding any other provision of this chapter, any 26100
trust may be charged a trustee's fee, which is to be deducted from 26101
the earned income or accruals on that trust. The fee shall not 26102
exceed the amount that is regularly or usually charged for similar 26103
services rendered by the trustee described in division (C)(2) of 26104
this section when serving as a trustee. 26105

(N) The general assembly intends that this section be 26106
construed as a limitation upon the manner in which a person is 26107
permitted to accept moneys in prepayment for merchandise and 26108
services to be delivered or provided in the future, or merchandise 26109
and services to be used or provided in connection with the final 26110
disposition of human remains, to the end that at all times members 26111
of the public may have an opportunity to arrange and pay for 26112
merchandise and services for themselves and their families in 26113
advance of need while at the same time providing all possible 26114
safeguards whereunder the prepaid moneys cannot be dissipated, 26115
whether intentionally or not, so as to be available for the 26116
payment for merchandise and services and the providing of 26117
merchandise and services used or provided in connection with the 26118
final disposition of dead human bodies. 26119

(O) This section does not apply to the seller or provider of 26120
merchandise or services under a preneed cemetery merchandise and 26121
services contract if the contract pertains to a cemetery that is 26122
owned and operated entirely and exclusively by an established and 26123
legally cognizable church or denomination that is exempt from 26124
federal income taxation under section 501(c)(3) of the "Internal 26125
Revenue Code of 1954," 26 U.S.C.A. 501, an established fraternal 26126
organization, or a municipal corporation or other political 26127
subdivision of the state, to a cemetery that is a national 26128
cemetery, or to a cemetery that is a family cemetery as defined in 26129

section 4767.02 of the Revised Code; provided that, on a voluntary 26130
basis, rules and other measures are adopted to safeguard and 26131
secure all moneys received under a preneed cemetery merchandise 26132
and services contract. 26133

(P) This section does not prohibit persons other than 26134
cemetery corporations or associations from selling outer burial 26135
containers, monuments, markers, urns, or other types of 26136
merchandise customarily sold by cemeteries pursuant to a preneed 26137
cemetery merchandise and services contract; however all sellers of 26138
merchandise pursuant to a preneed cemetery merchandise and 26139
services contract shall comply with this section unless the seller 26140
is specifically exempt from this section. 26141

(Q) Any contract for preneed services or merchandise entered 26142
into with a cemetery not registered under section 4767.03 of the 26143
Revised Code is voidable. 26144

Sec. 1739.05. (A) A multiple employer welfare arrangement 26145
that is created pursuant to sections 1739.01 to 1739.22 of the 26146
Revised Code and that operates a group self-insurance program may 26147
be established only if any of the following applies: 26148

(1) The arrangement has and maintains a minimum enrollment of 26149
three hundred employees of two or more employers. 26150

(2) The arrangement has and maintains a minimum enrollment of 26151
three hundred self-employed individuals. 26152

(3) The arrangement has and maintains a minimum enrollment of 26153
three hundred employees or self-employed individuals in any 26154
combination of divisions (A)(1) and (2) of this section. 26155

(B) A multiple employer welfare arrangement that is created 26156
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 26157
that operates a group self-insurance program shall comply with all 26158
laws applicable to self-funded programs in this state, including 26159

sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 26160
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 26161
3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 26162
3924.031, 3924.032, and 3924.27 of the Revised Code. 26163

(C) A multiple employer welfare arrangement created pursuant 26164
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 26165
enrollments only through agents or solicitors licensed pursuant to 26166
Chapter 3905. of the Revised Code to sell or solicit sickness and 26167
accident insurance. 26168

(D) A multiple employer welfare arrangement created pursuant 26169
to sections 1739.01 to 1739.22 of the Revised Code shall provide 26170
benefits only to individuals who are members, employees of 26171
members, or the dependents of members or employees, or are 26172
eligible for continuation of coverage under section 1751.53 or 26173
3923.38 of the Revised Code or under Title X of the "Consolidated 26174
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 26175
U.S.C.A. 1161, as amended. 26176

Sec. 1751.03. (A) Each application for a certificate of 26177
authority under this chapter shall be verified by an officer or 26178
authorized representative of the applicant, shall be in a format 26179
prescribed by the superintendent of insurance, and shall set forth 26180
or be accompanied by the following: 26181

(1) A certified copy of the applicant's articles of 26182
incorporation and all amendments to the articles of incorporation; 26183

(2) A copy of any regulations adopted for the government of 26184
the corporation, any bylaws, and any similar documents, and a copy 26185
of all amendments to these regulations, bylaws, and documents. The 26186
corporate secretary shall certify that these regulations, bylaws, 26187
documents, and amendments have been properly adopted or approved. 26188

(3) A list of the names, addresses, and official positions of 26189

the persons responsible for the conduct of the applicant, 26190
including all members of the board, the principal officers, and 26191
the person responsible for completing or filing financial 26192
statements with the department of insurance, accompanied by a 26193
completed original biographical affidavit and release of 26194
information for each of these persons on forms acceptable to the 26195
department; 26196

(4) A full and complete disclosure of the extent and nature 26197
of any contractual or other financial arrangement between the 26198
applicant and any provider or a person listed in division (A)(3) 26199
of this section, including, but not limited to, a full and 26200
complete disclosure of the financial interest held by any such 26201
provider or person in any health care facility, provider, or 26202
insurer that has entered into a financial relationship with the 26203
health insuring corporation; 26204

(5) A description of the applicant, its facilities, and its 26205
personnel, including, but not limited to, the location, hours of 26206
operation, and telephone numbers of all contracted facilities; 26207

(6) The applicant's projected annual enrollee population over 26208
a three-year period; 26209

(7) A clear and specific description of the health care plan 26210
or plans to be used by the applicant, including a description of 26211
the proposed providers, procedures for accessing care, and the 26212
form of all proposed and existing contracts relating to the 26213
administration, delivery, or financing of health care services; 26214

(8) A copy of each type of evidence of coverage and 26215
identification card or similar document to be issued to 26216
subscribers; 26217

(9) A copy of each type of individual or group policy, 26218
contract, or agreement to be used; 26219

(10) The schedule of the proposed contractual periodic 26220

prepayments or premium rates, or both, accompanied by appropriate supporting data;	26221 26222
(11) A financial plan which provides a three-year projection of operating results, including the projected expenses, income, and sources of working capital;	26223 26224 26225
(12) The enrollee complaint procedure to be utilized as required under section 1751.19 of the Revised Code;	26226 26227
(13) A description of the procedures and programs to be implemented on an ongoing basis to assure the quality of health care services delivered to enrollees, including, if applicable, a description of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code;	26228 26229 26230 26231 26232
(14) A statement describing the geographic area or areas to be served, by county;	26233 26234
(15) A copy of all solicitation documents;	26235
(16) A balance sheet and other financial statements showing the applicant's assets, liabilities, income, and other sources of financial support;	26236 26237 26238
(17) A description of the nature and extent of any reinsurance program to be implemented, and a demonstration that errors and omission insurance and, if appropriate, fidelity insurance, will be in place upon the applicant's receipt of a certificate of authority;	26239 26240 26241 26242 26243
(18) Copies of all proposed or in force related-party or intercompany agreements with an explanation of the financial impact of these agreements on the applicant. If the applicant intends to enter into a contract for managerial or administrative services, with either an affiliated or an unaffiliated person, the applicant shall provide a copy of the contract and a detailed description of the person to provide these services. The	26244 26245 26246 26247 26248 26249 26250

description shall include that person's experience in managing or 26251
administering health care plans, a copy of that person's most 26252
recent audited financial statement, and a completed biographical 26253
affidavit on a form acceptable to the superintendent for each of 26254
that person's principal officers and board members and for any 26255
additional employee to be directly involved in providing 26256
managerial or administrative services to the health insuring 26257
corporation. If the person to provide managerial or administrative 26258
services is affiliated with the health insuring corporation, the 26259
contract must provide for payment for services based on actual 26260
costs. 26261

(19) A statement from the applicant's board that the admitted 26262
assets of the applicant have not been and will not be pledged or 26263
hypothecated; 26264

(20) A statement from the applicant's board that the 26265
applicant will submit monthly financial statements during the 26266
first year of operations; 26267

(21) The name and address of the applicant's Ohio statutory 26268
agent for service of process, notice, or demand; 26269

(22) Copies of all documents the applicant filed with the 26270
secretary of state; 26271

(23) The location of those books and records of the applicant 26272
that must be maintained, which books and records shall be 26273
maintained in Ohio if the applicant is a domestic corporation, and 26274
which may be maintained either in the applicant's state of 26275
domicile or in Ohio if the applicant is a foreign corporation; 26276

(24) The applicant's federal identification number, corporate 26277
address, and mailing address; 26278

(25) An internal and external organizational chart; 26279

(26) A list of the assets representing the initial net worth 26280

of the applicant;	26281
(27) If the applicant has a parent company, the parent	26282
company's guaranty, on a form acceptable to the superintendent,	26283
that the applicant will maintain Ohio's minimum net worth. If no	26284
parent company exists, a statement regarding the availability of	26285
future funds if needed.	26286
(28) The names and addresses of the applicant's actuary and	26287
external auditors;	26288
(29) If the applicant is a foreign corporation, a copy of the	26289
most recent financial statements filed with the insurance	26290
regulatory agency in the applicant's state of domicile;	26291
(30) If the applicant is a foreign corporation, a statement	26292
from the insurance regulatory agency of the applicant's state of	26293
domicile stating that the regulatory agency has no objection to	26294
the applicant applying for an Ohio license and that the applicant	26295
is in good standing in the applicant's state of domicile;	26296
(31) Any other information that the superintendent may	26297
require;	26298
(32) Documentation acceptable to the superintendent of the	26299
bond or securities required by section 1751.271 of the Revised	26300
Code.	26301
(B)(1) A health insuring corporation, unless otherwise	26302
provided for in this chapter or in section 3901.321 of the Revised	26303
Code, shall file a timely notice with the superintendent	26304
describing any change to the corporation's articles of	26305
incorporation or regulations, or any major modification to its	26306
operations as set out in the information required by division (A)	26307
of this section that affects any of the following:	26308
(a) The solvency of the health insuring corporation;	26309
(b) The health insuring corporation's continued provision of	26310

services that it has contracted to provide; 26311

(c) The manner in which the health insuring corporation 26312
conducts its business. 26313

(2) If the change or modification is to be the result of an 26314
action to be taken by the health insuring corporation, the notice 26315
shall be filed with the superintendent prior to the health 26316
insuring corporation taking the action. The action shall be deemed 26317
approved if the superintendent does not disapprove it within sixty 26318
days of filing. 26319

(3) The filing of a notice pursuant to division (B)(1) or (2) 26320
of this section shall also serve as the submission of a notice 26321
when required for the superintendent's review for purposes of 26322
section 3901.341 of the Revised Code, if the notice contains all 26323
of the information that section 3901.341 of the Revised Code 26324
requires for such submissions and a copy of any written agreement. 26325
The filing of such a notice, for the purpose of satisfying this 26326
division and section 3901.341 of the Revised Code, shall be 26327
subject to the sixty-day review period of division (B)(2) of this 26328
section. 26329

(C)(1) No health insuring corporation shall expand its 26330
approved service area until a copy of the request for expansion, 26331
accompanied by documentation of the network of providers, forms of 26332
all proposed or existing provider contracts relating to the 26333
delivery of health care services, a schedule of proposed 26334
contractual periodic prepayments and premium rates for group 26335
contracts accompanied by appropriate supporting data, enrollment 26336
projections, plan of operation, and any other changes have been 26337
filed with the superintendent. 26338

(2) ~~Within ten calendar days after receipt of a complete 26339
filing under division (C)(1) of this section, the superintendent 26340
shall refer the appropriate jurisdictional issues to the director 26341~~

~~of health if required pursuant to section 1751.04 of the Revised Code.~~ 26342
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~~(3) Within seventy-five days after the superintendent's receipt of a complete filing under division (C)(1) of this section, the superintendent shall determine whether the plan for expansion is lawful, fair, and reasonable. If a referral is required pursuant to section 1751.04 of the Revised Code, the superintendent may not make a determination until the superintendent has received the director's certification of compliance, which the director shall furnish within forty five days after the referral under division (C)(2) of this section. The director shall not certify that the requirements of section 1751.04 of the Revised Code are not met, unless the applicant has been given an opportunity for a hearing as provided in division (D) of section 1751.04 of the Revised Code. The forty five day and seventy five day review periods provided for in division (C)(3) of this section shall cease to run as of the date on which the notice of the applicant's right to request a hearing is mailed and shall remain suspended until the director issues a final certification.~~ 26344
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~~(4) If the superintendent has not approved or disapproved all or a portion of a service area expansion within the seventy-five-day period provided for in division (C)(3) of this section, the filing shall be deemed approved.~~ 26361
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~~(5)(3) Disapproval of all or a portion of the filing shall be effected by written notice, which shall state the grounds for the order of disapproval and shall be given in accordance with Chapter 119. of the Revised Code.~~ 26365
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Sec. 1751.04. (A) Except as provided by division ~~(F)~~(D) of this section, upon the receipt by the superintendent of insurance of a complete application for a certificate of authority to establish or operate a health insuring corporation, which 26369
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application sets forth or is accompanied by the information and 26373
documents required by division (A) of section 1751.03 of the 26374
Revised Code, the superintendent shall ~~transmit copies of the~~ 26375
~~application and accompanying documents to the director of health.~~ 26376

~~(B) The director shall~~ review the application and 26377
accompanying documents and make findings as to whether the 26378
applicant for a certificate of authority has done all of the 26379
following with respect to any basic health care services and 26380
supplemental health care services to be furnished: 26381

(1) Demonstrated the willingness and potential ability to 26382
ensure that all basic health care services and supplemental health 26383
care services described in the evidence of coverage will be 26384
provided to all its enrollees as promptly as is appropriate and in 26385
a manner that assures continuity; 26386

(2) Made effective arrangements to ensure that its enrollees 26387
have reliable access to qualified providers in those specialties 26388
that are generally available in the geographic area or areas to be 26389
served by the applicant and that are necessary to provide all 26390
basic health care services and supplemental health care services 26391
described in the evidence of coverage; 26392

(3) Made appropriate arrangements for the availability of 26393
short-term health care services in emergencies within the 26394
geographic area or areas to be served by the applicant, 26395
twenty-four hours per day, seven days per week, and for the 26396
provision of adequate coverage whenever an out-of-area emergency 26397
arises; 26398

(4) Made appropriate arrangements for an ongoing evaluation 26399
and assurance of the quality of health care services provided to 26400
enrollees, including, if applicable, the development of a quality 26401
assurance program complying with the requirements of sections 26402
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 26403

personnel, facilities, and equipment by or through which the 26404
services are rendered; 26405

(5) Developed a procedure to gather and report statistics 26406
relating to the cost and effectiveness of its operations, the 26407
pattern of utilization of its services, and the quality, 26408
availability, and accessibility of its services. 26409

~~(C) Within ninety days of the director's receipt of (B) Based~~ 26410
~~upon the information provided in the application for issuance of a~~ 26411
~~certificate of authority, the director shall certify to the~~ 26412
~~superintendent shall determine~~ whether or not the applicant meets 26413
the requirements of division ~~(B)(A)~~ of this section ~~and sections~~ 26414
~~3702.51 to 3702.62 of the Revised Code. If the director certifies~~ 26415
~~superintendent determines~~ that the applicant does not meet these 26416
requirements, the ~~director~~ superintendent shall specify in what 26417
respects it is deficient. However, the ~~director~~ superintendent 26418
shall not ~~certify that~~ deny an application because the 26419
requirements of this section are not met unless the applicant has 26420
been given an opportunity for a hearing on that issue. 26421

~~(D)(C)~~ If the applicant requests a hearing, the ~~director~~ 26422
superintendent shall hold a hearing before ~~certifying that~~ denying 26423
an application because the applicant does not meet the 26424
requirements of this section. The hearing shall be held in 26425
accordance with Chapter 119. of the Revised Code. 26426

~~(E) The ninety day review period provided for under division~~ 26427
~~(C) of this section shall cease to run as of the date on which the~~ 26428
~~notice of the applicant's right to request a hearing is mailed and~~ 26429
~~shall remain suspended until the director issues a final~~ 26430
~~certification order.~~ 26431

~~(F)(D)~~ Nothing in this section requires the ~~director~~ 26432
superintendent to review or make findings with regard to an 26433
application and accompanying documents to establish or operate any 26434

of the following:	26435
(1) A health insuring corporation to cover solely medicaid recipients;	26436 26437
(2) A health insuring corporation to cover solely medicare beneficiaries;	26438 26439
(3) A health insuring corporation to cover solely medicaid recipients and medicare beneficiaries;	26440 26441
(4) A health insuring corporation to cover solely participants of the children's buy-in program;	26442 26443
(5) A health insuring corporation to cover solely medicaid recipients and participants of the children's buy-in program;	26444 26445
(6) A health insuring corporation to cover solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.	26446 26447 26448
Sec. 1751.05. (A) The superintendent of insurance shall issue or deny a certificate of authority to health insuring corporations within the deadlines specified as follows:	26449 26450 26451
(1) For a health insuring corporation filing an application pursuant to section 1751.03 of the Revised Code, forty five days from the superintendent's receipt of the certification from the director of health under division (C) of section 1751.04 of the Revised Code;	26452 26453 26454 26455 26456
(2) One <u>one</u> hundred thirty-five days from the superintendent's receipt of a complete application and accompanying documents if the health insuring corporation is to cover solely the following:	26457 26458 26459 26460
(a) Medicaid recipients;	26461
(b) Medicare beneficiaries;	26462
(c) Medicaid recipients and medicare beneficiaries;	26463

(d) Participants of the children's buy in program;	26464
(e) Medicaid recipients and participants of the children's buy in program;	26465
(f) Medicaid recipients, medicare beneficiaries, and participants of the children's buy in program.	26466
(B) A certificate of authority shall be issued upon payment of the application fee prescribed in section 1751.44 of the Revised Code if the superintendent is satisfied that the following conditions are met:	26467
(1) The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy, and possess good reputations.	26468
(2) The director certifies <u>superintendent determines</u>, in accordance with division (C)<u>(B)</u> of section 1751.04 of the Revised Code, that the organization's proposed plan of operation meets the requirements of division (B)<u>(A)</u> of that section and sections 3702.51 to 3702.62 of the Revised Code. If, after the director has certified compliance, the application is amended in a manner that affects its approval under section 1751.04 of the Revised Code, the superintendent shall request the director to review and recertify the amended plan of operation. Within forty five days of receipt of the amended plan from the superintendent, the director shall certify to the superintendent, pursuant to section 1751.04 of the Revised Code, whether or not the amended plan meets the requirements of section 1751.04 of the Revised Code. The superintendent's forty five day review period shall cease to run as of the date on which the amended plan is transmitted to the director and shall remain suspended until the superintendent receives a new certification from the director.	26469
(3) The applicant constitutes an appropriate mechanism to effectively provide or arrange for the provision of the basic	26470
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health care services, supplemental health care services, or 26495
specialty health care services to be provided to enrollees. 26496

(4) The applicant is financially responsible, complies with 26497
section 1751.28 of the Revised Code, and may reasonably be 26498
expected to meet its obligations to enrollees and prospective 26499
enrollees. In making this determination, the superintendent may 26500
consider: 26501

(a) The financial soundness of the applicant's arrangements 26502
for health care services, including the applicant's proposed 26503
contractual periodic prepayments or premiums and the use of 26504
copayments and deductibles; 26505

(b) The adequacy of working capital; 26506

(c) Any agreement with an insurer, a government, or any other 26507
person for insuring the payment of the cost of health care 26508
services or providing for automatic applicability of an 26509
alternative coverage in the event of discontinuance of the health 26510
insuring corporation's operations; 26511

(d) Any agreement with providers or health care facilities 26512
for the provision of health care services; 26513

(e) Any deposit of securities submitted in accordance with 26514
section 1751.27 of the Revised Code as a guarantee that the 26515
obligations will be performed. 26516

(5) The applicant has submitted documentation of an 26517
arrangement to provide health care services to its enrollees until 26518
the expiration of the enrollees' contracts with the applicant if a 26519
health care plan or the operations of the health insuring 26520
corporation are discontinued prior to the expiration of the 26521
enrollees' contracts. An arrangement to provide health care 26522
services may be made by using any one, or any combination, of the 26523
following methods: 26524

(a) The maintenance of insolvency insurance;	26525
(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;	26526 26527 26528
(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health insuring corporation's operations;	26529 26530 26531 26532
(d) Such other methods as approved by the superintendent.	26533
(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause harm to an enrollee or to the public at large, as determined by the superintendent.	26534 26535 26536 26537 26538
(7) Any deficiencies certified <u>identified</u> by the director <u>superintendent under section 1751.04 of the Revised Code</u> have been corrected.	26539 26540 26541
(8) The applicant has deposited securities as set forth in section 1751.27 of the Revised Code.	26542 26543
(C) If an applicant elects to fulfill the requirements of division (A) <u>(B)</u> (5) of this section through an agreement with other health insuring corporations or insurers, the agreement shall require those health insuring corporations or insurers to give thirty days' notice to the superintendent prior to cancellation or discontinuation of the agreement for any reason.	26544 26545 26546 26547 26548 26549
(D) A certificate of authority shall be denied only after compliance with the requirements of section 1751.36 of the Revised Code.	26550 26551 26552
Sec. 1751.19. (A) A health insuring corporation shall establish and maintain a complaint system that has been approved	26553 26554

by the superintendent of insurance to provide adequate and 26555
reasonable procedures for the expeditious resolution of written 26556
complaints initiated by subscribers or enrollees concerning any 26557
matter relating to services provided, directly or indirectly, by 26558
the health insuring corporation, including, but not limited to, 26559
complaints regarding cancellations or nonrenewals of coverage. 26560
Complaints regarding a health insuring corporation's decision to 26561
deny, reduce, or terminate coverage for health care services are 26562
subject to section 1751.83 of the Revised Code. 26563

(B) A health insuring corporation shall provide a timely 26564
written response to each written complaint it receives. 26565

(C)(1) Copies of complaints and responses, including medical 26566
records related to those complaints, shall be available to the 26567
superintendent ~~and the director of health~~ for inspection for three 26568
years. Any document or information provided to the superintendent 26569
pursuant to this division that contains a medical record is 26570
confidential, and is not a public record subject to section 149.43 26571
of the Revised Code. 26572

(2) Notwithstanding division (C)(1) of this section, the 26573
superintendent may share documents and information that contain a 26574
medical record in connection with the investigation or prosecution 26575
of any illegal or criminal activity with the chief deputy 26576
rehabilitator, the chief deputy liquidator, other deputy 26577
rehabilitators and liquidators, and any other person employed by, 26578
or acting on behalf of, the superintendent pursuant to Chapter 26579
3901. or 3903. of the Revised Code, with other local, state, 26580
federal, and international regulatory and law enforcement 26581
agencies, with local, state, and federal prosecutors, and with the 26582
national association of insurance commissioners and its affiliates 26583
and subsidiaries, provided that the recipient agrees to maintain 26584
the confidential or privileged status of the confidential or 26585
privileged document or information and has authority to do so. 26586

(3) Nothing in this section shall prohibit the superintendent 26587
from receiving documents and information in accordance with 26588
section 3901.045 of the Revised Code. 26589

(4) The superintendent may enter into agreements governing 26590
the sharing and use of documents and information consistent with 26591
the requirements of this section. 26592

(5) No waiver of any applicable privilege or claim of 26593
confidentiality in the documents and information described in 26594
division (C)(1) of this section occurs as a result of sharing or 26595
receiving documents and information as authorized in divisions 26596
(C)(2) and (3) of this section. 26597

(D) A health insuring corporation shall establish and 26598
maintain a procedure to accept complaints over the telephone or in 26599
person. These complaints are not subject to the reporting 26600
requirement under division (C) of section 1751.32 of the Revised 26601
Code. 26602

(E) A health insuring corporation may comply with this 26603
section and section 1751.83 of the Revised Code by establishing 26604
one system for receiving and reviewing complaints and requests for 26605
internal review from enrollees and subscribers if the system meets 26606
the requirements of both sections. 26607

Sec. 1751.32. Each health insuring corporation, annually, on 26608
or before the first day of March, shall file a report with the 26609
superintendent of insurance ~~and the director of health~~, covering 26610
the preceding calendar year. 26611

The report shall be verified by an officer of the health 26612
insuring corporation, shall be in the form the superintendent 26613
prescribes, and shall include: 26614

(A) A financial statement of the health insuring corporation, 26615
including its balance sheet and receipts and disbursements for the 26616

preceding year, which reflect, at a minimum:	26617
(1) All premium rate and other payments received for health care services rendered;	26618 26619
(2) Expenditures with respect to all categories of providers, facilities, insurance companies, and other persons engaged to fulfill obligations of the health insuring corporation arising out of its health care policies, contracts, certificates, and agreements;	26620 26621 26622 26623 26624
(3) Expenditures for capital improvements or additions thereto, including, but not limited to, construction, renovation, or purchase of facilities and equipment.	26625 26626 26627
(B) A description of the enrollee population and composition, group and nongroup;	26628 26629
(C) A summary of enrollee written complaints and their disposition;	26630 26631
(D) A statement of the number of subscriber policies, contracts, certificates, and agreements that have been terminated by action of the health insuring corporation, including the number of enrollees affected;	26632 26633 26634 26635
(E) A summary of the information compiled pursuant to division (B)(5) of section 1751.04 of the Revised Code;	26636 26637
(F) A current report of the names and addresses of the persons responsible for the conduct of the affairs of the health insuring corporation as required by section 1751.03 of the Revised Code. Additionally, the report shall include the amount of wages, expense reimbursements, and other payments to these persons for services to the health insuring corporation, and shall include a full disclosure of the financial interests related to the operations of the health insuring corporation acquired by these persons during the preceding year.	26638 26639 26640 26641 26642 26643 26644 26645 26646

(G) An actuarial opinion in the form prescribed by the 26647
superintendent by rule; 26648

(H) Any other information relating to the performance of the 26649
health insuring corporation that is necessary to enable the 26650
superintendent to carry out the superintendent's duties under this 26651
chapter. 26652

Sec. 1751.321. Each health insuring corporation, annually, on 26653
or before the first day of June, shall file with the 26654
superintendent of insurance ~~and the director of health~~ an audit 26655
report certified by an independent certified public accountant 26656
covering the preceding calendar year. The report shall be verified 26657
by an officer of the health insuring corporation and shall be in 26658
the form prescribed by the superintendent by rule. 26659

Sec. 1751.34. (A) Each health insuring corporation and each 26660
applicant for a certificate of authority under this chapter shall 26661
be subject to examination by the superintendent of insurance in 26662
accordance with section 3901.07 of the Revised Code. Section 26663
3901.07 of the Revised Code shall govern every aspect of the 26664
examination, including the circumstances under and frequency with 26665
which it is conducted, the authority of the superintendent and any 26666
examiner or other person appointed by the superintendent, the 26667
liability for the assessment of expenses incurred in conducting 26668
the examination, and the remittance of the assessment to the 26669
superintendent's examination fund. 26670

(B) The ~~director of health~~ superintendent shall make an 26671
examination concerning the matters subject to the ~~director's~~ 26672
superintendent's consideration in section 1751.04 of the Revised 26673
Code as often as the ~~director~~ superintendent considers it 26674
necessary for the protection of the interests of the people of 26675
this state, ~~but not less frequently than once every three years.~~ 26676

The expenses of such examinations shall be assessed against the health insuring corporation being examined in the manner in which expenses of examinations are assessed against an insurance company under section 3901.07 of the Revised Code. Nothing in this division requires the ~~director~~ superintendent to make an examination of any of the following:

(1) A health insuring corporation that covers solely medicaid recipients;

(2) A health insuring corporation that covers solely medicare beneficiaries;

(3) A health insuring corporation that covers solely medicaid recipients and medicare beneficiaries;

(4) A health insuring corporation that covers solely participants of the children's buy-in program;

(5) A health insuring corporation that covers solely medicaid recipients and participants of the children's buy-in program;

(6) A health insuring corporation that covers solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.

(C) An examination, pursuant to section 3901.07 of the Revised Code, of an insurance company holding a certificate of authority under this chapter to organize and operate a health insuring corporation shall include an examination of the health insuring corporation pursuant to this section and the examination shall satisfy the requirements of divisions (A) and (B) of this section.

(D) The superintendent may conduct market conduct examinations pursuant to section 3901.011 of the Revised Code of any health insuring corporation as often as the superintendent considers it necessary for the protection of the interests of

subscribers and enrollees. The expenses of such market conduct 26707
examinations shall be assessed against the health insuring 26708
corporation being examined. All costs, assessments, or fines 26709
collected under this division shall be paid into the state 26710
treasury to the credit of the department of insurance operating 26711
fund. 26712

Sec. 1751.35. (A) The superintendent of insurance may suspend 26713
or revoke any certificate of authority issued to a health insuring 26714
corporation under this chapter if the superintendent finds that: 26715
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(1) The health insuring corporation is operating in 26717
contravention of its articles of incorporation, its health care 26718
plan or plans, or in a manner contrary to that described in and 26719
reasonably inferred from any other information submitted under 26720
section 1751.03 of the Revised Code, unless amendments to such 26721
submissions have been filed and have taken effect in compliance 26722
with this chapter. 26723

(2) The health insuring corporation fails to issue evidences 26724
of coverage in compliance with the requirements of section 1751.11 26725
of the Revised Code. 26726

(3) The contractual periodic prepayments or premium rates 26727
used do not comply with the requirements of section 1751.12 of the 26728
Revised Code. 26729

(4) The health insuring corporation enters into a contract, 26730
agreement, or other arrangement with any health care facility or 26731
provider, that does not comply with the requirements of section 26732
1751.13 of the Revised Code, or the corporation fails to provide 26733
an annual certificate as required by section 1751.13 of the 26734
Revised Code. 26735

(5) The ~~director of health has certified~~ superintendent 26736

determines, after a hearing conducted in accordance with Chapter 26737
119. of the Revised Code, that the health insuring corporation no 26738
longer meets the requirements of section 1751.04 of the Revised 26739
Code. 26740

(6) The health insuring corporation is no longer financially 26741
responsible and may reasonably be expected to be unable to meet 26742
its obligations to enrollees or prospective enrollees. 26743

(7) The health insuring corporation has failed to implement 26744
the complaint system that complies with the requirements of 26745
section 1751.19 of the Revised Code. 26746

(8) The health insuring corporation, or any agent or 26747
representative of the corporation, has advertised, merchandised, 26748
or solicited on its behalf in contravention of the requirements of 26749
section 1751.31 of the Revised Code. 26750

(9) The health insuring corporation has unlawfully 26751
discriminated against any enrollee or prospective enrollee with 26752
respect to enrollment, disenrollment, or price or quality of 26753
health care services. 26754

(10) The continued operation of the health insuring 26755
corporation would be hazardous or otherwise detrimental to its 26756
enrollees. 26757

(11) The health insuring corporation has submitted false 26758
information in any filing or submission required under this 26759
chapter or any rule adopted under this chapter. 26760

(12) The health insuring corporation has otherwise failed to 26761
substantially comply with this chapter or any rule adopted under 26762
this chapter. 26763

(13) The health insuring corporation is not operating a 26764
health care plan. 26765

(14) The health insuring corporation has failed to comply 26766

with any of the requirements of sections 1751.77 to 1751.88 of the Revised Code. 26767
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(B) A certificate of authority shall be suspended or revoked only after compliance with the requirements of Chapter 119. of the Revised Code. 26769
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(C) When the certificate of authority of a health insuring corporation is suspended, the health insuring corporation, during the period of suspension, shall not enroll any additional subscribers or enrollees except newborn children or other newly acquired dependents of existing subscribers or enrollees, and shall not engage in any advertising or solicitation whatsoever. 26772
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(D) When the certificate of authority of a health insuring corporation is revoked, the health insuring corporation, following the effective date of the order of revocation, shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the health insuring corporation. The health insuring corporation shall engage in no further advertising or solicitation whatsoever. The superintendent, by written order, may permit such further operation of the health insuring corporation as the superintendent may find to be in the best interest of enrollees, to the end that enrollees will be afforded the greatest practical opportunity to obtain continuing health care coverage. 26778
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Sec. 1751.36. (A) When the superintendent of insurance has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, the superintendent shall notify the applicant or health insuring corporation ~~and the director of health~~ in writing, specifically stating the grounds for the denial, suspension, or revocation and setting a date of at least thirty days after the notification for 26790
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a hearing on the matter. 26798

(B) ~~The recommendations and findings of the director of health with respect to matters subject to the director's consideration under section 1751.04 of the Revised Code, provided in connection with any decision regarding the denial, suspension, or revocation of a certificate of authority, shall be reviewed and considered by the superintendent.~~ After the hearing authorized by division (A) of this section, or upon the failure of the applicant or health insuring corporation to appear at the hearing, the superintendent shall take such action as in accordance with law and the evidence. The action shall be set out in written findings which shall be mailed to the applicant or health insuring corporation ~~with a copy to the director of health.~~ The action of the superintendent is subject to review in accordance with Chapter 119. of the Revised Code, ~~except that a certification by the director under division (D) of section 1751.04 or division (A)(5) of section 1751.35 of the Revised Code that was made in accordance with Chapter 119. of the Revised Code shall be final as to the matters certified.~~ 26799
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(C) Chapter 119. of the Revised Code applies to proceedings under this section to the extent that it is not in conflict with divisions (A) and (B) of this section. 26817
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Sec. 1751.45. (A) In lieu of the suspension or revocation of a certificate of authority under section 1751.35 of the Revised Code, the superintendent of insurance, pursuant to an adjudication hearing initiated and conducted in accordance with Chapter 119. of the Revised Code, or by consent of the health insuring corporation without an adjudication hearing, may levy an administrative penalty. The administrative penalty shall be in an amount determined by the superintendent, but the administrative penalty shall not exceed one hundred thousand dollars per violation. 26820
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Additionally, the superintendent may require the health insuring corporation to correct any deficiency that may be the basis for the suspension or revocation of the health insuring corporation's certificate of authority. All penalties collected shall be paid into the state treasury to the credit of the department of insurance operating fund.

(B) If the superintendent ~~or the director of health~~ for any reason has cause to believe that any violation of this chapter has occurred or is threatened, the superintendent ~~or the director~~ may give notice to the health insuring corporation and to the representatives or other persons who appear to be involved in the suspected violation to arrange a conference with the suspected violators or their authorized representatives for the purpose of attempting to ascertain the facts relating to the suspected violation, and, if it appears that any violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing the violation.

Proceedings under this division shall not be covered by any formal procedural requirements, and may be conducted in the manner the superintendent ~~or the director of health~~ may consider appropriate under the circumstances.

(C)(1) The superintendent may issue an order directing a health insuring corporation or a representative of the health insuring corporation to cease and desist from engaging in any act or practice in violation of this chapter. Within thirty days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this chapter have occurred. Such hearings shall be conducted in accordance with Chapter 119. of the Revised Code and judicial review shall be available as provided by that chapter.

(2) If the superintendent has reasonable cause to believe that an order issued pursuant to this division has been violated

in whole or in part, the superintendent may request the attorney 26861
general to commence and prosecute any appropriate action or 26862
proceeding in the name of the state against the violators in the 26863
court of common pleas of Franklin county. The court in any such 26864
action or proceeding may levy civil penalties, not to exceed one 26865
hundred thousand dollars per violation, in addition to any other 26866
appropriate relief, including requiring a violator to pay the 26867
expenses reasonably incurred by the superintendent in enforcing 26868
the order. The penalties and fees collected under this division 26869
shall be paid into the state treasury to the credit of the 26870
department of insurance operating fund. 26871

Sec. 1751.46. (A) The superintendent of insurance ~~and the~~ 26872
~~director of health~~ may contract with qualified persons to make 26873
recommendations concerning the determinations required to be made 26874
by the superintendent ~~or the director~~ relative to an expansion of 26875
a service area pursuant to division (C) of section 1751.03 of the 26876
Revised Code, an application for a certificate of authority 26877
pursuant to sections 1751.04 and 1751.05 of the Revised Code, a 26878
contractual periodic prepayment or premium rate pursuant to 26879
section 1751.12 of the Revised Code, and an examination pursuant 26880
to division (B) of section 1751.34 of the Revised Code. The 26881
recommendations may be accepted in full or in part, or may be 26882
rejected, by the superintendent ~~or director~~. 26883

The total cost of a contract with a qualified person pursuant 26884
to this division shall represent the fair market value of the 26885
services provided and shall be borne by the health insuring 26886
corporation that is the subject of the determination required to 26887
be made by the superintendent ~~or the director~~. 26888

(B) No qualified person placed on contract by the 26889
superintendent ~~or the director~~ pursuant to division (A) of this 26890
section shall have a conflict of interest with the department of 26891

insurance, ~~the department of health,~~ or the health insuring
corporation. 26892
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Sec. 1751.48. ~~(A)~~ The superintendent of insurance may adopt 26894
rules as are necessary to carry out the provisions of this 26895
chapter. These rules shall be adopted in accordance with Chapter 26896
119. of the Revised Code. 26897

~~(B) The director of health may make recommendations to the 26898
superintendent for rules that are necessary to enable the director 26899
to carry out the director's responsibilities under this chapter, 26900
including rules that prescribe standards relating to the 26901
requirements set forth in division (B) of section 1751.04 of the 26902
Revised Code. In adopting any rules pertaining to the director's 26903
responsibilities, the superintendent shall consider the 26904
recommendations of the director. 26905~~

Sec. 1751.831. The superintendent of insurance shall 26906
establish and maintain a system for receiving and reviewing 26907
requests for review from or on behalf of enrollees who, under 26908
section 1751.83 of the Revised Code, have been denied coverage of 26909
a health care service or had coverage reduced or terminated when 26910
the grounds for the denial, reduction, or termination is that the 26911
service is not a service covered under the terms of the enrollee's 26912
policy, contract, or agreement. 26913

On receipt of a written request from an enrollee or 26914
authorized person, the superintendent shall consider whether the 26915
health care service is a service covered under the terms of the 26916
enrollee's policy, contract, or agreement, except that the 26917
superintendent shall not conduct a review under this section 26918
unless the enrollee has exhausted the health insuring 26919
corporation's internal review process established pursuant to 26920
section 1751.83 of the Revised Code. The health insuring 26921

corporation and the enrollee or authorized person shall provide 26922
the superintendent with any information required by the 26923
superintendent that is in their possession and is germane to the 26924
review. 26925

Unless the superintendent is not able to do so because making 26926
the determination requires resolution of a medical issue, the 26927
superintendent shall determine whether the health care service at 26928
issue is a service covered under the terms of the enrollee's 26929
contract, policy, or agreement. The superintendent shall notify 26930
the enrollee, or authorized person, and the health insuring 26931
corporation of the superintendent's determination or that the 26932
superintendent is not able to make a determination. 26933

If the superintendent notifies the health insuring 26934
corporation that making the determination requires the resolution 26935
of a medical issue, the health insuring corporation shall ~~afford~~ 26936
~~the enrollee an opportunity for~~ initiate an external review under 26937
section 1751.84 or 1751.85 of the Revised Code. If the 26938
superintendent notifies the health insuring corporation that the 26939
health service is a covered service, the health insuring 26940
corporation shall either cover the service or afford the enrollee 26941
an opportunity for an external review under section 1751.84 or 26942
1751.85 of the Revised Code. If the superintendent notifies the 26943
health insuring corporation that the health care service is not a 26944
covered service, the health insuring corporation is not required 26945
to cover the service or afford the enrollee an external review. 26946

Sec. 1751.84. (A) Except as provided in divisions (B) and (C) 26947
of this section, a health insuring corporation shall afford an 26948
enrollee an opportunity for an external review if both of the 26949
following are the case: 26950

(1) The health insuring corporation has denied, reduced, or 26951
terminated coverage for what would be a covered health care 26952

service except for the fact that the health insuring corporation 26953
has determined that the health care service is not medically 26954
necessary; 26955

(2) Except in the case of an expedited review, the service, 26956
plus any ancillary services and follow-up care, will cost the 26957
enrollee more than five hundred dollars if the proposed service is 26958
not covered by the health insuring corporation. 26959

External review shall be conducted in accordance with this 26960
section, except that if an enrollee with a terminal condition 26961
meets all of the criteria of division (A) of section 1751.85 of 26962
the Revised Code, an external review shall be conducted under that 26963
section. 26964

(B) An enrollee need not be afforded a review under this 26965
section in any of the following circumstances: 26966

(1) The superintendent of insurance has determined under 26967
section 1751.831 of the Revised Code that the health care service 26968
is not a service covered under the terms of the enrollee's policy, 26969
contract, or agreement. 26970

(2) Except as provided in section 1751.811 of the Revised 26971
Code, the enrollee has failed to exhaust the health insuring 26972
corporation's internal review process established pursuant to 26973
section 1751.83 of the Revised Code. 26974

(3) The enrollee has previously been afforded an external 26975
review for the same adverse determination and no new clinical 26976
information has been submitted to the health insuring corporation. 26977

(C)(1) A health insuring corporation may deny a request for 26978
an external review of an adverse determination if it is requested 26979
later than ~~sixty~~ one hundred eighty days after the enrollee's 26980
receipt of notice of the result of an internal review brought 26981
under section 1751.83 of the Revised Code. An external review may 26982
be requested by the enrollee, an authorized person, the enrollee's 26983

provider, or a health care facility rendering health care service 26984
to the enrollee. The enrollee may request a review without the 26985
approval of the provider or the health care facility rendering the 26986
health care service. The provider or health care facility may not 26987
request a review without the prior consent of the enrollee. 26988

(2) An external review must be requested in writing, except 26989
that if the enrollee has a condition that requires expedited 26990
review, the review may be requested orally or by electronic means. 26991
When an oral or electronic request for review is made, written 26992
confirmation of the request shall be submitted to the health 26993
insuring corporation not later than five days after the oral or 26994
written request is submitted. 26995

Except in the case of an expedited review, a request for an 26996
external review must be accompanied by written certification from 26997
the enrollee's provider or the health care facility rendering the 26998
health care service to the enrollee that the proposed service, 26999
plus any ancillary services and follow-up care, will cost the 27000
enrollee more than five hundred dollars if the proposed service is 27001
not covered by the health insuring corporation. 27002

(3) For an expedited review, the enrollee's provider must 27003
certify that the enrollee's condition could, in the absence of 27004
immediate medical attention, result in any of the following: 27005

(a) Placing the health of the enrollee or, with respect to a 27006
pregnant woman, the health of the enrollee or the unborn child, in 27007
serious jeopardy; 27008

(b) Serious impairment to bodily functions; 27009

(c) Serious dysfunction of any bodily organ or part. 27010

(D) The procedures used in conducting an external review of 27011
an adverse determination shall include all of the following: 27012

(1) The review shall be conducted by an independent review 27013

organization assigned by the superintendent of insurance under 27014
section 3901.80 of the Revised Code. 27015

(2) Except as provided in division (D)(3) and (4) of this 27016
section, neither the clinical peer nor any health care facility 27017
with which the clinical peer is affiliated shall have any 27018
professional, familial, or financial affiliation with any of the 27019
following: 27020

(a) The health insuring corporation or any officer, director, 27021
or managerial employee of the health insuring corporation; 27022

(b) The enrollee, the enrollee's provider, or the practice 27023
group of the enrollee's provider; 27024

(c) The health care facility at which the health care service 27025
requested by the enrollee would be provided; 27026

(d) The development or manufacture of the principal drug, 27027
device, procedure, or therapy proposed for the enrollee. 27028

(3) Division (D)(2) of this section does not prohibit a 27029
clinical peer from conducting a review under any of the following 27030
circumstances: 27031

(a) The clinical peer is affiliated with an academic medical 27032
center that provides health care services to enrollees of the 27033
health insuring corporation. 27034

(b) The clinical peer has staff privileges at a health care 27035
facility that provides health care services to enrollees of the 27036
health insuring corporation. 27037

(c) The clinical peer is a participating provider but was not 27038
involved with the health insuring corporation's adverse 27039
determination. 27040

(4) Division (D)(2) of this section does not prohibit the 27041
health insuring corporation from paying the independent review 27042
organization for the conduct of the review. 27043

(5) An enrollee shall not be required to pay for any part of 27044
the cost of the review. The cost of the review shall be borne by 27045
the health insuring corporation. 27046

(6)(a) The health insuring corporation shall provide to the 27047
independent review organization conducting the review a copy of 27048
those records in its possession that are relevant to the 27049
enrollee's medical condition and the review. The records shall be 27050
used solely for the purpose of this division. 27051

At the request of the independent review organization, the 27052
health insuring corporation, enrollee, or the provider or health 27053
care facility rendering health care services to the enrollee shall 27054
provide any additional information the independent review 27055
organization requests to complete the review. A request for 27056
additional information may be made in writing, orally, or by 27057
electronic means. The independent review organization shall submit 27058
the request to the enrollee and health insuring corporation. If a 27059
request is submitted orally or by electronic means to an enrollee 27060
or health insuring corporation, not later than five days after the 27061
request is submitted, the independent review organization shall 27062
provide written confirmation of the request. If the review was 27063
initiated by a provider or health care facility, a copy of the 27064
request shall be submitted to the provider or health care 27065
facility. 27066

(b) An independent review organization is not required to 27067
make a decision if it has not received any requested information 27068
that it considers necessary to complete a review. An independent 27069
review organization that does not make a decision for this reason 27070
shall notify the enrollee and the health insuring corporation that 27071
a decision is not being made. The notice may be made in writing, 27072
orally, or by electronic means. An oral or electronic notice shall 27073
be confirmed in writing not later than five days after the oral or 27074
electronic notice is made. If the review was initiated by a 27075

provider or health care facility, a copy of the notice shall be 27076
submitted to the provider or health care facility. 27077

(7) The health insuring corporation may elect to cover the 27078
service requested and terminate the review. The health insuring 27079
corporation shall notify the enrollee and all other parties 27080
involved with the decision by mail or, with the consent or 27081
approval of the enrollee, by electronic means. 27082

(8) In making its decision, an independent review 27083
organization conducting the review shall take into account all of 27084
the following: 27085

(a) Information submitted by the health insuring corporation, 27086
the enrollee, the enrollee's provider, and the health care 27087
facility rendering the health care service, including the 27088
following: 27089

(i) The enrollee's medical records; 27090

(ii) The standards, criteria, and clinical rationale used by 27091
the health insuring corporation to make its decision. 27092

(b) Findings, studies, research, and other relevant documents 27093
of government agencies and nationally recognized organizations, 27094
including the national institutes of health or any board 27095
recognized by the national institutes of health, the national 27096
cancer institute, the national academy of sciences, the United 27097
States food and drug administration, the health care financing 27098
administration of the United States department of health and human 27099
services, and the agency for health care policy and research; 27100

(c) Relevant findings in peer-reviewed medical or scientific 27101
literature, published opinions of nationally recognized medical 27102
experts, and clinical guidelines adopted by relevant national 27103
medical societies. 27104

(9)(a) In the case of an expedited review, the independent 27105

review organization shall issue a written decision not later than 27106
seven days after the filing of the request for review. In all 27107
other cases, the independent review organization shall issue a 27108
written decision not later than thirty days after the filing of 27109
the request. The independent review organization shall send a copy 27110
of its decision to the health insuring corporation and the 27111
enrollee. If the enrollee's provider or the health care facility 27112
rendering health care services to the enrollee requested the 27113
review, the independent review organization shall also send a copy 27114
of its decision to the enrollee's provider or the health care 27115
facility. 27116

(b) The independent review organization's decision shall 27117
include a description of the enrollee's condition and the 27118
principal reasons for the decision and an explanation of the 27119
clinical rationale for the decision. 27120

(E) The independent review organization shall base its 27121
decision on the information submitted under division (D)(8) of 27122
this section. In making its decision, the independent review 27123
organization shall consider safety, efficacy, appropriateness, and 27124
cost effectiveness. 27125

(F) The health insuring corporation shall provide any 27126
coverage determined by the independent review organization's 27127
decision to be medically necessary, subject to the other terms, 27128
limitations, and conditions of the enrollee's contract. The 27129
decision shall apply only to the individual enrollee's external 27130
review. 27131

Sec. 1751.85. (A) Each health insuring corporation shall 27132
establish a reasonable external, independent review process to 27133
examine the health insuring corporation's coverage decisions for 27134
enrollees who meet all of the following criteria: 27135

(1) The enrollee has a terminal condition that, according to 27136

the current diagnosis of the enrollee's physician, has a high 27137
probability of causing death within two years. 27138

(2) The enrollee requests a review not later than ~~sixty one~~ 27139
hundred eighty days after receipt by the enrollee of notice of the 27140
result of an internal review under section 1751.83 of the Revised 27141
Code. 27142

(3) The enrollee's physician certifies that the enrollee has 27143
the condition described in division (A)(1) of this section and any 27144
of the following situations are applicable: 27145

(a) Standard therapies have not been effective in improving 27146
the condition of the enrollee; 27147

(b) Standard therapies are not medically appropriate for the 27148
enrollee; 27149

(c) There is no standard therapy covered by the health 27150
insuring corporation that is more beneficial than therapy 27151
described in division (A)(4) of this section. 27152

(4) The enrollee's physician has recommended a drug, device, 27153
procedure, or other therapy that the physician certifies, in 27154
writing, is likely to be more beneficial to the enrollee, in the 27155
physician's opinion, than standard therapies, or, the enrollee has 27156
requested a therapy that has been found in a preponderance of 27157
peer-reviewed published studies to be associated with effective 27158
clinical outcomes for the same condition. 27159

(5) The enrollee has been denied coverage by the health 27160
insuring corporation for a drug, device, procedure, or other 27161
therapy recommended or requested pursuant to division (A)(4) of 27162
this section, and has exhausted the health insuring corporation's 27163
internal review process established pursuant to section 1751.83 of 27164
the Revised Code. 27165

(6) The drug, device, procedure, or other therapy, for which 27166

coverage has been denied would be a covered health care service 27167
except for the health insuring corporation's determination that 27168
the drug, device, procedure, or other therapy is experimental or 27169
investigational. 27170

(B) A review shall be requested in writing, except that if 27171
the enrollee's physician determines that a therapy would be 27172
significantly less effective if not promptly initiated, the review 27173
may be requested orally or by electronic means. When an oral or 27174
electronic request for review is made, written confirmation of the 27175
request shall be submitted to the health insuring corporation not 27176
later than five days after the oral or written request is 27177
submitted. 27178

(C) The external, independent review process established by a 27179
health insuring corporation shall meet all of the following 27180
criteria: 27181

(1) Except as provided in division (E) of this section, the 27182
process shall afford all enrollees who meet the criteria set forth 27183
in division (A) of this section the opportunity to have the health 27184
insuring corporation's decision to deny coverage of the 27185
recommended or requested therapy reviewed under the process. 27186

(2) The review shall be conducted by an independent review 27187
organization assigned by the superintendent of insurance under 27188
section 3901.80 of the Revised Code. 27189

The independent review organization shall select a panel to 27190
conduct the review, which panel shall be composed of at least 27191
three physicians or other providers who, through clinical 27192
experience in the past three years, are experts in the treatment 27193
of the enrollee's medical condition and knowledgeable about the 27194
recommended or requested therapy. 27195

In either of the following circumstances, an exception may be 27196
made to the requirement that the review be conducted by an expert 27197

panel composed of a minimum of three physicians or other 27198
providers: 27199

(a) A review may be conducted by an expert panel composed of 27200
only two physicians or other providers if an enrollee has 27201
consented in writing to a review by the smaller panel; 27202

(b) A review may be conducted by a single expert physician or 27203
other provider if only one expert physician or other provider is 27204
available for the review. 27205

(3) Neither the health insuring corporation nor the enrollee 27206
shall choose, or control the choice of, the physician or other 27207
provider experts. 27208

(4) The selected experts, any health care facility with which 27209
an expert is affiliated, and the independent review organization 27210
arranging for the experts' review, shall not have any 27211
professional, familial, or financial affiliation with any of the 27212
following: 27213

(a) The health insuring corporation or any officer, director, 27214
or managerial employee of the health insuring corporation; 27215

(b) The enrollee, the enrollee's physician, or the practice 27216
group of the enrollee's physician; 27217

(c) The health care facility at which the recommended or 27218
requested therapy would be provided; 27219

(d) The development or manufacture of the principal drug, 27220
device, procedure, or therapy involved in the recommended or 27221
requested therapy. 27222

However, experts affiliated with academic medical centers who 27223
provide health care services to enrollees of the health insuring 27224
corporation may serve as experts on the review panel. Further, 27225
experts with staff privileges at a health care facility that 27226
provides health care services to enrollees of the health insuring 27227

corporation, as well as experts who are participating providers, 27228
but who were not involved with the health insuring corporation's 27229
denial of coverage for the therapy under review, may serve as 27230
experts on the review panel. These nonaffiliation provisions do 27231
not preclude a health insuring corporation from paying for the 27232
experts' review, as specified in division (C)(5) of this section. 27233

(5) Enrollees shall not be required to pay for any part of 27234
the cost of the review. The cost of the review shall be borne by 27235
the health insuring corporation. 27236

(6) The health insuring corporation shall provide to the 27237
independent review organization arranging for the experts' review 27238
a copy of those records in the health insuring corporation's 27239
possession that are relevant to the enrollee's medical condition 27240
and the review. The records shall be disclosed solely to the 27241
expert reviewers and shall be used solely for the purpose of this 27242
section. At the request of the expert reviewers, the health 27243
insuring corporation or the physician recommending the therapy 27244
shall provide any additional information that the expert reviewers 27245
request to complete the review. An expert reviewer is not required 27246
to render an opinion if the reviewer has not received any 27247
requested information that the reviewer considers necessary to 27248
complete the review. 27249

(7)(a) The opinions of the experts on the panel shall be 27250
rendered within thirty days after the enrollee's request for 27251
review. If the enrollee's physician determines that a therapy 27252
would be significantly less effective if not promptly initiated, 27253
the opinions shall be rendered within seven days after the 27254
enrollee's request for review. 27255

(b) In conducting the review, the experts on the panel shall 27256
take into account all of the following: 27257

(i) Information submitted by the health insuring corporation, 27258

the enrollee, and the enrollee's physician, including the	27259
enrollee's medical records and the standards, criteria, and	27260
clinical rationale used by the health insuring corporation to	27261
reach its coverage decision;	27262
(ii) Findings, studies, research, and other relevant	27263
documents of government agencies and nationally recognized	27264
organizations;	27265
(iii) Relevant findings in peer-reviewed medical or	27266
scientific literature and published opinions of nationally	27267
recognized medical experts;	27268
(iv) Clinical guidelines adopted by relevant national medical	27269
societies;	27270
(v) Safety, efficacy, appropriateness, and cost	27271
effectiveness.	27272
(8) Each expert on the panel shall provide the independent	27273
review organization with a professional opinion as to whether	27274
there is sufficient evidence to demonstrate that the recommended	27275
or requested therapy is likely to be more beneficial to the	27276
enrollee than standard therapies.	27277
(9) Each expert's opinion shall be presented in written form	27278
and shall include the following information:	27279
(a) A description of the enrollee's condition;	27280
(b) A description of the indicators relevant to determining	27281
whether there is sufficient evidence to demonstrate that the	27282
recommended or requested therapy is more likely than not to be	27283
more beneficial to the enrollee than standard therapies;	27284
(c) A description and analysis of any relevant findings	27285
published in peer-reviewed medical or scientific literature or the	27286
published opinions of medical experts or specialty societies;	27287
(d) A description of the enrollee's suitability to receive	27288

the recommended or requested therapy according to a treatment 27289
protocol in a clinical trial, if applicable. 27290

(10) The independent review organization shall provide the 27291
health insuring corporation with the opinions of the experts. The 27292
health insuring corporation shall make the experts' opinions 27293
available to the enrollee and the enrollee's physician, upon 27294
request. 27295

(11) The opinion of the majority of the experts on the panel, 27296
rendered pursuant to division (C)(8) of this section, is binding 27297
on the health insuring corporation with respect to that enrollee. 27298
If the opinions of the experts on the panel are evenly divided as 27299
to whether the therapy should be covered, then the health insuring 27300
corporation's final decision shall be in favor of coverage. If 27301
less than a majority of the experts on the panel recommend 27302
coverage of the therapy, the health insuring corporation may, in 27303
its discretion, cover the therapy. However, any coverage provided 27304
pursuant to division (C)(11) of this section is subject to the 27305
terms, limitations, and conditions of the enrollee's contract with 27306
the health insuring corporation. 27307

(12) The health insuring corporation shall have written 27308
policies describing the external, independent review process. 27309

(D) At any time during the external, independent review 27310
process, the health insuring corporation may elect to cover the 27311
recommended or requested health care service and terminate the 27312
review. The health insuring corporation shall notify the enrollee 27313
and all other parties involved by mail or, with the consent or 27314
approval of the enrollee, by electronic means. 27315

(E) If a health insuring corporation's initial denial of 27316
coverage for a therapy recommended or requested pursuant to 27317
division (A)(4) of this section is based upon an external, 27318
independent review of that therapy meeting the requirements of 27319

division (C) of this section, this section shall not be a basis 27320
for requiring a second external, independent review of the 27321
recommended or requested therapy. 27322

(F) The health insuring corporation shall annually file a 27323
certificate with the superintendent of insurance certifying its 27324
compliance with the requirements of this section. 27325

Sec. 1753.09. (A) Except as provided in division (D) of this 27326
section, prior to terminating the participation of a provider on 27327
the basis of the participating provider's failure to meet the 27328
health insuring corporation's standards for quality or utilization 27329
in the delivery of health care services, a health insuring 27330
corporation shall give the participating provider notice of the 27331
reason or reasons for its decision to terminate the provider's 27332
participation and an opportunity to take corrective action. The 27333
health insuring corporation shall develop a performance 27334
improvement plan in conjunction with the participating provider. 27335
If after being afforded the opportunity to comply with the 27336
performance improvement plan, the participating provider fails to 27337
do so, the health insuring corporation may terminate the 27338
participation of the provider. 27339

(B)(1) A participating provider whose participation has been 27340
terminated under division (A) of this section may appeal the 27341
termination to the appropriate medical director of the health 27342
insuring corporation. The medical director shall give the 27343
participating provider an opportunity to discuss with the medical 27344
director the reason or reasons for the termination. 27345

(2) If a satisfactory resolution of a participating 27346
provider's appeal cannot be reached under division (B)(1) of this 27347
section, the participating provider may appeal the termination to 27348
a panel composed of participating providers who have comparable or 27349
higher levels of education and training than the participating 27350

provider making the appeal. A representative of the participating 27351
provider's specialty shall be a member of the panel, if possible. 27352
This panel shall hold a hearing, and shall render its 27353
recommendation in the appeal within thirty days after holding the 27354
hearing. The recommendation shall be presented to the medical 27355
director and to the participating provider. 27356

(3) The medical director shall review and consider the 27357
panel's recommendation before making a decision. The decision 27358
rendered by the medical director shall be final. 27359

(C) A provider's status as a participating provider shall 27360
remain in effect during the appeal process set forth in division 27361
(B) of this section unless the termination was based on any of the 27362
reasons listed in division (D) of this section. 27363

(D) Notwithstanding division (A) of this section, a 27364
provider's participation may be immediately terminated if the 27365
participating provider's conduct presents an imminent risk of harm 27366
to an enrollee or enrollees; or if there has occurred unacceptable 27367
quality of care, fraud, patient abuse, loss of clinical 27368
privileges, loss of professional liability coverage, incompetence, 27369
or loss of authority to practice in the participating provider's 27370
field; or if a governmental action has impaired the participating 27371
provider's ability to practice. 27372

(E) Divisions (A) to (D) of this section apply only to 27373
providers who are natural persons. 27374

(F)(1) Nothing in this section prohibits a health insuring 27375
corporation from rejecting a provider's application for 27376
participation, or from terminating a participating provider's 27377
contract, if the health insuring corporation determines that the 27378
health care needs of its enrollees are being met and no need 27379
exists for the provider's or participating provider's services. 27380

(2) Nothing in this section shall be construed as prohibiting 27381

a health insuring corporation from terminating a participating 27382
provider who does not meet the terms and conditions of the 27383
participating provider's contract. 27384

(3) Nothing in this section shall be construed as prohibiting 27385
a health insuring corporation from terminating a participating 27386
provider's contract pursuant to any provision of the contract 27387
described in division (E)(2) of section 3963.02 of the Revised 27388
Code, except that, notwithstanding any provision of a contract 27389
described in that division, this section applies to the 27390
termination of a participating provider's contract for any of the 27391
causes described in divisions (A), (D), and (F)(1) and (2) of this 27392
section. 27393

(G) The superintendent of insurance may adopt rules as 27394
necessary to implement and enforce sections 1753.06, 1753.07, and 27395
1753.09 of the Revised Code. Such rules shall be adopted in 27396
accordance with Chapter 119. of the Revised Code. ~~The director of 27397
health may make recommendations to the superintendent for rules 27398
necessary to implement and enforce sections 1753.06, 1753.07, and 27399
1753.09 of the Revised Code. In adopting any rules pursuant to 27400
this division, the superintendent shall consider the 27401
recommendations of the director.~~ 27402

Sec. 1901.26. (A) Subject to division (E) of this section, 27403
costs in a municipal court shall be fixed and taxed as follows: 27404

(1)(a) The municipal court shall require an advance deposit 27405
for the filing of any new civil action or proceeding when required 27406
by division (C) of this section, and in all other cases, by rule, 27407
shall establish a schedule of fees and costs to be taxed in any 27408
civil or criminal action or proceeding. 27409

(b)(i) The legislative authority of a municipal corporation 27410
may by ordinance establish a schedule of fees to be taxed as costs 27411
in any civil, criminal, or traffic action or proceeding in a 27412

municipal court for the performance by officers or other employees 27413
of the municipal corporation's police department or marshal's 27414
office of any of the services specified in sections 311.17 and 27415
509.15 of the Revised Code. No fee in the schedule shall be higher 27416
than the fee specified in section 311.17 of the Revised Code for 27417
the performance of the same service by the sheriff. If a fee 27418
established in the schedule conflicts with a fee for the same 27419
service established in another section of the Revised Code or a 27420
rule of court, the fee established in the other section of the 27421
Revised Code or the rule of court shall apply. 27422

(ii) When an officer or employee of a municipal police 27423
department or marshal's office performs in a civil, criminal, or 27424
traffic action or proceeding in a municipal court a service 27425
specified in section 311.17 or 509.15 of the Revised Code for 27426
which a taxable fee has been established under this or any other 27427
section of the Revised Code, the applicable legal fees and any 27428
other extraordinary expenses, including overtime, provided for the 27429
service shall be taxed as costs in the case. The clerk of the 27430
court shall pay those legal fees and other expenses, when 27431
collected, into the general fund of the municipal corporation that 27432
employs the officer or employee. 27433

(iii) If a bailiff of a municipal court performs in a civil, 27434
criminal, or traffic action or proceeding in that court a service 27435
specified in section 311.17 or 509.15 of the Revised Code for 27436
which a taxable fee has been established under this section or any 27437
other section of the Revised Code, the fee for the service is the 27438
same and is taxable to the same extent as if the service had been 27439
performed by an officer or employee of the police department or 27440
marshal's office of the municipal corporation in which the court 27441
is located. The clerk of that court shall pay the fee, when 27442
collected, into the general fund of the entity or entities that 27443
fund the bailiff's salary, in the same prorated amount as the 27444

salary is funded. 27445

(iv) Division (A)(1)(b) of this section does not authorize or 27446
require any officer or employee of a police department or 27447
marshal's office of a municipal corporation or any bailiff of a 27448
municipal court to perform any service not otherwise authorized by 27449
law. 27450

(2) The municipal court, by rule, may require an advance 27451
deposit for the filing of any civil action or proceeding and 27452
publication fees as provided in section 2701.09 of the Revised 27453
Code. The court may waive the requirement for advance deposit upon 27454
affidavit or other evidence that a party is unable to make the 27455
required deposit. 27456

(3) When a jury trial is demanded in any civil action or 27457
proceeding, the party making the demand may be required to make an 27458
advance deposit as fixed by rule of court, unless, upon affidavit 27459
or other evidence, the court concludes that the party is unable to 27460
make the required deposit. If a jury is called, the fees of a jury 27461
shall be taxed as costs. 27462

(4) In any civil or criminal action or proceeding, each 27463
witness shall receive twelve dollars for each full day's 27464
attendance and six dollars for each half day's attendance. Each 27465
witness in a municipal court that is not a county-operated 27466
municipal court also shall receive fifty and one-half cents for 27467
each mile necessarily traveled to and from the witness's place of 27468
residence to the action or proceeding. 27469

(5) A reasonable charge for driving, towing, carting, 27470
storing, keeping, and preserving motor vehicles and other personal 27471
property recovered or seized in any proceeding may be taxed as 27472
part of the costs in a trial of the cause, in an amount that shall 27473
be fixed by rule of court. 27474

(6) Chattel property seized under any writ or process issued 27475

by the court shall be preserved pending final disposition for the 27476
benefit of all persons interested and may be placed in storage 27477
when necessary or proper for that preservation. The custodian of 27478
any chattel property so stored shall not be required to part with 27479
the possession of the property until a reasonable charge, to be 27480
fixed by the court, is paid. 27481

(7) The municipal court, as it determines, may refund all 27482
deposits and advance payments of fees and costs, including those 27483
for jurors and summoning jurors, when they have been paid by the 27484
losing party. 27485

(8) Charges for the publication of legal notices required by 27486
statute or order of court may be taxed as part of the costs, as 27487
provided by section 7.13 of the Revised Code. 27488

(B)(1) The municipal court may determine that, for the 27489
efficient operation of the court, additional funds are necessary 27490
to acquire and pay for special projects of the court including, 27491
but not limited to, the acquisition of additional facilities or 27492
the rehabilitation of existing facilities, the acquisition of 27493
equipment, the hiring and training of staff, community service 27494
programs, mediation or dispute resolution services, the employment 27495
of magistrates, the training and education of judges, acting 27496
judges, and magistrates, and other related services. Upon that 27497
determination, the court by rule may charge a fee, in addition to 27498
all other court costs, on the filing of each criminal cause, civil 27499
action or proceeding, or judgment by confession. 27500

If the municipal court offers a special program or service in 27501
cases of a specific type, the municipal court by rule may assess 27502
an additional charge in a case of that type, over and above court 27503
costs, to cover the special program or service. The municipal 27504
court shall adjust the special assessment periodically, but not 27505
retroactively, so that the amount assessed in those cases does not 27506
exceed the actual cost of providing the service or program. 27507

All moneys collected under division (B) of this section shall 27508
be paid to the county treasurer if the court is a county-operated 27509
municipal court or to the city treasurer if the court is not a 27510
county-operated municipal court for deposit into either a general 27511
special projects fund or a fund established for a specific special 27512
project. Moneys from a fund of that nature shall be disbursed upon 27513
an order of the court in an amount no greater than the actual cost 27514
to the court of a project. If a specific fund is terminated 27515
because of the discontinuance of a program or service established 27516
under division (B) of this section, the municipal court may order 27517
that moneys remaining in the fund be transferred to an account 27518
established under this division for a similar purpose. 27519

(2) The court may disburse moneys deposited into either a 27520
general special projects fund or a fund established for a specific 27521
special project to a county program that is not operated by the 27522
court and that addresses issues of domestic violence if the court 27523
determines that the program assists in the efficient operation of 27524
the court. 27525

(3) As used in division (B) of this section: 27526

(a) "Criminal cause" means a charge alleging the violation of 27527
a statute or ordinance, or subsection of a statute or ordinance, 27528
that requires a separate finding of fact or a separate plea before 27529
disposition and of which the defendant may be found guilty, 27530
whether filed as part of a multiple charge on a single summons, 27531
citation, or complaint or as a separate charge on a single 27532
summons, citation, or complaint. "Criminal cause" does not include 27533
separate violations of the same statute or ordinance, or 27534
subsection of the same statute or ordinance, unless each charge is 27535
filed on a separate summons, citation, or complaint. 27536

(b) "Civil action or proceeding" means any civil litigation 27537
that must be determined by judgment entry. 27538

(C) The municipal court shall collect in all its divisions 27539
except the small claims division the sum of ~~twenty-six~~ thirty-one 27540
dollars as additional filing fees in each new civil action or 27541
proceeding for the charitable public purpose of providing 27542
financial assistance to legal aid societies that operate within 27543
the state and to support the office of the state public defender. 27544
The municipal court shall collect in its small claims division the 27545
sum of eleven dollars as additional filing fees in each new civil 27546
action or proceeding for the charitable public purpose of 27547
providing financial assistance to legal aid societies that operate 27548
within the state and to support the office of the state public 27549
defender. This division does not apply to any execution on a 27550
judgment, proceeding in aid of execution, or other post-judgment 27551
proceeding arising out of a civil action. The filing fees required 27552
to be collected under this division shall be in addition to any 27553
other court costs imposed in the action or proceeding and shall be 27554
collected at the time of the filing of the action or proceeding. 27555
The court shall not waive the payment of the additional filing 27556
fees in a new civil action or proceeding unless the court waives 27557
the advanced payment of all filing fees in the action or 27558
proceeding. All such moneys collected during a month except for an 27559
amount equal to up to one per cent of those moneys retained to 27560
cover administrative costs shall be transmitted on or before the 27561
twentieth day of the following month by the clerk of the court to 27562
the treasurer of state in a manner prescribed by the treasurer of 27563
state or by the Ohio legal assistance foundation. The treasurer of 27564
state shall deposit four per cent of the funds collected under 27565
this division to the credit of the civil case filing fee fund 27566
established under section 120.07 of the Revised Code and 27567
ninety-six per cent of the funds collected under this division to 27568
the credit of the legal aid fund established under section 120.52 27569
of the Revised Code. 27570

The Ohio legal assistance foundation or any recipient of 27571

financial assistance from the foundation that receives, or 27572
benefits from, any portion of the additional filing fees that are 27573
collected and transmitted under this division shall not bring or 27574
maintain any class action and shall not bring or maintain any 27575
action against the state or any political subdivision of the 27576
state. 27577

The court may retain up to one per cent of the moneys it 27578
collects under this division to cover administrative costs, 27579
including the hiring of any additional personnel necessary to 27580
implement this division. If the court fails to transmit to the 27581
treasurer of state the moneys the court collects under this 27582
division in a manner prescribed by the treasurer of state or by 27583
the Ohio legal assistance foundation, the court shall forfeit the 27584
moneys the court retains under this division to cover 27585
administrative costs, including the hiring of any additional 27586
personnel necessary to implement this division, and shall transmit 27587
to the treasurer of state all moneys collected under this 27588
division, including the forfeited amount retained for 27589
administrative costs, for deposit in the legal aid fund. 27590

(D) In the Cleveland municipal court, reasonable charges for 27591
investigating titles of real estate to be sold or disposed of 27592
under any writ or process of the court may be taxed as part of the 27593
costs. 27594

(E) Under the circumstances described in sections 2969.21 to 27595
2969.27 of the Revised Code, the clerk of the municipal court 27596
shall charge the fees and perform the other duties specified in 27597
those sections. 27598

(F) As used in this section: 27599

(1) "Full day's attendance" means a day on which a witness is 27600
required or requested to be present at an action or proceeding 27601
before and after twelve noon, regardless of whether the witness 27602

actually testifies. 27603

(2) "Half day's attendance" means a day on which a witness is 27604
required or requested to be present at an action or proceeding 27605
either before or after twelve noon, but not both, regardless of 27606
whether the witness actually testifies. 27607

Sec. 1901.31. The clerk and deputy clerks of a municipal 27608
court shall be selected, be compensated, give bond, and have 27609
powers and duties as follows: 27610

(A) There shall be a clerk of the court who is appointed or 27611
elected as follows: 27612

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 27613
county, Portage county, and Wayne county municipal courts and 27614
through December 31, 2008, the Cuyahoga Falls municipal court, if 27615
the population of the territory equals or exceeds one hundred 27616
thousand at the regular municipal election immediately preceding 27617
the expiration of the term of the present clerk, the clerk shall 27618
be nominated and elected by the qualified electors of the 27619
territory in the manner that is provided for the nomination and 27620
election of judges in section 1901.07 of the Revised Code. 27621

The clerk so elected shall hold office for a term of six 27622
years, which term shall commence on the first day of January 27623
following the clerk's election and continue until the clerk's 27624
successor is elected and qualified. 27625

(b) In the Hamilton county municipal court, the clerk of 27626
courts of Hamilton county shall be the clerk of the municipal 27627
court and may appoint an assistant clerk who shall receive the 27628
compensation, payable out of the treasury of Hamilton county in 27629
semimonthly installments, that the board of county commissioners 27630
prescribes. The clerk of courts of Hamilton county, acting as the 27631
clerk of the Hamilton county municipal court and assuming the 27632

duties of that office, shall receive compensation at one-fourth 27633
the rate that is prescribed for the clerks of courts of common 27634
pleas as determined in accordance with the population of the 27635
county and the rates set forth in sections 325.08 and 325.18 of 27636
the Revised Code. This compensation shall be paid from the county 27637
treasury in semimonthly installments and is in addition to the 27638
annual compensation that is received for the performance of the 27639
duties of the clerk of courts of Hamilton county, as provided in 27640
sections 325.08 and 325.18 of the Revised Code. 27641

(c) In the Portage county and Wayne county municipal courts, 27642
the clerks of courts of Portage county and Wayne county shall be 27643
the clerks, respectively, of the Portage county and Wayne county 27644
municipal courts and may appoint a chief deputy clerk for each 27645
branch that is established pursuant to section 1901.311 of the 27646
Revised Code and assistant clerks as the judges of the municipal 27647
court determine are necessary, all of whom shall receive the 27648
compensation that the legislative authority prescribes. The clerks 27649
of courts of Portage county and Wayne county, acting as the clerks 27650
of the Portage county and Wayne county municipal courts and 27651
assuming the duties of these offices, shall receive compensation 27652
payable from the county treasury in semimonthly installments at 27653
one-fourth the rate that is prescribed for the clerks of courts of 27654
common pleas as determined in accordance with the population of 27655
the county and the rates set forth in sections 325.08 and 325.18 27656
of the Revised Code. 27657

(d) Except as otherwise provided in division (A)(1)(d) of 27658
this section, in the Akron municipal court, candidates for 27659
election to the office of clerk of the court shall be nominated by 27660
primary election. The primary election shall be held on the day 27661
specified in the charter of the city of Akron for the nomination 27662
of municipal officers. Notwithstanding any contrary provision of 27663
section 3513.05 or 3513.257 of the Revised Code, the declarations 27664

of candidacy and petitions of partisan candidates and the 27665
nominating petitions of independent candidates for the office of 27666
clerk of the Akron municipal court shall be signed by at least 27667
fifty qualified electors of the territory of the court. 27668

The candidates shall file a declaration of candidacy and 27669
petition, or a nominating petition, whichever is applicable, not 27670
later than four p.m. of the seventy-fifth day before the day of 27671
the primary election, in the form prescribed by section 3513.07 or 27672
3513.261 of the Revised Code. The declaration of candidacy and 27673
petition, or the nominating petition, shall conform to the 27674
applicable requirements of section 3513.05 or 3513.257 of the 27675
Revised Code. 27676

If no valid declaration of candidacy and petition is filed by 27677
any person for nomination as a candidate of a particular political 27678
party for election to the office of clerk of the Akron municipal 27679
court, a primary election shall not be held for the purpose of 27680
nominating a candidate of that party for election to that office. 27681
If only one person files a valid declaration of candidacy and 27682
petition for nomination as a candidate of a particular political 27683
party for election to that office, a primary election shall not be 27684
held for the purpose of nominating a candidate of that party for 27685
election to that office, and the candidate shall be issued a 27686
certificate of nomination in the manner set forth in section 27687
3513.02 of the Revised Code. 27688

Declarations of candidacy and petitions, nominating 27689
petitions, and certificates of nomination for the office of clerk 27690
of the Akron municipal court shall contain a designation of the 27691
term for which the candidate seeks election. At the following 27692
regular municipal election, all candidates for the office shall be 27693
submitted to the qualified electors of the territory of the court 27694
in the manner that is provided in section 1901.07 of the Revised 27695
Code for the election of the judges of the court. The clerk so 27696

elected shall hold office for a term of six years, which term 27697
shall commence on the first day of January following the clerk's 27698
election and continue until the clerk's successor is elected and 27699
qualified. 27700

(e) Except as otherwise provided in division (A)(1)(e) of 27701
this section, in the Barberton municipal court, candidates for 27702
election to the office of clerk of the court shall be nominated by 27703
primary election. The primary election shall be held on the day 27704
specified in the charter of the city of Barberton for the 27705
nomination of municipal officers. Notwithstanding any contrary 27706
provision of section 3513.05 or 3513.257 of the Revised Code, the 27707
declarations of candidacy and petitions of partisan candidates and 27708
the nominating petitions of independent candidates for the office 27709
of clerk of the Barberton municipal court shall be signed by at 27710
least fifty qualified electors of the territory of the court. 27711

The candidates shall file a declaration of candidacy and 27712
petition, or a nominating petition, whichever is applicable, not 27713
later than four p.m. of the seventy-fifth day before the day of 27714
the primary election, in the form prescribed by section 3513.07 or 27715
3513.261 of the Revised Code. The declaration of candidacy and 27716
petition, or the nominating petition, shall conform to the 27717
applicable requirements of section 3513.05 or 3513.257 of the 27718
Revised Code. 27719

If no valid declaration of candidacy and petition is filed by 27720
any person for nomination as a candidate of a particular political 27721
party for election to the office of clerk of the Barberton 27722
municipal court, a primary election shall not be held for the 27723
purpose of nominating a candidate of that party for election to 27724
that office. If only one person files a valid declaration of 27725
candidacy and petition for nomination as a candidate of a 27726
particular political party for election to that office, a primary 27727
election shall not be held for the purpose of nominating a 27728

candidate of that party for election to that office, and the 27729
candidate shall be issued a certificate of nomination in the 27730
manner set forth in section 3513.02 of the Revised Code. 27731

Declarations of candidacy and petitions, nominating 27732
petitions, and certificates of nomination for the office of clerk 27733
of the Barberton municipal court shall contain a designation of 27734
the term for which the candidate seeks election. At the following 27735
regular municipal election, all candidates for the office shall be 27736
submitted to the qualified electors of the territory of the court 27737
in the manner that is provided in section 1901.07 of the Revised 27738
Code for the election of the judges of the court. The clerk so 27739
elected shall hold office for a term of six years, which term 27740
shall commence on the first day of January following the clerk's 27741
election and continue until the clerk's successor is elected and 27742
qualified. 27743

(f)(i) Through December 31, 2008, except as otherwise 27744
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 27745
Falls municipal court, candidates for election to the office of 27746
clerk of the court shall be nominated by primary election. The 27747
primary election shall be held on the day specified in the charter 27748
of the city of Cuyahoga Falls for the nomination of municipal 27749
officers. Notwithstanding any contrary provision of section 27750
3513.05 or 3513.257 of the Revised Code, the declarations of 27751
candidacy and petitions of partisan candidates and the nominating 27752
petitions of independent candidates for the office of clerk of the 27753
Cuyahoga Falls municipal court shall be signed by at least fifty 27754
qualified electors of the territory of the court. 27755

The candidates shall file a declaration of candidacy and 27756
petition, or a nominating petition, whichever is applicable, not 27757
later than four p.m. of the seventy-fifth day before the day of 27758
the primary election, in the form prescribed by section 3513.07 or 27759
3513.261 of the Revised Code. The declaration of candidacy and 27760

petition, or the nominating petition, shall conform to the 27761
applicable requirements of section 3513.05 or 3513.257 of the 27762
Revised Code. 27763

If no valid declaration of candidacy and petition is filed by 27764
any person for nomination as a candidate of a particular political 27765
party for election to the office of clerk of the Cuyahoga Falls 27766
municipal court, a primary election shall not be held for the 27767
purpose of nominating a candidate of that party for election to 27768
that office. If only one person files a valid declaration of 27769
candidacy and petition for nomination as a candidate of a 27770
particular political party for election to that office, a primary 27771
election shall not be held for the purpose of nominating a 27772
candidate of that party for election to that office, and the 27773
candidate shall be issued a certificate of nomination in the 27774
manner set forth in section 3513.02 of the Revised Code. 27775

Declarations of candidacy and petitions, nominating 27776
petitions, and certificates of nomination for the office of clerk 27777
of the Cuyahoga Falls municipal court shall contain a designation 27778
of the term for which the candidate seeks election. At the 27779
following regular municipal election, all candidates for the 27780
office shall be submitted to the qualified electors of the 27781
territory of the court in the manner that is provided in section 27782
1901.07 of the Revised Code for the election of the judges of the 27783
court. The clerk so elected shall hold office for a term of six 27784
years, which term shall commence on the first day of January 27785
following the clerk's election and continue until the clerk's 27786
successor is elected and qualified. 27787

(ii) Division (A)(1)(f)(i) of this section shall have no 27788
effect after December 31, 2008. 27789

(g) Except as otherwise provided in division (A)(1)(g) of 27790
this section, in the Toledo municipal court, candidates for 27791
election to the office of clerk of the court shall be nominated by 27792

primary election. The primary election shall be held on the day 27793
specified in the charter of the city of Toledo for the nomination 27794
of municipal officers. Notwithstanding any contrary provision of 27795
section 3513.05 or 3513.257 of the Revised Code, the declarations 27796
of candidacy and petitions of partisan candidates and the 27797
nominating petitions of independent candidates for the office of 27798
clerk of the Toledo municipal court shall be signed by at least 27799
fifty qualified electors of the territory of the court. 27800

The candidates shall file a declaration of candidacy and 27801
petition, or a nominating petition, whichever is applicable, not 27802
later than four p.m. of the seventy-fifth day before the day of 27803
the primary election, in the form prescribed by section 3513.07 or 27804
3513.261 of the Revised Code. The declaration of candidacy and 27805
petition, or the nominating petition, shall conform to the 27806
applicable requirements of section 3513.05 or 3513.257 of the 27807
Revised Code. 27808

If no valid declaration of candidacy and petition is filed by 27809
any person for nomination as a candidate of a particular political 27810
party for election to the office of clerk of the Toledo municipal 27811
court, a primary election shall not be held for the purpose of 27812
nominating a candidate of that party for election to that office. 27813
If only one person files a valid declaration of candidacy and 27814
petition for nomination as a candidate of a particular political 27815
party for election to that office, a primary election shall not be 27816
held for the purpose of nominating a candidate of that party for 27817
election to that office, and the candidate shall be issued a 27818
certificate of nomination in the manner set forth in section 27819
3513.02 of the Revised Code. 27820

Declarations of candidacy and petitions, nominating 27821
petitions, and certificates of nomination for the office of clerk 27822
of the Toledo municipal court shall contain a designation of the 27823
term for which the candidate seeks election. At the following 27824

regular municipal election, all candidates for the office shall be 27825
submitted to the qualified electors of the territory of the court 27826
in the manner that is provided in section 1901.07 of the Revised 27827
Code for the election of the judges of the court. The clerk so 27828
elected shall hold office for a term of six years, which term 27829
shall commence on the first day of January following the clerk's 27830
election and continue until the clerk's successor is elected and 27831
qualified. 27832

(2)(a) Except for the Alliance, Auglaize county, Brown 27833
county, Columbiana county, Holmes county, Lorain, Massillon, and 27834
Youngstown municipal courts, in a municipal court for which the 27835
population of the territory is less than one hundred thousand, the 27836
clerk shall be appointed by the court, and the clerk shall hold 27837
office until the clerk's successor is appointed and qualified. 27838

(b) In the Alliance, Lorain, Massillon, and Youngstown 27839
municipal courts, the clerk shall be elected for a term of office 27840
as described in division (A)(1)(a) of this section. 27841

(c) In the Auglaize county, Brown county, and Holmes county 27842
municipal courts, the clerks of courts of Auglaize county, Brown 27843
county, and Holmes county shall be the clerks, respectively, of 27844
the Auglaize county, Brown county, and Holmes county municipal 27845
courts and may appoint a chief deputy clerk for each branch office 27846
that is established pursuant to section 1901.311 of the Revised 27847
Code, and assistant clerks as the judge of the court determines 27848
are necessary, all of whom shall receive the compensation that the 27849
legislative authority prescribes. The clerks of courts of Auglaize 27850
county, Brown county, and Holmes county, acting as the clerks of 27851
the Auglaize county, Brown county, and Holmes county municipal 27852
courts and assuming the duties of these offices, shall receive 27853
compensation payable from the county treasury in semimonthly 27854
installments at one-fourth the rate that is prescribed for the 27855
clerks of courts of common pleas as determined in accordance with 27856

the population of the county and the rates set forth in sections 27857
325.08 and 325.18 of the Revised Code. 27858

(d) In the Columbiana county municipal court, the clerk of 27859
courts of Columbiana county shall be the clerk of the municipal 27860
court, may appoint a chief deputy clerk for each branch office 27861
that is established pursuant to section 1901.311 of the Revised 27862
Code, and may appoint any assistant clerks that the judges of the 27863
court determine are necessary. All of the chief deputy clerks and 27864
assistant clerks shall receive the compensation that the 27865
legislative authority prescribes. The clerk of courts of 27866
Columbiana county, acting as the clerk of the Columbiana county 27867
municipal court and assuming the duties of that office, shall 27868
receive in either biweekly installments or semimonthly 27869
installments, as determined by the payroll administrator, 27870
compensation payable from the county treasury at one-fourth the 27871
rate that is prescribed for the clerks of courts of common pleas 27872
as determined in accordance with the population of the county and 27873
the rates set forth in sections 325.08 and 325.18 of the Revised 27874
Code. 27875

(3) During the temporary absence of the clerk due to illness, 27876
vacation, or other proper cause, the court may appoint a temporary 27877
clerk, who shall be paid the same compensation, have the same 27878
authority, and perform the same duties as the clerk. 27879

(B) Except in the Hamilton county, Portage county, and Wayne 27880
county municipal courts, if a vacancy occurs in the office of the 27881
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 27882
court or occurs in the office of the clerk of a municipal court 27883
for which the population of the territory equals or exceeds one 27884
hundred thousand because the clerk ceases to hold the office 27885
before the end of the clerk's term or because a clerk-elect fails 27886
to take office, the vacancy shall be filled, until a successor is 27887
elected and qualified, by a person chosen by the residents of the 27888

territory of the court who are members of the county central 27889
committee of the political party by which the last occupant of 27890
that office or the clerk-elect was nominated. Not less than five 27891
nor more than fifteen days after a vacancy occurs, those members 27892
of that county central committee shall meet to make an appointment 27893
to fill the vacancy. At least four days before the date of the 27894
meeting, the chairperson or a secretary of the county central 27895
committee shall notify each such member of that county central 27896
committee by first class mail of the date, time, and place of the 27897
meeting and its purpose. A majority of all such members of that 27898
county central committee constitutes a quorum, and a majority of 27899
the quorum is required to make the appointment. If the office so 27900
vacated was occupied or was to be occupied by a person not 27901
nominated at a primary election, or if the appointment was not 27902
made by the committee members in accordance with this division, 27903
the court shall make an appointment to fill the vacancy. A 27904
successor shall be elected to fill the office for the unexpired 27905
term at the first municipal election that is held more than one 27906
hundred twenty days after the vacancy occurred. 27907

(C)(1) In a municipal court, other than the Auglaize county, 27908
the Brown county, the Columbiana county, the Holmes county, and 27909
the Lorain municipal courts, for which the population of the 27910
territory is less than one hundred thousand, the clerk of the 27911
municipal court shall receive the annual compensation that the 27912
presiding judge of the court prescribes, if the revenue of the 27913
court for the preceding calendar year, as certified by the auditor 27914
or chief fiscal officer of the municipal corporation in which the 27915
court is located or, in the case of a county-operated municipal 27916
court, the county auditor, is equal to or greater than the 27917
expenditures, including any debt charges, for the operation of the 27918
court payable under this chapter from the city treasury or, in the 27919
case of a county-operated municipal court, the county treasury for 27920
that calendar year, as also certified by the auditor or chief 27921

fiscal officer. If the revenue of a municipal court, other than 27922
the Auglaize county, the Brown county, the Columbiana county, and 27923
the Lorain municipal courts, for which the population of the 27924
territory is less than one hundred thousand for the preceding 27925
calendar year as so certified is not equal to or greater than 27926
those expenditures for the operation of the court for that 27927
calendar year as so certified, the clerk of a municipal court 27928
shall receive the annual compensation that the legislative 27929
authority prescribes. As used in this division, "revenue" means 27930
the total of all costs and fees that are collected and paid to the 27931
city treasury or, in a county-operated municipal court, the county 27932
treasury by the clerk of the municipal court under division (F) of 27933
this section and all interest received and paid to the city 27934
treasury or, in a county-operated municipal court, the county 27935
treasury in relation to the costs and fees under division (G) of 27936
this section. 27937

(2) In a municipal court, other than the Hamilton county, 27938
Portage county, and Wayne county municipal courts, for which the 27939
population of the territory is one hundred thousand or more, and 27940
in the Lorain municipal court, the clerk of the municipal court 27941
shall receive annual compensation in a sum equal to eighty-five 27942
per cent of the salary of a judge of the court. 27943

(3) The compensation of a clerk described in division (C)(1) 27944
or (2) of this section and of the clerk of the Columbiana county 27945
municipal court is payable in either semimonthly installments or 27946
biweekly installments, as determined by the payroll administrator, 27947
from the same sources and in the same manner as provided in 27948
section 1901.11 of the Revised Code, except that the compensation 27949
of the clerk of the Carroll county municipal court is payable in 27950
biweekly installments. 27951

(D) Before entering upon the duties of the clerk's office, 27952
the clerk of a municipal court shall give bond of not less than 27953

six thousand dollars to be determined by the judges of the court, 27954
conditioned upon the faithful performance of the clerk's duties. 27955

(E) The clerk of a municipal court may do all of the 27956
following: administer oaths, take affidavits, and issue executions 27957
upon any judgment rendered in the court, including a judgment for 27958
unpaid costs; issue, sign, and attach the seal of the court to all 27959
writs, process, subpoenas, and papers issuing out of the court; 27960
and approve all bonds, sureties, recognizances, and undertakings 27961
fixed by any judge of the court or by law. The clerk may refuse to 27962
accept for filing any pleading or paper submitted for filing by a 27963
person who has been found to be a vexatious litigator under 27964
section 2323.52 of the Revised Code and who has failed to obtain 27965
leave to proceed under that section. The clerk shall do all of the 27966
following: file and safely keep all journals, records, books, and 27967
papers belonging or appertaining to the court; record the 27968
proceedings of the court; perform all other duties that the judges 27969
of the court may prescribe; and keep a book showing all receipts 27970
and disbursements, which book shall be open for public inspection 27971
at all times. 27972

The clerk shall prepare and maintain a general index, a 27973
docket, and other records that the court, by rule, requires, all 27974
of which shall be the public records of the court. In the docket, 27975
the clerk shall enter, at the time of the commencement of an 27976
action, the names of the parties in full, the names of the 27977
counsel, and the nature of the proceedings. Under proper dates, 27978
the clerk shall note the filing of the complaint, issuing of 27979
summons or other process, returns, and any subsequent pleadings. 27980
The clerk also shall enter all reports, verdicts, orders, 27981
judgments, and proceedings of the court, clearly specifying the 27982
relief granted or orders made in each action. The court may order 27983
an extended record of any of the above to be made and entered, 27984
under the proper action heading, upon the docket at the request of 27985

any party to the case, the expense of which record may be taxed as 27986
costs in the case or may be required to be prepaid by the party 27987
demanding the record, upon order of the court. 27988

(F) The clerk of a municipal court shall receive, collect, 27989
and issue receipts for all costs, fees, fines, bail, and other 27990
moneys payable to the office or to any officer of the court. The 27991
clerk shall each month disburse to the proper persons or officers, 27992
and take receipts for, all costs, fees, fines, bail, and other 27993
moneys that the clerk collects. Subject to sections 3375.50 and 27994
4511.193 of the Revised Code and to any other section of the 27995
Revised Code that requires a specific manner of disbursement of 27996
any moneys received by a municipal court and except for the 27997
Hamilton county, Lawrence county, and Ottawa county municipal 27998
courts, the clerk shall pay all fines received for violation of 27999
municipal ordinances into the treasury of the municipal 28000
corporation the ordinance of which was violated and shall pay all 28001
fines received for violation of township resolutions adopted 28002
pursuant to section 503.52 or 503.53 or Chapter 504. of the 28003
Revised Code into the treasury of the township the resolution of 28004
which was violated. Subject to sections 1901.024 and 4511.193 of 28005
the Revised Code, in the Hamilton county, Lawrence county, and 28006
Ottawa county municipal courts, the clerk shall pay fifty per cent 28007
of the fines received for violation of municipal ordinances and 28008
fifty per cent of the fines received for violation of township 28009
resolutions adopted pursuant to section 503.52 or 503.53 or 28010
Chapter 504. of the Revised Code into the treasury of the county. 28011
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 28012
Revised Code and to any other section of the Revised Code that 28013
requires a specific manner of disbursement of any moneys received 28014
by a municipal court, the clerk shall pay all fines collected for 28015
the violation of state laws into the county treasury. Except in a 28016
county-operated municipal court, the clerk shall pay all costs and 28017
fees the disbursement of which is not otherwise provided for in 28018

the Revised Code into the city treasury. The clerk of a 28019
county-operated municipal court shall pay the costs and fees the 28020
disbursement of which is not otherwise provided for in the Revised 28021
Code into the county treasury. Moneys deposited as security for 28022
costs shall be retained pending the litigation. The clerk shall 28023
keep a separate account of all receipts and disbursements in civil 28024
and criminal cases, which shall be a permanent public record of 28025
the office. On the expiration of the term of the clerk, the clerk 28026
shall deliver the records to the clerk's successor. The clerk 28027
shall have other powers and duties as are prescribed by rule or 28028
order of the court. 28029

(G) All moneys paid into a municipal court shall be noted on 28030
the record of the case in which they are paid and shall be 28031
deposited in a state or national bank, or a domestic savings and 28032
loan association, as defined in section 1151.01 of the Revised 28033
Code, that is selected by the clerk. Any interest received upon 28034
the deposits shall be paid into the city treasury, except that, in 28035
a county-operated municipal court, the interest shall be paid into 28036
the treasury of the county in which the court is located. 28037

On the first Monday in January of each year, the clerk shall 28038
make a list of the titles of all cases in the court that were 28039
finally determined more than one year past in which there remains 28040
unclaimed in the possession of the clerk any funds, or any part of 28041
a deposit for security of costs not consumed by the costs in the 28042
case. The clerk shall give notice of the moneys to the parties who 28043
are entitled to the moneys or to their attorneys of record. All 28044
the moneys remaining unclaimed on the first day of April of each 28045
year shall be paid by the clerk to the city treasurer, except 28046
that, in a county-operated municipal court, the moneys shall be 28047
paid to the treasurer of the county in which the court is located. 28048
The treasurer shall pay any part of the moneys at any time to the 28049
person who has the right to the moneys upon proper certification 28050

of the clerk. 28051

(H) Deputy clerks of a municipal court other than the Carroll 28052
county municipal court may be appointed by the clerk and shall 28053
receive the compensation, payable in either biweekly installments 28054
or semimonthly installments, as determined by the payroll 28055
administrator, out of the city treasury, that the clerk may 28056
prescribe, except that the compensation of any deputy clerk of a 28057
county-operated municipal court shall be paid out of the treasury 28058
of the county in which the court is located. The judge of the 28059
Carroll county municipal court may appoint deputy clerks for the 28060
court, and the deputy clerks shall receive the compensation, 28061
payable in biweekly installments out of the county treasury, that 28062
the judge may prescribe. Each deputy clerk shall take an oath of 28063
office before entering upon the duties of the deputy clerk's 28064
office and, when so qualified, may perform the duties appertaining 28065
to the office of the clerk. The clerk may require any of the 28066
deputy clerks to give bond of not less than three thousand 28067
dollars, conditioned for the faithful performance of the deputy 28068
clerk's duties. 28069

(I) For the purposes of this section, whenever the population 28070
of the territory of a municipal court falls below one hundred 28071
thousand but not below ninety thousand, and the population of the 28072
territory prior to the most recent regular federal census exceeded 28073
one hundred thousand, the legislative authority of the municipal 28074
corporation may declare, by resolution, that the territory shall 28075
be considered to have a population of at least one hundred 28076
thousand. 28077

(J) The clerk or a deputy clerk shall be in attendance at all 28078
sessions of the municipal court, although not necessarily in the 28079
courtroom, and may administer oaths to witnesses and jurors and 28080
receive verdicts. 28081

Sec. 1907.24. (A) Subject to division (C) of this section, a county court shall fix and tax fees and costs as follows:

(1) The county court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (C) of this section and, in all other cases, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding.

(2) The county court by rule may require an advance deposit for the filing of a civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court may waive an advance deposit requirement upon the presentation of an affidavit or other evidence that establishes that a party is unable to make the requisite deposit.

(3) When a party demands a jury trial in a civil action or proceeding, the county court may require the party to make an advance deposit as fixed by rule of court, unless the court concludes, on the basis of an affidavit or other evidence presented by the party, that the party is unable to make the requisite deposit. If a jury is called, the county court shall tax the fees of a jury as costs.

(4) In a civil or criminal action or proceeding, the county court shall fix the fees of witnesses in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for

the benefit of all interested persons. The court may place the 28112
chattel property in storage when necessary or proper for its 28113
preservation. The custodian of chattel property so stored shall 28114
not be required to part with the possession of the property until 28115
a reasonable charge, to be fixed by the court, is paid. 28116

(7) The county court, as it determines, may refund all 28117
deposits and advance payments of fees and costs, including those 28118
for jurors and summoning jurors, when they have been paid by the 28119
losing party. 28120

(8) The court may tax as part of costs charges for the 28121
publication of legal notices required by statute or order of 28122
court, as provided by section 7.13 of the Revised Code. 28123

(B)(1) The county court may determine that, for the efficient 28124
operation of the court, additional funds are necessary to acquire 28125
and pay for special projects of the court including, but not 28126
limited to, the acquisition of additional facilities or the 28127
rehabilitation of existing facilities, the acquisition of 28128
equipment, the hiring and training of staff, community service 28129
programs, mediation or dispute resolution services, the employment 28130
of magistrates, the training and education of judges, acting 28131
judges, and magistrates, and other related services. Upon that 28132
determination, the court by rule may charge a fee, in addition to 28133
all other court costs, on the filing of each criminal cause, civil 28134
action or proceeding, or judgment by confession. 28135

If the county court offers a special program or service in 28136
cases of a specific type, the county court by rule may assess an 28137
additional charge in a case of that type, over and above court 28138
costs, to cover the special program or service. The county court 28139
shall adjust the special assessment periodically, but not 28140
retroactively, so that the amount assessed in those cases does not 28141
exceed the actual cost of providing the service or program. 28142

All moneys collected under division (B) of this section shall 28143
be paid to the county treasurer for deposit into either a general 28144
special projects fund or a fund established for a specific special 28145
project. Moneys from a fund of that nature shall be disbursed upon 28146
an order of the court in an amount no greater than the actual cost 28147
to the court of a project. If a specific fund is terminated 28148
because of the discontinuance of a program or service established 28149
under division (B) of this section, the county court may order 28150
that moneys remaining in the fund be transferred to an account 28151
established under this division for a similar purpose. 28152

(2) As used in division (B) of this section: 28153

(a) "Criminal cause" means a charge alleging the violation of 28154
a statute or ordinance, or subsection of a statute or ordinance, 28155
that requires a separate finding of fact or a separate plea before 28156
disposition and of which the defendant may be found guilty, 28157
whether filed as part of a multiple charge on a single summons, 28158
citation, or complaint or as a separate charge on a single 28159
summons, citation, or complaint. "Criminal cause" does not include 28160
separate violations of the same statute or ordinance, or 28161
subsection of the same statute or ordinance, unless each charge is 28162
filed on a separate summons, citation, or complaint. 28163

(b) "Civil action or proceeding" means any civil litigation 28164
that must be determined by judgment entry. 28165

(C) Subject to division (E) of this section, the county court 28166
shall collect in all its divisions except the small claims 28167
division the sum of ~~twenty-six~~ thirty-one dollars as additional 28168
filing fees in each new civil action or proceeding for the 28169
charitable public purpose of providing financial assistance to 28170
legal aid societies that operate within the state and to support 28171
the office of the state public defender. Subject to division (E) 28172
of this section, the county court shall collect in its small 28173
claims division the sum of eleven dollars as additional filing 28174

fees in each new civil action or proceeding for the charitable 28175
public purpose of providing financial assistance to legal aid 28176
societies that operate within the state and to support the office 28177
of the state public defender. This division does not apply to any 28178
execution on a judgment, proceeding in aid of execution, or other 28179
post-judgment proceeding arising out of a civil action. The filing 28180
fees required to be collected under this division shall be in 28181
addition to any other court costs imposed in the action or 28182
proceeding and shall be collected at the time of the filing of the 28183
action or proceeding. The court shall not waive the payment of the 28184
additional filing fees in a new civil action or proceeding unless 28185
the court waives the advanced payment of all filing fees in the 28186
action or proceeding. All such moneys collected during a month 28187
except for an amount equal to up to one per cent of those moneys 28188
retained to cover administrative costs shall be transmitted on or 28189
before the twentieth day of the following month by the clerk of 28190
the court to the treasurer of state in a manner prescribed by the 28191
treasurer of state or by the Ohio legal assistance foundation. The 28192
treasurer of state shall deposit four per cent of the funds 28193
collected under this division to the credit of the civil case 28194
filing fee fund established under section 120.07 of the Revised 28195
Code and ninety-six per cent of the funds collected under this 28196
division to the credit of the legal aid fund established under 28197
section 120.52 of the Revised Code. 28198

The Ohio legal assistance foundation or any recipient of 28199
financial assistance from the foundation that receives, or 28200
benefits from, any portion of the additional filing fees that are 28201
collected and transmitted under this division shall not bring or 28202
maintain any class action and shall not bring or maintain any 28203
action against the state or any political subdivision of the 28204
state. 28205

The court may retain up to one per cent of the moneys it 28206

collects under this division to cover administrative costs, 28207
including the hiring of any additional personnel necessary to 28208
implement this division. If the court fails to transmit to the 28209
treasurer of state the moneys the court collects under this 28210
division in a manner prescribed by the treasurer of state or by 28211
the Ohio legal assistance foundation, the court shall forfeit the 28212
moneys the court retains under this division to cover 28213
administrative costs, including the hiring of any additional 28214
personnel necessary to implement this division, and shall transmit 28215
to the treasurer of state all moneys collected under this 28216
division, including the forfeited amount retained for 28217
administrative costs, for deposit in the legal aid fund. 28218

(D) The county court shall establish by rule a schedule of 28219
fees for miscellaneous services performed by the county court or 28220
any of its judges in accordance with law. If judges of the court 28221
of common pleas perform similar services, the fees prescribed in 28222
the schedule shall not exceed the fees for those services 28223
prescribed by the court of common pleas. 28224

(E) Under the circumstances described in sections 2969.21 to 28225
2969.27 of the Revised Code, the clerk of the county court shall 28226
charge the fees and perform the other duties specified in those 28227
sections. 28228

Sec. 2303.201. (A)(1) The court of common pleas of any county 28229
may determine that for the efficient operation of the court 28230
additional funds are required to computerize the court, to make 28231
available computerized legal research services, or to do both. 28232
Upon making a determination that additional funds are required for 28233
either or both of those purposes, the court shall authorize and 28234
direct the clerk of the court of common pleas to charge one 28235
additional fee, not to exceed three dollars, on the filing of each 28236
cause of action or appeal under divisions (A), (Q), and (U) of 28237

section 2303.20 of the Revised Code. 28238

(2) All fees collected under division (A)(1) of this section 28239
shall be paid to the county treasurer. The treasurer shall place 28240
the funds from the fees in a separate fund to be disbursed, upon 28241
an order of the court, in an amount not greater than the actual 28242
cost to the court of procuring and maintaining computerization of 28243
the court, computerized legal research services, or both. 28244

(3) If the court determines that the funds in the fund 28245
described in division (A)(2) of this section are more than 28246
sufficient to satisfy the purpose for which the additional fee 28247
described in division (A)(1) of this section was imposed, the 28248
court may declare a surplus in the fund and expend those surplus 28249
funds for other appropriate technological expenses of the court. 28250

(B)(1) The court of common pleas of any county may determine 28251
that, for the efficient operation of the court, additional funds 28252
are required to computerize the office of the clerk of the court 28253
of common pleas and, upon that determination, authorize and direct 28254
the clerk of the court of common pleas to charge an additional 28255
fee, not to exceed ten dollars, on the filing of each cause of 28256
action or appeal, on the filing, docketing, and endorsing of each 28257
certificate of judgment, or on the docketing and indexing of each 28258
aid in execution or petition to vacate, revive, or modify a 28259
judgment under divisions (A), (P), (Q), (T), and (U) of section 28260
2303.20 of the Revised Code. Subject to division (B)(2) of this 28261
section, all moneys collected under division (B)(1) of this 28262
section shall be paid to the county treasurer to be disbursed, 28263
upon an order of the court of common pleas and subject to 28264
appropriation by the board of county commissioners, in an amount 28265
no greater than the actual cost to the court of procuring and 28266
maintaining computer systems for the office of the clerk of the 28267
court of common pleas. 28268

(2) If the court of common pleas of a county makes the 28269

determination described in division (B)(1) of this section, the 28270
board of county commissioners of that county may issue one or more 28271
general obligation bonds for the purpose of procuring and 28272
maintaining the computer systems for the office of the clerk of 28273
the court of common pleas. In addition to the purposes stated in 28274
division (B)(1) of this section for which the moneys collected 28275
under that division may be expended, the moneys additionally may 28276
be expended to pay debt charges on and financing costs related to 28277
any general obligation bonds issued pursuant to division (B)(2) of 28278
this section as they become due. General obligation bonds issued 28279
pursuant to division (B)(2) of this section are Chapter 133. 28280
securities. 28281

(C) The court of common pleas shall collect the sum of 28282
~~twenty-six~~ thirty-one dollars as additional filing fees in each 28283
new civil action or proceeding for the charitable public purpose 28284
of providing financial assistance to legal aid societies that 28285
operate within the state and to support the office of the state 28286
public defender. This division does not apply to a domestic 28287
relations division of a court of common pleas, except that the 28288
additional filing fee shall apply to proceedings concerning 28289
annulments, dissolutions of marriage, divorces, and legal 28290
separation, ~~spousal support, marital property or separate property~~ 28291
~~distribution, support, or other domestic relations matters;~~ to a 28292
juvenile division of a court of common pleas; to a probate 28293
division of a court of common pleas, except that the additional 28294
filing fees shall apply to name change, guardianship, adoption, 28295
and decedents' estate proceedings; or to an execution on a 28296
judgment, proceeding in aid of execution, or other post-judgment 28297
proceeding arising out of a civil action. The filing fees required 28298
to be collected under this division shall be in addition to any 28299
other filing fees imposed in the action or proceeding and shall be 28300
collected at the time of the filing of the action or proceeding. 28301
The court shall not waive the payment of the additional filing 28302

fees in a new civil action or proceeding unless the court waives 28303
the advanced payment of all filing fees in the action or 28304
proceeding. All such moneys collected during a month except for an 28305
amount equal to up to one per cent of those moneys retained to 28306
cover administrative costs shall be transmitted on or before the 28307
twentieth day of the following month by the clerk of the court to 28308
the treasurer of state in a manner prescribed by the treasurer of 28309
state or by the Ohio legal assistance foundation. The treasurer of 28310
state shall deposit four per cent of the funds collected under 28311
this division to the credit of the civil case filing fee fund 28312
established under section 120.07 of the Revised Code and 28313
ninety-six per cent of the funds collected under this division to 28314
the credit of the legal aid fund established under section 120.52 28315
of the Revised Code. 28316

The Ohio legal assistance foundation or any recipient of 28317
financial assistance from the foundation that receives, or 28318
benefits from, any portion of the additional filing fees that are 28319
collected and transmitted under this division shall not bring or 28320
maintain any class action and shall not bring or maintain any 28321
action against the state or any political subdivision of the 28322
state. 28323

The court may retain up to one per cent of the moneys it 28324
collects under this division to cover administrative costs, 28325
including the hiring of any additional personnel necessary to 28326
implement this division. If the court fails to transmit to the 28327
treasurer of state the moneys the court collects under this 28328
division in a manner prescribed by the treasurer of state or by 28329
the Ohio legal assistance foundation, the court shall forfeit the 28330
moneys the court retains under this division to cover 28331
administrative costs, including the hiring of any additional 28332
personnel necessary to implement this division, and shall transmit 28333
to the treasurer of state all moneys collected under this 28334

division, including the forfeited amount retained for 28335
administrative costs, for deposit in the legal aid fund. 28336

(D) On and after the thirtieth day after December 9, 1994, 28337
the court of common pleas shall collect the sum of thirty-two 28338
dollars as additional filing fees in each new action or proceeding 28339
for annulment, divorce, or dissolution of marriage for the purpose 28340
of funding shelters for victims of domestic violence pursuant to 28341
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 28342
required to be collected under this division shall be in addition 28343
to any other filing fees imposed in the action or proceeding and 28344
shall be collected at the time of the filing of the action or 28345
proceeding. The court shall not waive the payment of the 28346
additional filing fees in a new action or proceeding for 28347
annulment, divorce, or dissolution of marriage unless the court 28348
waives the advanced payment of all filing fees in the action or 28349
proceeding. On or before the twentieth day of each month, all 28350
moneys collected during the immediately preceding month pursuant 28351
to this division shall be deposited by the clerk of the court into 28352
the county treasury in the special fund used for deposit of 28353
additional marriage license fees as described in section 3113.34 28354
of the Revised Code. Upon their deposit into the fund, the moneys 28355
shall be retained in the fund and expended only as described in 28356
section 3113.34 of the Revised Code. 28357

(E)(1) The court of common pleas may determine that, for the 28358
efficient operation of the court, additional funds are necessary 28359
to acquire and pay for special projects of the court, including, 28360
but not limited to, the acquisition of additional facilities or 28361
the rehabilitation of existing facilities, the acquisition of 28362
equipment, the hiring and training of staff, community service 28363
programs, mediation or dispute resolution services, the employment 28364
of magistrates, the training and education of judges, acting 28365
judges, and magistrates, and other related services. Upon that 28366

determination, the court by rule may charge a fee, in addition to 28367
all other court costs, on the filing of each criminal cause, civil 28368
action or proceeding, or judgment by confession. 28369

If the court of common pleas offers a special program or 28370
service in cases of a specific type, the court by rule may assess 28371
an additional charge in a case of that type, over and above court 28372
costs, to cover the special program or service. The court shall 28373
adjust the special assessment periodically, but not retroactively, 28374
so that the amount assessed in those cases does not exceed the 28375
actual cost of providing the service or program. 28376

All moneys collected under division (E) of this section shall 28377
be paid to the county treasurer for deposit into either a general 28378
special projects fund or a fund established for a specific special 28379
project. Moneys from a fund of that nature shall be disbursed upon 28380
an order of the court in an amount no greater than the actual cost 28381
to the court of a project. If a specific fund is terminated 28382
because of the discontinuance of a program or service established 28383
under division (E) of this section, the court may order that 28384
moneys remaining in the fund be transferred to an account 28385
established under this division for a similar purpose. 28386

(2) As used in division (E) of this section: 28387

(a) "Criminal cause" means a charge alleging the violation of 28388
a statute or ordinance, or subsection of a statute or ordinance, 28389
that requires a separate finding of fact or a separate plea before 28390
disposition and of which the defendant may be found guilty, 28391
whether filed as part of a multiple charge on a single summons, 28392
citation, or complaint or as a separate charge on a single 28393
summons, citation, or complaint. "Criminal cause" does not include 28394
separate violations of the same statute or ordinance, or 28395
subsection of the same statute or ordinance, unless each charge is 28396
filed on a separate summons, citation, or complaint. 28397

(b) "Civil action or proceeding" means any civil litigation 28398
that must be determined by judgment entry. 28399

Sec. 2315.50. (A) This section applies to an action 28400
maintained as a class action in which the settlement agreement or 28401
judgment includes a monetary award, including compensatory or 28402
punitive and exemplary damages, restitution, or any other payment 28403
of money due from each defendant to the members of the class. 28404

(B) It is the policy of this state, insofar as it is not 28405
inconsistent with federal law, that all unpaid moneys remaining 28406
after the distribution to the members of the class of monetary 28407
awards in class actions described in division (A) of this section 28408
shall be used for charitable public purposes. Fifteen per cent of 28409
those moneys shall provide financial assistance to legal aid 28410
societies that operate within this state. The remaining 28411
eighty-five per cent of those moneys shall be distributed to 28412
charities, nonprofit organizations, and charitable programs 28413
selected in the action and approved by the court. With respect to 28414
the moneys for legal aid societies, not later than the twentieth 28415
day of the month immediately following the month during which the 28416
amount of unpaid moneys, if any, remaining after that distribution 28417
of the monetary award in the class action is identified, each 28418
defendant from whom the unpaid moneys are due, in a manner and 28419
form prescribed in the rules established by the Ohio legal 28420
assistance foundation under section 120.52 of the Revised Code, 28421
shall do both of the following: 28422

(1) Remit fifteen per cent of the sum of the unpaid moneys to 28423
the treasurer of state for deposit in the legal aid fund 28424
established under section 120.52 of the Revised Code; 28425

(2) Notify the Ohio legal assistance foundation of all of the 28426
following: 28427

(a) The amount of moneys remitted under division (B)(1) of 28428

this section; 28429

(b) The case name and case number of the class action and the court that approved the settlement agreement or rendered the judgment in the class action. 28430
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(C) The Ohio legal assistance foundation or any recipient of financial assistance from the foundation that receives, or benefits from, any portion of the moneys that are remitted under division (B)(1) of this section shall not bring or maintain any class action and shall not bring or maintain any action against the state or any political subdivision of the state. 28433
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Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 2317.41 of the Revised Code but subject to division (B) of this section, the records, or copies or photographs of the records, of a hospital, homes required to be licensed pursuant to section 3721.01 of the Revised Code, ~~and of adult care facilities required to be licensed pursuant to Chapter 3722. of the Revised Code, and community alternative homes licensed pursuant to section 3724.03 of the Revised Code,~~ in lieu of the testimony in open court of their custodian, person who made them, or person under whose supervision they were made, may be qualified as authentic evidence if any such person endorses thereon the person's verified certification identifying such records, giving the mode and time of their preparation, and stating that they were prepared in the usual course of the business of the institution. Such records, copies, or photographs may not be qualified by certification as provided in this section unless the party intending to offer them delivers a copy of them, or of their relevant portions, to the attorney of record for each adverse party not less than five days before trial. Nothing in this section shall be construed to limit the right of any party to call the custodian, person who made such records, or person under whose supervision they were made, as a 28439
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witness. 28460

(B) Division (A) of this section does not apply to any 28461
certified copy of the results of any test given to determine the 28462
presence or concentration of alcohol, a drug of abuse, a 28463
combination of them, a controlled substance, or a metabolite of a 28464
controlled substance in a patient's whole blood, blood serum or 28465
plasma, breath, or urine at any time relevant to a criminal 28466
offense that is submitted in a criminal action or proceeding in 28467
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 28468
of the Revised Code. 28469

Sec. 2323.44. (A)(1) There is hereby created the Ohio 28470
subrogation rights commission consisting of six voting members and 28471
~~ten~~ nine nonvoting members. To be eligible as a voting member, a 28472
person shall be a current member of the general assembly. The 28473
president of the senate and the speaker of the house of 28474
representatives shall jointly appoint nine members. The 28475
chairperson of the senate committee to which bills pertaining to 28476
insurance are referred shall be a member of the commission. The 28477
chairperson of the house committee to which bills pertaining to 28478
insurance are referred shall be a member of the commission. The 28479
chairperson and the ranking minority member of the senate 28480
committee to which bills pertaining to civil justice are referred 28481
shall each be a member of the commission. The chairperson and the 28482
ranking minority member of the house committee to which bills 28483
pertaining to civil justice are referred shall each be a member of 28484
the commission. Of the nine members jointly appointed by the 28485
president of the senate and the speaker of the house of 28486
representative, one shall represent a health insuring company 28487
doing business in the state, one shall represent a public 28488
employees union in the state, one shall represent the Ohio academy 28489
of trial lawyers, one shall represent a property and casualty 28490
insurance company doing business in the state, one shall represent 28491

the Ohio state bar association, and one shall represent a sickness 28492
and accident insurer doing business in the state; all of these 28493
appointees shall have expertise in insurance law, including 28494
subrogation rights. Of the remaining three members jointly 28495
appointed by the president of the senate and the speaker of the 28496
house of representatives, one shall represent plaintiffs in tort 28497
actions who suffered damages as a result of the injury, death, or 28498
loss to person or property upon which the tort actions were based, 28499
and two shall represent employers whose primary place of business 28500
is located in this state, one of which shall represent a small 28501
employer. ~~A member of the Ohio judicial conference who is an~~ 28502
~~elected or appointed judge shall be a member of the commission.~~ 28503

(2) As used in this division: 28504

(a) "Small employer" means an employer who employs not more 28505
than one hundred persons on a full-time permanent basis, or, if 28506
the employer is classified as being in the manufacturing sector by 28507
the North American industrial classification system, an employer 28508
who employs not more than five hundred persons on a full-time 28509
permanent basis. 28510

(b) "Tort action" means a civil action for damages for 28511
injury, death, or loss to person or property. "Tort action" 28512
includes a product liability claim, as defined in section 2307.71 28513
of the Revised Code, but does not include a civil action for 28514
damages for a breach of contract or another agreement between 28515
persons. 28516

(B) The commission shall do all of the following: 28517

(1) Investigate the problems posed by, and the issues 28518
surrounding, the N. Buckeye Educ. Council Group Health Benefits 28519
Plan v. Lawson (2004), 103 Ohio St. 3d 188 decision regarding 28520
subrogation; 28521

(2) Prepare a report of recommended legislative solutions to 28522

the court decision referred to in division (B)(1) of this section; 28523

(3) Submit a report of its findings to the members of the 28524
general assembly not later than December 31, 2005. 28525

(C) Any vacancy in the membership of the commission shall be 28526
filled in the same manner in which the original appointment was 28527
made. 28528

(D) The chairpersons of the house and senate committees to 28529
which bills pertaining to insurance are referred shall jointly 28530
call the first meeting of the commission not later than thirty 28531
days after the effective date of this amendment. The first meeting 28532
shall be organizational, and the voting members of the commission 28533
shall determine the chairperson from among the commission's voting 28534
members by a majority vote. 28535

(E) The legislative service commission shall provide any 28536
technical, professional, and clerical employees that are necessary 28537
for the commission to perform its duties. 28538

(F) All meetings of the commission are public meetings and 28539
shall be open to the public at all times. A member of the 28540
commission must be present in person at a meeting that is open to 28541
the public in order to be considered present or to vote at the 28542
meeting and for the purposes of determining whether a quorum is 28543
present. The commission shall promptly prepare and maintain the 28544
minutes of its meetings, and the minutes shall be public records 28545
under section 149.43 of the Revised Code. The commission shall 28546
give reasonable notice of its meetings so that any person may 28547
determine the time and place of all scheduled meetings. The 28548
commission shall not hold a meeting unless it gives at least 28549
twenty-four hours advance notice to the news media organizations 28550
that have requested notification of its meetings. 28551

Sec. 2501.03. The judges of the court of appeals shall meet 28552

annually at such time and place within the state as may be set by 28553
the chief justice of the court of appeals to organize and to 28554
choose one of their members as chief justice and one as secretary 28555
for the next judicial year, which shall commence on the first day 28556
of January. The judges may adopt rules to govern their 28557
organization, ~~the purpose of which is the implementation of the~~ 28558
~~goals of the Ohio judicial conference as set forth in section~~ 28559
~~105.91 of the Revised Code.~~ 28560

The judges of the court of appeals, or committees composed of 28561
those judges, may meet at such other times and places within this 28562
state as may be designated by the chief justice to carry out the 28563
purposes of the organization. Annual dues in a reasonable amount 28564
may be assessed each member of the organization. Annual dues and 28565
the actual and necessary expenses incurred by each judge in 28566
attending meetings of the organization shall be reimbursed by the 28567
state in the same manner as provided in section 141.10 of the 28568
Revised Code. 28569

Sec. 2503.17. ~~(A) Except as provided in division (B) and~~ 28570
~~subject to division (C) of this section, the~~ The clerk of the 28571
supreme court shall charge and collect ~~forty~~ one hundred dollars, 28572
as a filing fee, for each case entered upon the ~~minute book,~~ 28573
~~including, but not limited to, original actions in the court,~~ 28574
~~appeals filed as of right, and cases certified by the courts of~~ 28575
~~appeals for review on the ground of conflict of decisions; and for~~ 28576
~~each motion to certify the record of a court of appeals or for~~ 28577
~~leave to file a notice of appeal in criminal cases~~ docket. The 28578
filing fees so charged and collected shall be in full for 28579
~~docketing the cases or motions, making dockets from term to term,~~ 28580
~~indexing and entering appearances, issuing process, filing papers,~~ 28581
~~entering rules, motions, orders, continuances, decrees, and~~ 28582
~~judgments, making lists of causes on the regular docket for~~ 28583
~~publication each year, making and certifying orders, decrees, and~~ 28584

~~judgments of the court to other tribunals, and the issuing of~~ 28585
~~mandates. Except as provided in division (B) of this section, the~~ 28586
~~each case filed in the supreme court under the Rules of Practice~~ 28587
~~of the Supreme Court. The party invoking the action of the court~~ 28588
~~shall pay the filing fee to the clerk before the case or motion is~~ 28589
~~docketed, and it shall be taxed as costs and recovered from the~~ 28590
~~other party if the party invoking the action of the court~~ 28591
~~succeeds, unless the court otherwise directs.~~ 28592

~~(B)(1) As used in this division, "prosecutor" has the same~~ 28593
~~meaning as in section 2935.01 of the Revised Code.~~ 28594

~~(2) The clerk of the supreme court shall not charge to and~~ 28595
~~collect from a prosecutor the forty dollar filing fee prescribed~~ 28596
~~by division (A) of this section when all of the following~~ 28597
~~circumstances apply:~~ 28598

~~(a) In accordance with the Rules of Practice of the Supreme~~ 28599
~~Court of Ohio, an indigent defendant in a criminal action or~~ 28600
~~proceeding files in the appropriate court of appeals a notice of~~ 28601
~~appeal within thirty days from the date of the entry of the~~ 28602
~~judgment or final order that is the subject of the appeal.~~ 28603

~~(b) The indigent defendant fails to file or offer for filing~~ 28604
~~in the supreme court within thirty days from the date of the~~ 28605
~~filing of the notice of appeal in the court of appeals, a copy of~~ 28606
~~the notice of appeal supported by a memorandum in support of~~ 28607
~~jurisdiction and other documentation and information as required~~ 28608
~~by the Rules of Practice of the Supreme Court of Ohio.~~ 28609

~~(c) The prosecutor or a representative of the prosecutor~~ 28610
~~associated with the criminal action or proceeding files a motion~~ 28611
~~to docket and dismiss the appeal of the indigent defendant for~~ 28612
~~lack of prosecution as authorized by the Rules of Practice of the~~ 28613
~~Supreme Court of Ohio.~~ 28614

~~(d) The prosecutor states in the motion that the forty dollar~~ 28615

~~filing fee does not accompany the motion because of the~~ 28616
~~applicability of this division, and the clerk of the supreme court~~ 28617
~~determines that this division applies. No filing fee or security~~ 28618
~~deposit shall be charged to an indigent party upon determination~~ 28619
~~of indigency by the supreme court pursuant to the Rules of~~ 28620
~~Practice of the Supreme Court.~~ 28621

Sec. 2505.09. Except as provided in section 2505.11 or 28622
2505.12 or another section of the Revised Code or in applicable 28623
rules governing courts, the perfection of an appeal, including an 28624
administrative-related appeal, does not operate as a stay of 28625
execution until a stay of execution has been obtained pursuant to 28626
the Rules of Appellate Procedure or in another applicable manner, 28627
and a supersedeas bond is executed by the appellant to the 28628
appellee, with sufficient sureties and in a sum that is not less 28629
than, if applicable, the cumulative total for all claims covered 28630
by the final order, judgment, or decree and interest involved, 28631
except that the bond shall not exceed fifty million dollars 28632
excluding interest and costs, as directed by the court that 28633
rendered the final order, judgment, or decree that is sought to be 28634
superseded or by the court to which the appeal is taken. That bond 28635
shall be conditioned as provided in section 2505.14 of the Revised 28636
Code. 28637

Sec. 2505.12. An appellant is not required to give a 28638
supersedeas bond in connection with any of the following: 28639

(A) ~~An~~ Perfection of an appeal by any of the following: 28640

(1) An executor, administrator, guardian, receiver, trustee, 28641
or trustee in bankruptcy who is acting in that person's trust 28642
capacity and who has given bond in this state, with surety 28643
according to law; 28644

(2) The state or any political subdivision of the state; 28645

(3) Any public officer of the state or of any of its political subdivisions who is suing or is sued solely in the public officer's representative capacity as that officer.

(B) ~~An~~ Perfection of an administrative-related appeal of a final order that is not for the payment of money.

Sec. 2505.122. An appellant who obtains a stay of execution pending the appeal of a final order, adjudication, or decision pursuant to section 2506.01 of the Revised Code shall execute a supersedeas bond to the appellee, with sufficient sureties and in such an amount as is determined by the court. That bond shall be conditioned as provided in section 2505.14 of the Revised Code.

Sec. 2743.51. As used in sections 2743.51 to 2743.72 of the Revised Code:

(A) "Claimant" means both of the following categories of persons:

(1) Any of the following persons who claim an award of reparations under sections 2743.51 to 2743.72 of the Revised Code:

(a) A victim who was one of the following at the time of the criminally injurious conduct:

(i) A resident of the United States;

(ii) A resident of a foreign country the laws of which permit residents of this state to recover compensation as victims of offenses committed in that country.

(b) A dependent of a deceased victim who is described in division (A)(1)(a) of this section;

(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A)(1)(a) of this section, which obligations are incurred as a

result of the criminally injurious conduct that is the subject of 28675
the claim and may include, but are not limited to, medical or 28676
burial expenses; 28677

(d) A person who is authorized to act on behalf of any person 28678
who is described in division (A)(1)(a), (b), or (c) of this 28679
section; 28680

(e) The estate of a deceased victim who is described in 28681
division (A)(1)(a) of this section. 28682

(2) Any of the following persons who claim an award of 28683
reparations under sections 2743.51 to 2743.72 of the Revised Code: 28684

(a) A victim who had a permanent place of residence within 28685
this state at the time of the criminally injurious conduct and 28686
who, at the time of the criminally injurious conduct, complied 28687
with any one of the following: 28688

(i) Had a permanent place of employment in this state; 28689

(ii) Was a member of the regular armed forces of the United 28690
States or of the United States coast guard or was a full-time 28691
member of the Ohio organized militia or of the United States army 28692
reserve, naval reserve, or air force reserve; 28693

(iii) Was retired and receiving social security or any other 28694
retirement income; 28695

(iv) Was sixty years of age or older; 28696

(v) Was temporarily in another state for the purpose of 28697
receiving medical treatment; 28698

(vi) Was temporarily in another state for the purpose of 28699
performing employment-related duties required by an employer 28700
located within this state as an express condition of employment or 28701
employee benefits; 28702

(vii) Was temporarily in another state for the purpose of 28703
receiving occupational, vocational, or other job-related training 28704

or instruction required by an employer located within this state 28705
as an express condition of employment or employee benefits; 28706

(viii) Was a full-time student at an academic institution, 28707
college, or university located in another state; 28708

(ix) Had not departed the geographical boundaries of this 28709
state for a period exceeding thirty days or with the intention of 28710
becoming a citizen of another state or establishing a permanent 28711
place of residence in another state. 28712

(b) A dependent of a deceased victim who is described in 28713
division (A)(2)(a) of this section; 28714

(c) A third person, other than a collateral source, who 28715
legally assumes or voluntarily pays the obligations of a victim, 28716
or of a dependent of a victim, who is described in division 28717
(A)(2)(a) of this section, which obligations are incurred as a 28718
result of the criminally injurious conduct that is the subject of 28719
the claim and may include, but are not limited to, medical or 28720
burial expenses; 28721

(d) A person who is authorized to act on behalf of any person 28722
who is described in division (A)(2)(a), (b), or (c) of this 28723
section; 28724

(e) The estate of a deceased victim who is described in 28725
division (A)(2)(a) of this section. 28726

(B) "Collateral source" means a source of benefits or 28727
advantages for economic loss otherwise reparable that the victim 28728
or claimant has received, or that is readily available to the 28729
victim or claimant, from any of the following sources: 28730

(1) The offender; 28731

(2) The government of the United States or any of its 28732
agencies, a state or any of its political subdivisions, or an 28733
instrumentality of two or more states, unless the law providing 28734

for the benefits or advantages makes them excess or secondary to	28735
benefits under sections 2743.51 to 2743.72 of the Revised Code;	28736
(3) Social security, medicare, and medicaid;	28737
(4) State-required, temporary, nonoccupational disability	28738
insurance;	28739
(5) Workers' compensation;	28740
(6) Wage continuation programs of any employer;	28741
(7) Proceeds of a contract of insurance payable to the victim	28742
for loss that the victim sustained because of the criminally	28743
injurious conduct;	28744
(8) A contract providing prepaid hospital and other health	28745
care services, or benefits for disability;	28746
(9) That portion of the proceeds of all contracts of	28747
insurance payable to the claimant on account of the death of the	28748
victim that exceeds fifty thousand dollars;	28749
(10) Any compensation recovered or recoverable under the laws	28750
of another state, district, territory, or foreign country because	28751
the victim was the victim of an offense committed in that state,	28752
district, territory, or country.	28753
"Collateral source" does not include any money, or the	28754
monetary value of any property, that is subject to sections	28755
2969.01 to 2969.06 of the Revised Code or that is received as a	28756
benefit from the Ohio public safety officers death benefit fund	28757
created by section 742.62 of the Revised Code.	28758
(C) "Criminally injurious conduct" means one of the	28759
following:	28760
(1) For the purposes of any person described in division	28761
(A)(1) of this section, any conduct that occurs or is attempted in	28762
this state; poses a substantial threat of personal injury or	28763
death; and is punishable by fine, imprisonment, or death, or would	28764

be so punishable but for the fact that the person engaging in the 28765
conduct lacked capacity to commit the crime under the laws of this 28766
state. Criminally injurious conduct does not include conduct 28767
arising out of the ownership, maintenance, or use of a motor 28768
vehicle, except when any of the following applies: 28769

(a) The person engaging in the conduct intended to cause 28770
personal injury or death; 28771

(b) The person engaging in the conduct was using the vehicle 28772
to flee immediately after committing a felony or an act that would 28773
constitute a felony but for the fact that the person engaging in 28774
the conduct lacked the capacity to commit the felony under the 28775
laws of this state; 28776

(c) The person engaging in the conduct was using the vehicle 28777
in a manner that constitutes an OVI violation; 28778

(d) The conduct occurred on or after July 25, 1990, and the 28779
person engaging in the conduct was using the vehicle in a manner 28780
that constitutes a violation of section 2903.08 of the Revised 28781
Code; 28782

(e) The person engaging in the conduct acted in a manner that 28783
caused serious physical harm to a person and that constituted a 28784
violation of section 4549.02 or 4549.021 of the Revised Code. 28785

(2) For the purposes of any person described in division 28786
(A)(2) of this section, any conduct that occurs or is attempted in 28787
another state, district, territory, or foreign country; poses a 28788
substantial threat of personal injury or death; and is punishable 28789
by fine, imprisonment, or death, or would be so punishable but for 28790
the fact that the person engaging in the conduct lacked capacity 28791
to commit the crime under the laws of the state, district, 28792
territory, or foreign country in which the conduct occurred or was 28793
attempted. Criminally injurious conduct does not include conduct 28794
arising out of the ownership, maintenance, or use of a motor 28795

vehicle, except when any of the following applies:	28796
(a) The person engaging in the conduct intended to cause personal injury or death;	28797 28798
(b) The person engaging in the conduct was using the vehicle to flee immediately after committing a felony or an act that would constitute a felony but for the fact that the person engaging in the conduct lacked the capacity to commit the felony under the laws of the state, district, territory, or foreign country in which the conduct occurred or was attempted;	28799 28800 28801 28802 28803 28804
(c) The person engaging in the conduct was using the vehicle in a manner that constitutes an OVI violation;	28805 28806
(d) The conduct occurred on or after July 25, 1990, the person engaging in the conduct was using the vehicle in a manner that constitutes a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to a violation of section 2903.08 of the Revised Code;	28807 28808 28809 28810 28811 28812
(e) The person engaging in the conduct acted in a manner that caused serious physical harm to a person and that constituted a violation of any law of the state, district, territory, or foreign country in which the conduct occurred, and that law is substantially similar to section 4549.02 or 4549.021 of the Revised Code.	28813 28814 28815 28816 28817 28818
(3) For the purposes of any person described in division (A)(1) or (2) of this section, terrorism that occurs within or outside the territorial jurisdiction of the United States.	28819 28820 28821
(D) "Dependent" means an individual wholly or partially dependent upon the victim for care and support, and includes a child of the victim born after the victim's death.	28822 28823 28824
(E) "Economic loss" means economic detriment consisting only	28825

of allowable expense, work loss, funeral expense, unemployment 28826
benefits loss, replacement services loss, cost of crime scene 28827
cleanup, and cost of evidence replacement. If criminally injurious 28828
conduct causes death, economic loss includes a dependent's 28829
economic loss and a dependent's replacement services loss. 28830
Noneconomic detriment is not economic loss; however, economic loss 28831
may be caused by pain and suffering or physical impairment. 28832

(F)(1) "Allowable expense" means reasonable charges incurred 28833
for reasonably needed products, services, and accommodations, 28834
including those for medical care, rehabilitation, rehabilitative 28835
occupational training, and other remedial treatment and care and 28836
including replacement costs for eyeglasses and other corrective 28837
lenses. It does not include that portion of a charge for a room in 28838
a hospital, clinic, convalescent home, nursing home, or any other 28839
institution engaged in providing nursing care and related services 28840
in excess of a reasonable and customary charge for semiprivate 28841
accommodations, unless accommodations other than semiprivate 28842
accommodations are medically required. 28843

(2) An immediate family member of a victim of criminally 28844
injurious conduct that consists of a homicide, a sexual assault, 28845
domestic violence, or a severe and permanent incapacitating injury 28846
resulting in paraplegia or a similar life-altering condition, who 28847
requires psychiatric care or counseling as a result of the 28848
criminally injurious conduct, may be reimbursed for that care or 28849
counseling as an allowable expense through the victim's 28850
application. The cumulative allowable expense for care or 28851
counseling of that nature shall not exceed two thousand five 28852
hundred dollars for each immediate family member of a victim of 28853
that type and seven thousand five hundred dollars in the aggregate 28854
for all immediate family members of a victim of that type. 28855

(3) A family member of a victim who died as a proximate 28856
result of criminally injurious conduct may be reimbursed as an 28857

allowable expense through the victim's application for wages lost 28858
and travel expenses incurred in order to attend criminal justice 28859
proceedings arising from the criminally injurious conduct. The 28860
cumulative allowable expense for wages lost and travel expenses 28861
incurred by a family member to attend criminal justice proceedings 28862
shall not exceed five hundred dollars for each family member of 28863
the victim and two thousand dollars in the aggregate for all 28864
family members of the victim. 28865

(4) "Allowable expense" includes attorney's fees not 28866
exceeding ~~two~~ one thousand ~~five~~ three hundred ~~twenty~~ dollars, at a 28867
rate not exceeding ~~one hundred fifty~~ sixty dollars per hour, 28868
incurred to successfully obtain a restraining order, custody 28869
order, or other order to physically separate a victim from an 28870
offender, if the attorney has not received payment under section 28871
2743.65 of the Revised Code for assisting a claimant with an 28872
application for an award of reparations under sections 2743.51 to 28873
2743.72 of the Revised Code and provided that, except as otherwise 28874
provided in this division, the attorney or the attorney's law firm 28875
may only receive attorney's fees as an allowable expense for the 28876
services described in this division in an amount that does not 28877
exceed a cumulative total of thirty thousand dollars in any 28878
calendar year. The thirty thousand-dollar maximum specified in 28879
this division does not apply to an attorney who is an employee of 28880
a legal aid society regarding the services described in this 28881
division that the attorney performs while so employed and does not 28882
apply to a legal aid society. Attorney's fees for the services 28883
described in this division may include an amount for reasonable 28884
travel time incurred while performing those services, assessed at 28885
a rate not exceeding thirty dollars per hour. 28886

(G) "Work loss" means loss of income from work that the 28887
injured person would have performed if the person had not been 28888
injured and expenses reasonably incurred by the person to obtain 28889

services in lieu of those the person would have performed for 28890
income, reduced by any income from substitute work actually 28891
performed by the person, or by income the person would have earned 28892
in available appropriate substitute work that the person was 28893
capable of performing but unreasonably failed to undertake. 28894

(H) "Replacement services loss" means expenses reasonably 28895
incurred in obtaining ordinary and necessary services in lieu of 28896
those the injured person would have performed, not for income, but 28897
for the benefit of the person's self or family, if the person had 28898
not been injured. 28899

(I) "Dependent's economic loss" means loss after a victim's 28900
death of contributions of things of economic value to the victim's 28901
dependents, not including services they would have received from 28902
the victim if the victim had not suffered the fatal injury, less 28903
expenses of the dependents avoided by reason of the victim's 28904
death. If a minor child of a victim is adopted after the victim's 28905
death, the minor child continues after the adoption to incur a 28906
dependent's economic loss as a result of the victim's death. If 28907
the surviving spouse of a victim remarries, the surviving spouse 28908
continues after the remarriage to incur a dependent's economic 28909
loss as a result of the victim's death. 28910

(J) "Dependent's replacement services loss" means loss 28911
reasonably incurred by dependents after a victim's death in 28912
obtaining ordinary and necessary services in lieu of those the 28913
victim would have performed for their benefit if the victim had 28914
not suffered the fatal injury, less expenses of the dependents 28915
avoided by reason of the victim's death and not subtracted in 28916
calculating the dependent's economic loss. If a minor child of a 28917
victim is adopted after the victim's death, the minor child 28918
continues after the adoption to incur a dependent's replacement 28919
services loss as a result of the victim's death. If the surviving 28920
spouse of a victim remarries, the surviving spouse continues after 28921

the remarriage to incur a dependent's replacement services loss as 28922
a result of the victim's death. 28923

(K) "Noneconomic detriment" means pain, suffering, 28924
inconvenience, physical impairment, or other nonpecuniary damage. 28925

(L) "Victim" means a person who suffers personal injury or 28926
death as a result of any of the following: 28927

(1) Criminally injurious conduct; 28928

(2) The good faith effort of any person to prevent criminally 28929
injurious conduct; 28930

(3) The good faith effort of any person to apprehend a person 28931
suspected of engaging in criminally injurious conduct. 28932

(M) "Contributory misconduct" means any conduct of the 28933
claimant or of the victim through whom the claimant claims an 28934
award of reparations that is unlawful or intentionally tortious 28935
and that, without regard to the conduct's proximity in time or 28936
space to the criminally injurious conduct, has a causal 28937
relationship to the criminally injurious conduct that is the basis 28938
of the claim. 28939

(N)(1) "Funeral expense" means any reasonable charges that 28940
are not in excess of seven thousand five hundred dollars per 28941
funeral and that are incurred for expenses directly related to a 28942
victim's funeral, cremation, or burial and any wages lost or 28943
travel expenses incurred by a family member of a victim in order 28944
to attend the victim's funeral, cremation, or burial. 28945

(2) An award for funeral expenses shall be applied first to 28946
expenses directly related to the victim's funeral, cremation, or 28947
burial. An award for wages lost or travel expenses incurred by a 28948
family member of the victim shall not exceed five hundred dollars 28949
for each family member and shall not exceed in the aggregate the 28950
difference between seven thousand five hundred dollars and 28951

expenses that are reimbursed by the program and that are directly 28952
related to the victim's funeral, cremation, or burial. 28953

(O) "Unemployment benefits loss" means a loss of unemployment 28954
benefits pursuant to Chapter 4141. of the Revised Code when the 28955
loss arises solely from the inability of a victim to meet the able 28956
to work, available for suitable work, or the actively seeking 28957
suitable work requirements of division (A)(4)(a) of section 28958
4141.29 of the Revised Code. 28959

(P) "OVI violation" means any of the following: 28960

(1) A violation of section 4511.19 of the Revised Code, of 28961
any municipal ordinance prohibiting the operation of a vehicle 28962
while under the influence of alcohol, a drug of abuse, or a 28963
combination of them, or of any municipal ordinance prohibiting the 28964
operation of a vehicle with a prohibited concentration of alcohol, 28965
a controlled substance, or a metabolite of a controlled substance 28966
in the whole blood, blood serum or plasma, breath, or urine; 28967

(2) A violation of division (A)(1) of section 2903.06 of the 28968
Revised Code; 28969

(3) A violation of division (A)(2), (3), or (4) of section 28970
2903.06 of the Revised Code or of a municipal ordinance 28971
substantially similar to any of those divisions, if the offender 28972
was under the influence of alcohol, a drug of abuse, or a 28973
combination of them, at the time of the commission of the offense; 28974

(4) For purposes of any person described in division (A)(2) 28975
of this section, a violation of any law of the state, district, 28976
territory, or foreign country in which the criminally injurious 28977
conduct occurred, if that law is substantially similar to a 28978
violation described in division (P)(1) or (2) of this section or 28979
if that law is substantially similar to a violation described in 28980
division (P)(3) of this section and the offender was under the 28981
influence of alcohol, a drug of abuse, or a combination of them, 28982

at the time of the commission of the offense. 28983

(Q) "Pendency of the claim" for an original reparations 28984
application or supplemental reparations application means the 28985
period of time from the date the criminally injurious conduct upon 28986
which the application is based occurred until the date a final 28987
decision, order, or judgment concerning that original reparations 28988
application or supplemental reparations application is issued. 28989

(R) "Terrorism" means any activity to which all of the 28990
following apply: 28991

(1) The activity involves a violent act or an act that is 28992
dangerous to human life. 28993

(2) The act described in division (R)(1) of this section is 28994
committed within the territorial jurisdiction of the United States 28995
and is a violation of the criminal laws of the United States, this 28996
state, or any other state or the act described in division (R)(1) 28997
of this section is committed outside the territorial jurisdiction 28998
of the United States and would be a violation of the criminal laws 28999
of the United States, this state, or any other state if committed 29000
within the territorial jurisdiction of the United States. 29001

(3) The activity appears to be intended to do any of the 29002
following: 29003

(a) Intimidate or coerce a civilian population; 29004

(b) Influence the policy of any government by intimidation or 29005
coercion; 29006

(c) Affect the conduct of any government by assassination or 29007
kidnapping. 29008

(4) The activity occurs primarily outside the territorial 29009
jurisdiction of the United States or transcends the national 29010
boundaries of the United States in terms of the means by which the 29011
activity is accomplished, the person or persons that the activity 29012

appears intended to intimidate or coerce, or the area or locale in 29013
which the perpetrator or perpetrators of the activity operate or 29014
seek asylum. 29015

(S) "Transcends the national boundaries of the United States" 29016
means occurring outside the territorial jurisdiction of the United 29017
States in addition to occurring within the territorial 29018
jurisdiction of the United States. 29019

(T) "Cost of crime scene cleanup" means reasonable and 29020
necessary costs of cleaning the scene and repairing, for the 29021
purpose of personal security, property damaged at the scene where 29022
the criminally injurious conduct occurred, not to exceed seven 29023
hundred fifty dollars in the aggregate per claim. 29024

(U) "Cost of evidence replacement" means costs for 29025
replacement of property confiscated for evidentiary purposes 29026
related to the criminally injurious conduct, not to exceed seven 29027
hundred fifty dollars in the aggregate per claim. 29028

(V) "Provider" means any person who provides a victim or 29029
claimant with a product, service, or accommodations that are an 29030
allowable expense or a funeral expense. 29031

(W) "Immediate family member" means an individual who resided 29032
in the same permanent household as a victim at the time of the 29033
criminally injurious conduct and who is related to the victim by 29034
affinity or consanguinity. 29035

(X) "Family member" means an individual who is related to a 29036
victim by affinity or consanguinity. 29037

Sec. 2903.214. (A) As used in this section: 29038

(1) "Court" means the court of common pleas of the county in 29039
which the person to be protected by the protection order resides. 29040

(2) "Victim advocate" means a person who provides support and 29041
assistance for a person who files a petition under this section. 29042

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.	29043 29044
(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	29045 29046
(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	29047 29048
(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	29049 29050
(B) The court has jurisdiction over all proceedings under this section.	29051 29052
(C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following:	29053 29054 29055 29056 29057
(1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation;	29058 29059 29060 29061 29062 29063
(2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;	29064 29065 29066 29067 29068 29069 29070 29071
(3) A request for relief under this section.	29072

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.	29105
(iii) The continuance is needed to allow a party to obtain counsel.	29106 29107
(iv) The continuance is needed for other good cause.	29108
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.	29109 29110 29111 29112 29113
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	29114 29115 29116 29117 29118
(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order, including, but not limited to, a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member. If the court includes a requirement that the respondent refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member in the order, it also shall include in the order provisions of the type described in division (E)(5) of this section.	29119 29120 29121 29122 29123 29124 29125 29126 29127 29128 29129 29130
(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2) of this section, or the court upon its own motion, finds upon clear and convincing evidence that the petitioner reasonably believed that the respondent's conduct at any time preceding the	29131 29132 29133 29134 29135

filing of the petition endangered the health, welfare, or safety 29136
of the person to be protected and that the respondent presents a 29137
continuing danger to the person to be protected, the court may 29138
order that the respondent be electronically monitored for a period 29139
of time and under the terms and conditions that the court 29140
determines are appropriate. Electronic monitoring shall be in 29141
addition to any other relief granted to the petitioner. 29142

(2)(a) Any protection order issued pursuant to this section 29143
shall be valid until a date certain but not later than five years 29144
from the date of its issuance. 29145

(b) Any protection order issued pursuant to this section may 29146
be renewed in the same manner as the original order was issued. 29147

(3) A court may not issue a protection order that requires a 29148
petitioner to do or to refrain from doing an act that the court 29149
may require a respondent to do or to refrain from doing under 29150
division (E)(1) of this section unless all of the following apply: 29151

(a) The respondent files a separate petition for a protection 29152
order in accordance with this section. 29153

(b) The petitioner is served with notice of the respondent's 29154
petition at least forty-eight hours before the court holds a 29155
hearing with respect to the respondent's petition, or the 29156
petitioner waives the right to receive this notice. 29157

(c) If the petitioner has requested an ex parte order 29158
pursuant to division (D) of this section, the court does not delay 29159
any hearing required by that division beyond the time specified in 29160
that division in order to consolidate the hearing with a hearing 29161
on the petition filed by the respondent. 29162

(d) After a full hearing at which the respondent presents 29163
evidence in support of the request for a protection order and the 29164
petitioner is afforded an opportunity to defend against that 29165
evidence, the court determines that the petitioner has committed a 29166

violation of section 2903.211 of the Revised Code against the 29167
person to be protected by the protection order issued pursuant to 29168
this section, has committed a sexually oriented offense against 29169
the person to be protected by the protection order, or has 29170
violated a protection order issued pursuant to section 2903.213 of 29171
the Revised Code relative to the person to be protected by the 29172
protection order issued pursuant to this section. 29173

(4) No protection order issued pursuant to this section shall 29174
in any manner affect title to any real property. 29175

(5)(a) If the court issues a protection order under this 29176
section that includes a requirement that the alleged offender 29177
refrain from entering the residence, school, business, or place of 29178
employment of the petitioner or a family or household member, the 29179
order shall clearly state that the order cannot be waived or 29180
nullified by an invitation to the alleged offender from the 29181
complainant to enter the residence, school, business, or place of 29182
employment or by the alleged offender's entry into one of those 29183
places otherwise upon the consent of the petitioner or family or 29184
household member. 29185

(b) Division (E)(5)(a) of this section does not limit any 29186
discretion of a court to determine that an alleged offender 29187
charged with a violation of section 2919.27 of the Revised Code, 29188
with a violation of a municipal ordinance substantially equivalent 29189
to that section, or with contempt of court, which charge is based 29190
on an alleged violation of a protection order issued under this 29191
section, did not commit the violation or was not in contempt of 29192
court. 29193

(F)(1) The court shall cause the delivery of a copy of any 29194
protection order that is issued under this section to the 29195
petitioner, to the respondent, and to all law enforcement agencies 29196
that have jurisdiction to enforce the order. The court shall 29197
direct that a copy of the order be delivered to the respondent on 29198

the same day that the order is entered. 29199

(2) Upon the issuance of a protection order under this 29200
section, the court shall provide the parties to the order with the 29201
following notice orally or by form: 29202

"NOTICE 29203

As a result of this order, it may be unlawful for you to 29204
possess or purchase a firearm, including a rifle, pistol, or 29205
revolver, or ammunition pursuant to federal law under 18 U.S.C. 29206
922(g)(8). If you have any questions whether this law makes it 29207
illegal for you to possess or purchase a firearm or ammunition, 29208
you should consult an attorney." 29209

(3) All law enforcement agencies shall establish and maintain 29210
an index for the protection orders delivered to the agencies 29211
pursuant to division (F)(1) of this section. With respect to each 29212
order delivered, each agency shall note on the index the date and 29213
time that it received the order. 29214

(4) Regardless of whether the petitioner has registered the 29215
protection order in the county in which the officer's agency has 29216
jurisdiction pursuant to division (M) of this section, any officer 29217
of a law enforcement agency shall enforce a protection order 29218
issued pursuant to this section by any court in this state in 29219
accordance with the provisions of the order, including removing 29220
the respondent from the premises, if appropriate. 29221

(G) Any proceeding under this section shall be conducted in 29222
accordance with the Rules of Civil Procedure, except that a 29223
protection order may be obtained under this section with or 29224
without bond. An order issued under this section, other than an ex 29225
parte order, that grants a protection order, or that refuses to 29226
grant a protection order, is a final, appealable order. The 29227
remedies and procedures provided in this section are in addition 29228
to, and not in lieu of, any other available civil or criminal 29229

remedies.	29230
(H) The filing of proceedings under this section does not	29231
excuse a person from filing any report or giving any notice	29232
required by section 2151.421 of the Revised Code or by any other	29233
law.	29234
(I) Any law enforcement agency that investigates an alleged	29235
violation of section 2903.211 of the Revised Code or an alleged	29236
commission of a sexually oriented offense shall provide	29237
information to the victim and the family or household members of	29238
the victim regarding the relief available under this section and	29239
section 2903.213 of the Revised Code.	29240
(J) Notwithstanding any provision of law to the contrary and	29241
regardless of whether a protection order is issued or a consent	29242
agreement is approved by a court of another county or by a court	29243
of another state, no court or unit of state or local government	29244
shall charge any fee, cost, deposit, or money in connection with	29245
the filing of a petition pursuant to this section, in connection	29246
with the filing, issuance, registration, or service of a	29247
protection order or consent agreement, or for obtaining a	29248
certified copy of a protection order or consent agreement.	29249
(K)(1) A person who violates a protection order issued under	29250
this section is subject to the following sanctions:	29251
(a) Criminal prosecution for a violation of section 2919.27	29252
of the Revised Code, if the violation of the protection order	29253
constitutes a violation of that section;	29254
(b) Punishment for contempt of court.	29255
(2) The punishment of a person for contempt of court for	29256
violation of a protection order issued under this section does not	29257
bar criminal prosecution of the person for a violation of section	29258
2919.27 of the Revised Code. However, a person punished for	29259
contempt of court is entitled to credit for the punishment imposed	29260

upon conviction of a violation of that section, and a person 29261
convicted of a violation of that section shall not subsequently be 29262
punished for contempt of court arising out of the same activity. 29263

(L) In all stages of a proceeding under this section, a 29264
petitioner may be accompanied by a victim advocate. 29265

(M)(1) A petitioner who obtains a protection order under this 29266
section or a protection order under section 2903.213 of the 29267
Revised Code may provide notice of the issuance or approval of the 29268
order to the judicial and law enforcement officials in any county 29269
other than the county in which the order is issued by registering 29270
that order in the other county pursuant to division (M)(2) of this 29271
section and filing a copy of the registered order with a law 29272
enforcement agency in the other county in accordance with that 29273
division. A person who obtains a protection order issued by a 29274
court of another state may provide notice of the issuance of the 29275
order to the judicial and law enforcement officials in any county 29276
of this state by registering the order in that county pursuant to 29277
section 2919.272 of the Revised Code and filing a copy of the 29278
registered order with a law enforcement agency in that county. 29279

(2) A petitioner may register a protection order issued 29280
pursuant to this section or section 2903.213 of the Revised Code 29281
in a county other than the county in which the court that issued 29282
the order is located in the following manner: 29283

(a) The petitioner shall obtain a certified copy of the order 29284
from the clerk of the court that issued the order and present that 29285
certified copy to the clerk of the court of common pleas or the 29286
clerk of a municipal court or county court in the county in which 29287
the order is to be registered. 29288

(b) Upon accepting the certified copy of the order for 29289
registration, the clerk of the court of common pleas, municipal 29290
court, or county court shall place an endorsement of registration 29291

on the order and give the petitioner a copy of the order that 29292
bears that proof of registration. 29293

(3) The clerk of each court of common pleas, municipal court, 29294
or county court shall maintain a registry of certified copies of 29295
protection orders that have been issued by courts in other 29296
counties pursuant to this section or section 2903.213 of the 29297
Revised Code and that have been registered with the clerk. 29298

(N) If the court orders electronic monitoring of the 29299
respondent under this section, the court shall direct the 29300
sheriff's office or any other appropriate law enforcement agency 29301
to install the electronic monitoring device and to monitor the 29302
respondent. Unless the court determines that the respondent is 29303
indigent, the court shall order the respondent to pay the cost of 29304
the installation and monitoring of the electronic monitoring 29305
device. If the court determines that the respondent is indigent, 29306
the cost of the installation and monitoring of the electronic 29307
monitoring device ~~shall~~ may be paid out of funds from the 29308
reparations fund created pursuant to section 2743.191 of the 29309
Revised Code. The total amount of costs for the installation and 29310
monitoring of electronic monitoring devices paid pursuant to this 29311
division from the reparations fund shall not exceed three hundred 29312
thousand dollars per year. The attorney general may promulgate 29313
rules pursuant to section 111.15 of the Revised Code to govern 29314
payments made from the reparations fund pursuant to this division. 29315
The rules may include reasonable limits on the total cost paid 29316
pursuant to this division per respondent, the amount of the three 29317
hundred thousand dollars allocated to each county, and how 29318
invoices may be submitted by a county, court, or other entity. 29319

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 29320
Revised Code: 29321

(A) "Care facility" means any of the following: 29322

(1) Any "home" as defined in section 3721.10 or 5111.20 of the Revised Code;	29323 29324
(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;	29325 29326
(3) Any institution or facility operated or provided by the department of mental health or by the department of mental retardation and developmental disabilities pursuant to sections 5119.02 and 5123.03 of the Revised Code;	29327 29328 29329 29330
(4) Any "residential facility" as defined in section 5119.22 of the Revised Code;	29331 29332
(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;	29333 29334 29335
(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others;	29336 29337 29338 29339 29340
(7) Any "adult care facility" as defined in section 3722.01 of the Revised Code;	29341 29342
(8) Any adult foster home certified by the department of aging or its designee under section 173.36 of the Revised Code;	29343 29344
(9) Any "community alternative home" as defined in section 3724.01 of the Revised Code.	29345 29346
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	29347 29348 29349 29350
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is	29351 29352

necessary to maintain the health or safety of the person when the 29353
failure results in physical harm or serious physical harm to the 29354
person. 29355

(2) "Neglect" means recklessly failing to provide a person 29356
with any treatment, care, goods, or service that is necessary to 29357
maintain the health or safety of the person when the failure 29358
results in serious physical harm to the person. 29359

(D) "Inappropriate use of a physical or chemical restraint, 29360
medication, or isolation" means the use of physical or chemical 29361
restraint, medication, or isolation as punishment, for staff 29362
convenience, excessively, as a substitute for treatment, or in 29363
quantities that preclude habilitation and treatment. 29364

Sec. 2907.27. (A)(1) If a person is charged with a violation 29365
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 29366
2907.25 of the Revised Code or with a violation of a municipal 29367
ordinance that is substantially equivalent to any of those 29368
sections, the arresting authorities or a court, upon the request 29369
of the prosecutor in the case or upon the request of the victim, 29370
shall cause the accused to submit to one or more appropriate tests 29371
to determine if the accused is suffering from a venereal disease. 29372

(2) If the accused is found to be suffering from a venereal 29373
disease in an infectious stage, the accused shall be required to 29374
submit to medical treatment for that disease. The cost of the 29375
medical treatment shall be charged to and paid by the accused who 29376
undergoes the treatment. If the accused is indigent, the court 29377
shall order the accused to report to a facility operated by a city 29378
health district or a general health district for treatment. If the 29379
accused is convicted of or pleads guilty to the offense with which 29380
the accused is charged and is placed under a community control 29381
sanction, a condition of community control shall be that the 29382
offender submit to and faithfully follow a course of medical 29383

treatment for the venereal disease. If the offender does not seek 29384
the required medical treatment, the court may revoke the 29385
offender's community control and order the offender to undergo 29386
medical treatment during the period of the offender's 29387
incarceration and to pay the cost of that treatment. 29388

(B)(1)(a) ~~Notwithstanding the requirements for informed~~ 29389
~~consent in section 3701.242 of the Revised Code, if~~ If a person is 29390
charged with a violation of division (B) of section 2903.11 or of 29391
section 2907.02, 2907.03, 2907.04, 2907.05, 2907.12, 2907.24, 29392
2907.241, or 2907.25 of the Revised Code or with a violation of a 29393
municipal ordinance that is substantially equivalent to that 29394
division or any of those sections, the court, upon the request of 29395
the prosecutor in the case, upon the request of the victim, or 29396
upon the request of any other person whom the court reasonably 29397
believes had contact with the accused in circumstances related to 29398
the violation that could have resulted in the transmission to that 29399
person ~~of a virus that causes acquired immunodeficiency syndrome~~ 29400
the human immunodeficiency virus, shall cause the accused to 29401
submit to one or more tests designated by the director of health 29402
under section 3701.241 of the Revised Code to determine if the 29403
accused is ~~a carrier of a virus that causes acquired~~ 29404
~~immunodeficiency syndrome~~ infected with HIV. The court, upon the 29405
request of the prosecutor in the case, upon the request of the 29406
victim with the agreement of the prosecutor, or upon the request 29407
of any other person with the agreement of the prosecutor, may 29408
cause an accused who is charged with a violation of any other 29409
section of the Revised Code or with a violation of any other 29410
municipal ordinance to submit to one or more tests so designated 29411
by the director of health if the circumstances of the violation 29412
indicate probable cause to believe that the accused, if the 29413
accused is infected with ~~the virus that causes acquired~~ 29414
~~immunodeficiency syndrome~~ HIV, might have transmitted ~~the virus~~ 29415
HIV to any of the following persons in committing the violation: 29416

(i) In relation to a request made by the prosecuting attorney, to the victim or to any other person; 29417
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(ii) In relation to a request made by the victim, to the victim making the request; 29419
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(iii) In relation to a request made by any other person, to the person making the request. 29421
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(b) The results of a test performed under division (B)(1)(a) of this section shall be communicated in confidence to the court, and the court shall inform the accused of the result. The court shall inform the victim that the test was performed and that the victim has a right to receive the results on request. If the test was performed upon the request of a person other than the prosecutor in the case and other than the victim, the court shall inform the person who made the request that the test was performed and that the person has a right to receive the results upon request. Additionally, regardless of who made the request that was the basis of the test being performed, if the court reasonably believes that, in circumstances related to the violation, a person other than the victim had contact with the accused that could have resulted in the transmission of ~~the virus~~ HIV to that person, the court may inform that person that the test was performed and that the person has a right to receive the results of the test on request. If the accused tests positive for ~~a virus that causes acquired immunodeficiency syndrome~~ HIV, the test results shall be reported to the department of health in accordance with section 3701.24 of the Revised Code and to the sheriff, head of the state correctional institution, or other person in charge of any jail or prison in which the accused is incarcerated. If the accused tests positive for ~~a virus that causes acquired immunodeficiency syndrome~~ HIV and the accused was charged with, and was convicted of or pleaded guilty to, a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code or a violation of a municipal 29423
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ordinance that is substantially equivalent to any of those 29449
sections, the test results also shall be reported to the law 29450
enforcement agency that arrested the accused, and the law 29451
enforcement agency may use the test results as the basis for any 29452
future charge of a violation of division (B) of any of those 29453
sections or a violation of a municipal ordinance that is 29454
substantially equivalent to division (B) of any of those sections. 29455
No other disclosure of the test results or the fact that a test 29456
was performed shall be made, other than as evidence in a grand 29457
jury proceeding or as evidence in a judicial proceeding in 29458
accordance with the Rules of Evidence. If the test result is 29459
negative, and the charge has not been dismissed or if the accused 29460
has been convicted of the charge or a different offense arising 29461
out of the same circumstances as the offense charged, the court 29462
shall order that the test be repeated not earlier than three 29463
months nor later than six months after the original test. 29464

(2) If an accused who is free on bond refuses to submit to a 29465
test ordered by the court pursuant to division (B)(1) of this 29466
section, the court may order that the accused's bond be revoked 29467
and that the accused be incarcerated until the test is performed. 29468
If an accused who is incarcerated refuses to submit to a test 29469
ordered by the court pursuant to division (B)(1) of this section, 29470
the court shall order the person in charge of the jail or prison 29471
in which the accused is incarcerated to take any action necessary 29472
to facilitate the performance of the test, including the forcible 29473
restraint of the accused for the purpose of drawing blood to be 29474
used in the test. 29475

(3) A state agency, a political subdivision of the state, or 29476
an employee of a state agency or of a political subdivision of the 29477
state is immune from liability in a civil action to recover 29478
damages for injury, death, or loss to person or property allegedly 29479
caused by any act or omission in connection with the performance 29480

of the duties required under division (B)(2) of this section 29481
unless the acts or omissions are with malicious purpose, in bad 29482
faith, or in a wanton or reckless manner. 29483

(C) As used in this section, ~~"community:~~ 29484

(1) "Community control sanction" has the same meaning as in 29485
section 2929.01 of the Revised Code. 29486

(2) "HIV" means the human immunodeficiency virus. 29487

Sec. 2911.21. (A) No person, without privilege to do so, 29488
shall do any of the following: 29489

(1) Knowingly enter or remain on the land or premises of 29490
another; 29491

(2) Knowingly enter or remain on the land or premises of 29492
another, the use of which is lawfully restricted to certain 29493
persons, purposes, modes, or hours, when the offender knows the 29494
offender is in violation of any such restriction or is reckless in 29495
that regard; 29496

(3) Recklessly enter or remain on the land or premises of 29497
another, as to which notice against unauthorized access or 29498
presence is given by actual communication to the offender, or in a 29499
manner prescribed by law, or by posting in a manner reasonably 29500
calculated to come to the attention of potential intruders, or by 29501
fencing or other enclosure manifestly designed to restrict access; 29502

(4) Being on the land or premises of another, negligently 29503
fail or refuse to leave upon being notified by signage posted in a 29504
conspicuous place or otherwise being notified to do so by the 29505
owner or occupant, or the agent or servant of either. 29506

(B) It is no defense to a charge under this section that the 29507
land or premises involved was owned, controlled, or in custody of 29508
a public agency. 29509

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when such authorization was secured by deception.

(D)(1) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(2) Notwithstanding section 2929.28 of the Revised Code, if the person, in committing the violation of this section, used ~~an a~~ snowmobile, off-highway motorcycle, or all-purpose vehicle, the court shall impose a fine of two times the usual amount imposed for the violation.

(3) If an offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, and the offender, in committing each violation, used ~~an a~~ snowmobile, off-highway motorcycle, or all-purpose vehicle, the court, in addition to or independent of all other penalties imposed for the violation, may impound the certificate of registration of that snowmobile or off-highway motorcycle or the certificate of registration and license plate of that all-purpose vehicle for not less than sixty days. In such a case, section 4519.47 of the Revised Code applies.

(E) Notwithstanding any provision of the Revised Code, if the offender, in committing the violation of this section, used an all-purpose vehicle, the clerk of the court shall pay the fine imposed pursuant to this section to the state recreational vehicle fund created by section 4519.11 of the Revised Code.

(F) As used in this section:

(1) "All-purpose vehicle," ~~has~~ "off-highway motorcycle," and "snowmobile" have the same meanings as in section 4519.01 of the Revised Code.

(2) "Land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of

another, and any separate enclosure or room, or portion thereof. 29541

Sec. 2913.46. (A)(1) As used in this section: 29542

(a) "Electronically transferred benefit" means the transfer 29543
of ~~food stamp~~ supplemental nutrition assistance program benefits 29544
or WIC program benefits through the use of an access device. 29545

(b) "WIC program benefits" includes money, coupons, delivery 29546
verification receipts, other documents, food, or other property 29547
received directly or indirectly pursuant to section 17 of the 29548
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 29549
amended. 29550

(c) "Access device" means any card, plate, code, account 29551
number, or other means of access that can be used, alone or in 29552
conjunction with another access device, to obtain payments, 29553
allotments, benefits, money, goods, or other things of value or 29554
that can be used to initiate a transfer of funds pursuant to 29555
section 5101.33 of the Revised Code and the "~~Food Stamp and~~ 29556
Nutrition Act of 1977," ~~91 Stat. 958,~~ 2008 (7 U.S.C.A. 2011 et 29557
seq.), or any supplemental food program administered by any 29558
department of this state or any county or local agency pursuant to 29559
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 29560
U.S.C.A. 1786, as amended. An "access device" may include any 29561
electronic debit card or other means authorized by section 5101.33 29562
of the Revised Code. 29563

~~(e)~~(d) "Aggregate value of ~~the food stamp coupons~~ 29564
supplemental nutrition assistance program benefits, WIC program 29565
benefits, and electronically transferred benefits involved in the 29566
violation" means the total face value of any ~~food stamps~~ 29567
supplemental nutrition assistance program benefits, plus the total 29568
face value of WIC program coupons or delivery verification 29569
receipts, plus the total value of other WIC program benefits, plus 29570
the total value of any electronically transferred benefit or other 29571

access device, involved in the violation. 29572

(d)(e) "Total value of any electronically transferred benefit 29573
or other access device" means the total value of the payments, 29574
allotments, benefits, money, goods, or other things of value that 29575
may be obtained, or the total value of funds that may be 29576
transferred, by use of any electronically transferred benefit or 29577
other access device at the time of violation. 29578

(2) If ~~food stamp coupons~~ supplemental nutrition assistance 29579
program benefits, WIC program benefits, or electronically 29580
transferred benefits or other access devices of various values are 29581
used, transferred, bought, acquired, altered, purchased, 29582
possessed, presented for redemption, or transported in violation 29583
of this section over a period of twelve months, the course of 29584
conduct may be charged as one offense and the values of ~~food stamp~~ 29585
~~coupons~~ supplemental nutrition assistance program benefits, WIC 29586
program benefits, or any electronically transferred benefits or 29587
other access devices may be aggregated in determining the degree 29588
of the offense. 29589

(B) No individual shall knowingly possess, buy, sell, use, 29590
alter, accept, or transfer ~~food stamp coupons~~ supplemental 29591
nutrition assistance program benefits, WIC program benefits, or 29592
any electronically transferred benefit in any manner not 29593
authorized by the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat.~~ 29594
~~958, 2008~~ (7 U.S.C.A. 2011, ~~as amended,~~ et seq.) or section 17 of 29595
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, 29596
as amended. 29597

(C) No organization, as defined in division (D) of section 29598
2901.23 of the Revised Code, shall do either of the following: 29599

(1) Knowingly allow an employee or agent to sell, transfer, 29600
or trade items or services, the purchase of which is prohibited by 29601
the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat. 958, 2008~~ (7 29602

U.S.C.A. 2011, ~~as amended~~, et seq. or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended, in exchange for ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit;

(2) Negligently allow an employee or agent to sell, transfer, or exchange ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit for anything of value.

(D) Whoever violates this section is guilty of illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits. Except as otherwise provided in this division, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fifth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five hundred dollars or more and is less than five thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fourth degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is five thousand dollars or more and is less than one hundred thousand dollars, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a felony of the third degree. If the aggregate value of the ~~food stamp coupons~~ supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is one hundred thousand dollars or more, illegal use of ~~food stamps~~ supplemental nutrition assistance program benefits or WIC program benefits is a

felony of the second degree. 29635

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Sec. 2921.13. (A) No person shall knowingly make a false 29637
statement, or knowingly swear or affirm the truth of a false 29638
statement previously made, when any of the following applies: 29639

(1) The statement is made in any official proceeding. 29640

(2) The statement is made with purpose to incriminate 29641
another. 29642

(3) The statement is made with purpose to mislead a public 29643
official in performing the public official's official function. 29644

(4) The statement is made with purpose to secure the payment 29645
of unemployment compensation; Ohio works first; prevention, 29646
retention, and contingency benefits and services; disability 29647
financial assistance; retirement benefits; economic development 29648
assistance, as defined in section 9.66 of the Revised Code; or 29649
other benefits administered by a governmental agency or paid out 29650
of a public treasury. 29651

(5) The statement is made with purpose to secure the issuance 29652
by a governmental agency of a license, permit, authorization, 29653
certificate, registration, release, or provider agreement. 29654

(6) The statement is sworn or affirmed before a notary public 29655
or another person empowered to administer oaths. 29656

(7) The statement is in writing on or in connection with a 29657
report or return that is required or authorized by law. 29658

(8) The statement is in writing and is made with purpose to 29659
induce another to extend credit to or employ the offender, to 29660
confer any degree, diploma, certificate of attainment, award of 29661
excellence, or honor on the offender, or to extend to or bestow 29662
upon the offender any other valuable benefit or distinction, when 29663
the person to whom the statement is directed relies upon it to 29664

that person's detriment. 29665

(9) The statement is made with purpose to commit or 29666
facilitate the commission of a theft offense. 29667

(10) The statement is knowingly made to a probate court in 29668
connection with any action, proceeding, or other matter within its 29669
jurisdiction, either orally or in a written document, including, 29670
but not limited to, an application, petition, complaint, or other 29671
pleading, or an inventory, account, or report. 29672

(11) The statement is made on an account, form, record, 29673
stamp, label, or other writing that is required by law. 29674

(12) The statement is made in connection with the purchase of 29675
a firearm, as defined in section 2923.11 of the Revised Code, and 29676
in conjunction with the furnishing to the seller of the firearm of 29677
a fictitious or altered driver's or commercial driver's license or 29678
permit, a fictitious or altered identification card, or any other 29679
document that contains false information about the purchaser's 29680
identity. 29681

(13) The statement is made in a document or instrument of 29682
writing that purports to be a judgment, lien, or claim of 29683
indebtedness and is filed or recorded with the secretary of state, 29684
a county recorder, or the clerk of a court of record. 29685

~~(14) The statement is made with purpose to obtain an Ohio's 29686
best Rx program enrollment card under section 173.773 of the 29687
Revised Code or a payment under section 173.801 of the Revised 29688
Code. 29689~~

~~(15) The statement is made in an application filed with a 29690
county sheriff pursuant to section 2923.125 of the Revised Code in 29691
order to obtain or renew a license to carry a concealed handgun or 29692
is made in an affidavit submitted to a county sheriff to obtain a 29693
temporary emergency license to carry a concealed handgun under 29694
section 2923.1213 of the Revised Code. 29695~~

~~(16)~~(15) The statement is required under section 5743.71 of 29696
the Revised Code in connection with the person's purchase of 29697
cigarettes or tobacco products in a delivery sale. 29698

(B) No person, in connection with the purchase of a firearm, 29699
as defined in section 2923.11 of the Revised Code, shall knowingly 29700
furnish to the seller of the firearm a fictitious or altered 29701
driver's or commercial driver's license or permit, a fictitious or 29702
altered identification card, or any other document that contains 29703
false information about the purchaser's identity. 29704

(C) No person, in an attempt to obtain a license to carry a 29705
concealed handgun under section 2923.125 of the Revised Code, 29706
shall knowingly present to a sheriff a fictitious or altered 29707
document that purports to be certification of the person's 29708
competence in handling a handgun as described in division (B)(3) 29709
of section 2923.125 of the Revised Code. 29710

(D) It is no defense to a charge under division (A)(6) of 29711
this section that the oath or affirmation was administered or 29712
taken in an irregular manner. 29713

(E) If contradictory statements relating to the same fact are 29714
made by the offender within the period of the statute of 29715
limitations for falsification, it is not necessary for the 29716
prosecution to prove which statement was false but only that one 29717
or the other was false. 29718

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 29719
(6), (7), (8), (10), (11), (13), ~~(14)~~, or ~~(16)~~(15) of this section 29720
is guilty of falsification, a misdemeanor of the first degree. 29721

(2) Whoever violates division (A)(9) of this section is 29722
guilty of falsification in a theft offense. Except as otherwise 29723
provided in this division, falsification in a theft offense is a 29724
misdemeanor of the first degree. If the value of the property or 29725
services stolen is five hundred dollars or more and is less than 29726

five thousand dollars, falsification in a theft offense is a 29727
felony of the fifth degree. If the value of the property or 29728
services stolen is five thousand dollars or more and is less than 29729
one hundred thousand dollars, falsification in a theft offense is 29730
a felony of the fourth degree. If the value of the property or 29731
services stolen is one hundred thousand dollars or more, 29732
falsification in a theft offense is a felony of the third degree. 29733

(3) Whoever violates division (A)(12) or (B) of this section 29734
is guilty of falsification to purchase a firearm, a felony of the 29735
fifth degree. 29736

(4) Whoever violates division (A)~~(15)~~(14) or (C) of this 29737
section is guilty of falsification to obtain a concealed handgun 29738
license, a felony of the fourth degree. 29739

(G) A person who violates this section is liable in a civil 29740
action to any person harmed by the violation for injury, death, or 29741
loss to person or property incurred as a result of the commission 29742
of the offense and for reasonable attorney's fees, court costs, 29743
and other expenses incurred as a result of prosecuting the civil 29744
action commenced under this division. A civil action under this 29745
division is not the exclusive remedy of a person who incurs 29746
injury, death, or loss to person or property as a result of a 29747
violation of this section. 29748

Sec. 2921.51. (A) As used in this section: 29749

(1) "Peace officer" means a sheriff, deputy sheriff, marshal, 29750
deputy marshal, member of the organized police department of a 29751
municipal corporation, or township constable, who is employed by a 29752
political subdivision of this state; a member of a police force 29753
employed by a metropolitan housing authority under division (D) of 29754
section 3735.31 of the Revised Code; a member of a police force 29755
employed by a regional transit authority under division (Y) of 29756
section 306.35 of the Revised Code; a state university law 29757

enforcement officer appointed under section 3345.04 of the Revised Code; a veterans' home police officer appointed under section 5907.02 of the Revised Code; a special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; an officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within limits of that statutory duty and authority; or a state highway patrol trooper ~~and~~ whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws, ordinances, or rules of the state or any of its political subdivisions.

(2) "Private police officer" means any security guard, special police officer, private detective, or other person who is privately employed in a police capacity.

(3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.

(4) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of, or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(5) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

(B) No person shall impersonate a peace officer, private

police officer, ~~or~~ a federal law enforcement officer, or 29789
investigator of the bureau of criminal identification and 29790
investigation. 29791

(C) No person, by impersonating a peace officer, private 29792
police officer, ~~or~~ a federal law enforcement officer, or 29793
investigator of the bureau of criminal identification and 29794
investigation, shall arrest or detain any person, search any 29795
person, or search the property of any person. 29796

(D) No person, with purpose to commit or facilitate the 29797
commission of an offense, shall impersonate a peace officer, 29798
private police officer, a federal law enforcement officer, 29799
officer, agent, or employee of the state, or investigator of the 29800
bureau of criminal identification and investigation. 29801

(E) No person shall commit a felony while impersonating a 29802
peace officer, private police officer, a federal law enforcement 29803
officer, officer, agent, or employee of the state, or investigator 29804
of the bureau of criminal identification and investigation. 29805
29806

(F) It is an affirmative defense to a charge under division 29807
(B) of this section that the impersonation of the peace officer, 29808
private police officer, or investigator of the bureau of criminal 29809
identification and investigation was for a lawful purpose. 29810

(G) Whoever violates division (B) of this section is guilty 29811
of a misdemeanor of the fourth degree. Whoever violates division 29812
(C) or (D) of this section is guilty of a misdemeanor of the first 29813
degree. If the purpose of a violation of division (D) of this 29814
section is to commit or facilitate the commission of a felony, a 29815
violation of division (D) is a felony of the fourth degree. 29816
Whoever violates division (E) of this section is guilty of a 29817
felony of the third degree. 29818

Sec. 2923.125. (A) Upon the request of a person who wishes to 29819
obtain a license to carry a concealed handgun or to renew a 29820
license to carry a concealed handgun, a sheriff, as provided in 29821
division (I) of this section, shall provide to the person free of 29822
charge an application form and a copy of the pamphlet described in 29823
division (B) of section 109.731 of the Revised Code. A sheriff 29824
shall accept a completed application form and the fee, items, 29825
materials, and information specified in divisions (B)(1) to (5) of 29826
this section at the times and in the manners described in division 29827
(I) of this section. 29828

(B) An applicant for a license to carry a concealed handgun 29829
shall submit a completed application form and all of the following 29830
to the sheriff of the county in which the applicant resides or to 29831
the sheriff of any county adjacent to the county in which the 29832
applicant resides: 29833

~~(1)(a) A nonrefundable license fee prescribed by the Ohio 29834
peace officer training commission pursuant to division (C) of 29835
section 109.731 of the Revised Code, except that the sheriff shall 29836
waive the payment of the license fee in connection with an initial 29837
or renewal application for a license that is submitted by an 29838
applicant who is a retired peace officer, a retired person 29839
described in division (B)(1)(b) of section 109.77 of the Revised 29840
Code, or a retired federal law enforcement officer who, prior to 29841
retirement, was authorized under federal law to carry a firearm in 29842
the course of duty, unless the retired peace officer, person, or 29843
federal law enforcement officer retired as the result of a mental 29844
disability; as described in either of the following: 29845~~

(i) For an applicant who has been a resident of this state 29846
for five or more years, a fee of forty dollars plus the actual 29847
cost of having a background check performed by the bureau of 29848
criminal identification and investigation pursuant to section 29849

311.41 of the Revised Code and the administrative fee prescribed 29850
pursuant to section 109.731 of the Revised Code; 29851

(ii) For an applicant who has been a resident of this state 29852
for less than five years, a fee of forty dollars plus the actual 29853
cost of having background checks performed by the federal bureau 29854
of investigation and the bureau of identification and 29855
investigation pursuant to section 311.41 of the Revised Code and 29856
the administrative fee prescribed pursuant to section 109.731 of 29857
the Revised Code. 29858

(b) A sheriff shall waive the payment of the license fee 29859
described in division (B)(1)(a) of this section in connection with 29860
an initial or renewal application for a license that is submitted 29861
by an applicant who is a retired peace officer, a retired person 29862
described in division (B)(1)(b) of section 109.77 of the Revised 29863
Code, or a retired federal law enforcement officer who, prior to 29864
retirement, was authorized under federal law to carry a firearm in 29865
the course of duty, unless the retired peace officer, person, or 29866
federal law enforcement officer retired as the result of a mental 29867
disability. 29868

(c) The sheriff shall deposit all fees paid by an applicant 29869
under division (B)(1)(a) of this section into the sheriff's 29870
concealed handgun license issuance fund established pursuant to 29871
section 311.42 of the Revised Code. 29872

(2) A color photograph of the applicant that was taken within 29873
thirty days prior to the date of the application; 29874

(3) One or more of the following competency certifications, 29875
each of which shall reflect that, regarding a certification 29876
described in division (B)(3)(a), (b), (c), (e), or (f) of this 29877
section, within the three years immediately preceding the 29878
application the applicant has performed that to which the 29879
competency certification relates and that, regarding a 29880

certification described in division (B)(3)(d) of this section, the 29881
applicant currently is an active or reserve member of the armed 29882
forces of the United States or within the six years immediately 29883
preceding the application the honorable discharge or retirement to 29884
which the competency certification relates occurred: 29885

(a) An original or photocopy of a certificate of completion 29886
of a firearms safety, training, or requalification or firearms 29887
safety instructor course, class, or program that was offered by or 29888
under the auspices of the national rifle association and that 29889
complies with the requirements set forth in division (G) of this 29890
section; 29891

(b) An original or photocopy of a certificate of completion 29892
of a firearms safety, training, or requalification or firearms 29893
safety instructor course, class, or program that satisfies all of 29894
the following criteria: 29895

(i) It was open to members of the general public. 29896

(ii) It utilized qualified instructors who were certified by 29897
the national rifle association, the executive director of the Ohio 29898
peace officer training commission pursuant to section 109.75 or 29899
109.78 of the Revised Code, or a governmental official or entity 29900
of another state. 29901

(iii) It was offered by or under the auspices of a law 29902
enforcement agency of this or another state or the United States, 29903
a public or private college, university, or other similar 29904
postsecondary educational institution located in this or another 29905
state, a firearms training school located in this or another 29906
state, or another type of public or private entity or organization 29907
located in this or another state. 29908

(iv) It complies with the requirements set forth in division 29909
(G) of this section. 29910

(c) An original or photocopy of a certificate of completion 29911

of a state, county, municipal, or department of natural resources 29912
peace officer training school that is approved by the executive 29913
director of the Ohio peace officer training commission pursuant to 29914
section 109.75 of the Revised Code and that complies with the 29915
requirements set forth in division (G) of this section, or the 29916
applicant has satisfactorily completed and been issued a 29917
certificate of completion of a basic firearms training program, a 29918
firearms requalification training program, or another basic 29919
training program described in section 109.78 or 109.801 of the 29920
Revised Code that complies with the requirements set forth in 29921
division (G) of this section; 29922

(d) A document that evidences both of the following: 29923

(i) That the applicant is an active or reserve member of the 29924
armed forces of the United States, was honorably discharged from 29925
military service in the active or reserve armed forces of the 29926
United States, is a retired trooper of the state highway patrol, 29927
or is a retired peace officer or federal law enforcement officer 29928
described in division (B)(1) of this section or a retired person 29929
described in division (B)(1)(b) of section 109.77 of the Revised 29930
Code and division (B)(1) of this section; 29931

(ii) That, through participation in the military service or 29932
through the former employment described in division (B)(3)(d)(i) 29933
of this section, the applicant acquired experience with handling 29934
handguns or other firearms, and the experience so acquired was 29935
equivalent to training that the applicant could have acquired in a 29936
course, class, or program described in division (B)(3)(a), (b), or 29937
(c) of this section. 29938

(e) A certificate or another similar document that evidences 29939
satisfactory completion of a firearms training, safety, or 29940
requalification or firearms safety instructor course, class, or 29941
program that is not otherwise described in division (B)(3)(a), 29942
(b), (c), or (d) of this section, that was conducted by an 29943

instructor who was certified by an official or entity of the 29944
government of this or another state or the United States or by the 29945
national rifle association, and that complies with the 29946
requirements set forth in division (G) of this section; 29947

(f) An affidavit that attests to the applicant's satisfactory 29948
completion of a course, class, or program described in division 29949
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 29950
by the applicant's instructor or an authorized representative of 29951
the entity that offered the course, class, or program or under 29952
whose auspices the course, class, or program was offered. 29953

(4) A certification by the applicant that the applicant has 29954
read the pamphlet prepared by the Ohio peace officer training 29955
commission pursuant to section 109.731 of the Revised Code that 29956
reviews firearms, dispute resolution, and use of deadly force 29957
matters. 29958

(5) A set of fingerprints of the applicant provided as 29959
described in section 311.41 of the Revised Code through use of an 29960
electronic fingerprint reading device or, if the sheriff to whom 29961
the application is submitted does not possess and does not have 29962
ready access to the use of such a reading device, on a standard 29963
impression sheet prescribed pursuant to division (C)(2) of section 29964
109.572 of the Revised Code. 29965

(C) Upon receipt of an applicant's completed application 29966
form, supporting documentation, and, if not waived, license fee, a 29967
sheriff, in the manner specified in section 311.41 of the Revised 29968
Code, shall conduct or cause to be conducted the criminal records 29969
check and the incompetency records check described in section 29970
311.41 of the Revised Code. 29971

(D)(1) Except as provided in division (D)(3) or (4) of this 29972
section, within forty-five days after a sheriff's receipt of an 29973
applicant's completed application form for a license to carry a 29974

concealed handgun, the supporting documentation, and, if not 29975
waived, the license fee, the sheriff shall make available through 29976
the law enforcement automated data system in accordance with 29977
division (H) of this section the information described in that 29978
division and, upon making the information available through the 29979
system, shall issue to the applicant a license to carry a 29980
concealed handgun that shall expire as described in division 29981
(D)(2)(a) of this section if all of the following apply: 29982

(a) The applicant is legally living in the United States, has 29983
been a resident of this state for at least forty-five days, and 29984
has been a resident of the county in which the person seeks the 29985
license or a county adjacent to the county in which the person 29986
seeks the license for at least thirty days. For purposes of 29987
division (D)(1)(a) of this section: 29988

(i) If a person is absent from the United States, from this 29989
state, or from a particular county in this state in compliance 29990
with military or naval orders as an active or reserve member of 29991
the armed forces of the United States and if prior to leaving this 29992
state in compliance with those orders the person was legally 29993
living in the United States and was a resident of this state, the 29994
person, solely by reason of that absence, shall not be considered 29995
to have lost the person's status as living in the United States or 29996
the person's residence in this state or in the county in which the 29997
person was a resident prior to leaving this state in compliance 29998
with those orders, without regard to whether or not the person 29999
intends to return to this state or to that county, shall not be 30000
considered to have acquired a residence in any other state, and 30001
shall not be considered to have become a resident of any other 30002
state. 30003

(ii) If a person is present in this state in compliance with 30004
military or naval orders as an active or reserve member of the 30005
armed forces of the United States for at least forty-five days, 30006

the person shall be considered to have been a resident of this 30007
state for that period of at least forty-five days, and, if a 30008
person is present in a county of this state in compliance with 30009
military or naval orders as an active or reserve member of the 30010
armed forces of the United States for at least thirty days, the 30011
person shall be considered to have been a resident of that county 30012
for that period of at least thirty days. 30013

(b) The applicant is at least twenty-one years of age. 30014

(c) The applicant is not a fugitive from justice. 30015

(d) The applicant is not under indictment for or otherwise 30016
charged with a felony; an offense under Chapter 2925., 3719., or 30017
4729. of the Revised Code that involves the illegal possession, 30018
use, sale, administration, or distribution of or trafficking in a 30019
drug of abuse; a misdemeanor offense of violence; or a violation 30020
of section 2903.14 or 2923.1211 of the Revised Code. 30021

(e) Except as otherwise provided in division (D)(5) of this 30022
section, the applicant has not been convicted of or pleaded guilty 30023
to a felony or an offense under Chapter 2925., 3719., or 4729. of 30024
the Revised Code that involves the illegal possession, use, sale, 30025
administration, or distribution of or trafficking in a drug of 30026
abuse; has not been adjudicated a delinquent child for committing 30027
an act that if committed by an adult would be a felony or would be 30028
an offense under Chapter 2925., 3719., or 4729. of the Revised 30029
Code that involves the illegal possession, use, sale, 30030
administration, or distribution of or trafficking in a drug of 30031
abuse; and has not been convicted of, pleaded guilty to, or 30032
adjudicated a delinquent child for committing a violation of 30033
section 2903.13 of the Revised Code when the victim of the 30034
violation is a peace officer, regardless of whether the applicant 30035
was sentenced under division (C)(3) of that section. 30036

(f) Except as otherwise provided in division (D)(5) of this 30037

section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

(g) Except as otherwise provided in division (D)(1)(e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

(h) Except as otherwise provided in division (D)(5) of this section, the applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01

of the Revised Code. 30070

(j) The applicant is not currently subject to a civil 30071
protection order, a temporary protection order, or a protection 30072
order issued by a court of another state. 30073

(k) The applicant certifies that the applicant desires a 30074
legal means to carry a concealed handgun for defense of the 30075
applicant or a member of the applicant's family while engaged in 30076
lawful activity. 30077

(l) The applicant submits a competency certification of the 30078
type described in division (B)(3) of this section and submits a 30079
certification of the type described in division (B)(4) of this 30080
section regarding the applicant's reading of the pamphlet prepared 30081
by the Ohio peace officer training commission pursuant to section 30082
109.731 of the Revised Code. 30083

(m) The applicant currently is not subject to a suspension 30084
imposed under division (A)(2) of section 2923.128 of the Revised 30085
Code of a license to carry a concealed handgun, or a temporary 30086
emergency license to carry a concealed handgun, that previously 30087
was issued to the applicant under this section or section 30088
2923.1213 of the Revised Code. 30089

(2)(a) A license to carry a concealed handgun that a sheriff 30090
issues under division (D)(1) of this section on or after March 14, 30091
2007, shall expire five years after the date of issuance. A 30092
license to carry a concealed handgun that a sheriff issued under 30093
division (D)(1) of this section prior to March 14, 2007, shall 30094
expire four years after the date of issuance. 30095

If a sheriff issues a license under this section, the sheriff 30096
shall place on the license a unique combination of letters and 30097
numbers identifying the license in accordance with the procedure 30098
prescribed by the Ohio peace officer training commission pursuant 30099
to section 109.731 of the Revised Code. 30100

(b) If a sheriff denies an application under this section 30101
because the applicant does not satisfy the criteria described in 30102
division (D)(1) of this section, the sheriff shall specify the 30103
grounds for the denial in a written notice to the applicant. The 30104
applicant may appeal the denial pursuant to section 119.12 of the 30105
Revised Code in the county served by the sheriff who denied the 30106
application. If the denial was as a result of the criminal records 30107
check conducted pursuant to section 311.41 of the Revised Code and 30108
if, pursuant to section 2923.127 of the Revised Code, the 30109
applicant challenges the criminal records check results using the 30110
appropriate challenge and review procedure specified in that 30111
section, the time for filing the appeal pursuant to section 119.12 30112
of the Revised Code and this division is tolled during the 30113
pendency of the request or the challenge and review. If the court 30114
in an appeal under section 119.12 of the Revised Code and this 30115
division enters a judgment sustaining the sheriff's refusal to 30116
grant to the applicant a license to carry a concealed handgun, the 30117
applicant may file a new application beginning one year after the 30118
judgment is entered. If the court enters a judgment in favor of 30119
the applicant, that judgment shall not restrict the authority of a 30120
sheriff to suspend or revoke the license pursuant to section 30121
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 30122
the license for any proper cause that may occur after the date the 30123
judgment is entered. In the appeal, the court shall have full 30124
power to dispose of all costs. 30125

(3) If the sheriff with whom an application for a license to 30126
carry a concealed handgun was filed under this section becomes 30127
aware that the applicant has been arrested for or otherwise 30128
charged with an offense that would disqualify the applicant from 30129
holding the license, the sheriff shall suspend the processing of 30130
the application until the disposition of the case arising from the 30131
arrest or charge. 30132

(4) If the sheriff determines that the applicant is legally living in the United States and is a resident of the county in which the applicant seeks the license or of an adjacent county but does not yet meet the residency requirements described in division (D)(1)(a) of this section, the sheriff shall not deny the license because of the residency requirements but shall not issue the license until the applicant meets those residency requirements.

(5) If an applicant has been convicted of or pleaded guilty to an offense identified in division (D)(1)(e), (f), or (h) of this section or has been adjudicated a delinquent child for committing an act or violation identified in any of those divisions, and if a court has ordered the sealing or expungement of the records of that conviction, guilty plea, or adjudication pursuant to sections 2151.355 to 2151.358 or sections 2953.31 to 2953.36 of the Revised Code or a court has granted the applicant relief pursuant to section 2923.14 of the Revised Code from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or adjudication in making a determination under division (D)(1) or (F) of this section or, in relation to an application for a temporary emergency license to carry a concealed handgun submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(E) If a license to carry a concealed handgun issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement

license a combination of identifying numbers different from the 30165
combination on the license that is being replaced. 30166

(F)(1) A licensee who wishes to renew a license to carry a 30167
concealed handgun issued under this section shall do so not 30168
earlier than ninety days before the expiration date of the license 30169
or at any time after the expiration date of the license by filing 30170
with the sheriff of the county in which the applicant resides or 30171
with the sheriff of an adjacent county an application for renewal 30172
of the license obtained pursuant to division (D) of this section, 30173
a certification by the applicant that, subsequent to the issuance 30174
of the license, the applicant has reread the pamphlet prepared by 30175
the Ohio peace officer training commission pursuant to section 30176
109.731 of the Revised Code that reviews firearms, dispute 30177
resolution, and use of deadly force matters, a nonrefundable 30178
license renewal fee unless the fee is waived, and one of the 30179
following: 30180

(a) If the licensee previously has not renewed a license to 30181
carry a concealed handgun issued under this section, proof that 30182
the licensee at one time had a competency certification of the 30183
type described in division (B)(3) of this section. A valid license 30184
or any other previously issued license that has not been revoked 30185
is prima-facie evidence that the licensee at one time had a 30186
competency certification of the type described in division (B)(3) 30187
of this section. 30188

(b) If the licensee previously has renewed a license to carry 30189
a concealed handgun issued under this section, a renewed 30190
competency certification of the type described in division (G)(4) 30191
of this section. 30192

(2) A sheriff shall accept a completed renewal application, 30193
the license renewal fee, and information specified in division 30194
(F)(1) of this section at the times and in the manners described 30195
in division (I) of this section. Upon receipt of a completed 30196

renewal application, of certification that the applicant has 30197
reread the specified pamphlet prepared by the Ohio peace officer 30198
training commission, of proof of a prior competency certification 30199
for an initial renewal or of a renewed competency certification 30200
for a second or subsequent renewal, and of a license renewal fee 30201
unless the fee is waived, a sheriff, in the manner specified in 30202
section 311.41 of the Revised Code shall conduct or cause to be 30203
conducted the criminal records check and the incompetency records 30204
check described in section 311.41 of the Revised Code. The sheriff 30205
shall renew the license if the sheriff determines that the 30206
applicant continues to satisfy the requirements described in 30207
division (D)(1) of this section, except that the applicant is not 30208
required to meet the requirements of division (D)(1)(1) of this 30209
section. A renewed license that is renewed on or after March 14, 30210
2007, shall expire five years after the date of issuance, and a 30211
renewed license that is renewed prior to March 14, 2007, shall 30212
expire four years after the date of issuance. A renewed license is 30213
subject to division (E) of this section and sections 2923.126 and 30214
2923.128 of the Revised Code. A sheriff shall comply with 30215
divisions (D)(2) to (4) of this section when the circumstances 30216
described in those divisions apply to a requested license renewal. 30217
If a sheriff denies the renewal of a license to carry a concealed 30218
handgun, the applicant may appeal the denial, or challenge the 30219
criminal record check results that were the basis of the denial if 30220
applicable, in the same manner as specified in division (D)(2)(b) 30221
of this section and in section 2923.127 of the Revised Code, 30222
regarding the denial of a license under this section. 30223
30224
(G)(1) Each course, class, or program described in division 30225
(B)(3)(a), (b), (c), or (e) of this section shall provide to each 30226
person who takes the course, class, or program a copy of the 30227
pamphlet prepared by the Ohio peace officer training commission 30228
pursuant to section 109.731 of the Revised Code that reviews 30229

firearms, dispute resolution, and use of deadly force matters. 30230

Each such course, class, or program described in one of those 30231

divisions shall include at least twelve hours of training in the 30232

safe handling and use of a firearm that shall include all of the 30233

following: 30234

(a) At least ten hours of training on the following matters: 30235

(i) The ability to name, explain, and demonstrate the rules 30236

for safe handling of a handgun and proper storage practices for 30237

handguns and ammunition; 30238

(ii) The ability to demonstrate and explain how to handle 30239

ammunition in a safe manner; 30240

(iii) The ability to demonstrate the knowledge, skills, and 30241

attitude necessary to shoot a handgun in a safe manner; 30242

(iv) Gun handling training. 30243

(b) At least two hours of training that consists of range 30244

time and live-fire training. 30245

(2) To satisfactorily complete the course, class, or program 30246

described in division (B)(3)(a), (b), (c), or (e) of this section, 30247

the applicant shall pass a competency examination that shall 30248

include both of the following: 30249

(a) A written section on the ability to name and explain the 30250

rules for the safe handling of a handgun and proper storage 30251

practices for handguns and ammunition; 30252

(b) A physical demonstration of competence in the use of a 30253

handgun and in the rules for safe handling and storage of a 30254

handgun and a physical demonstration of the attitude necessary to 30255

shoot a handgun in a safe manner. 30256

(3) The competency certification described in division 30257

(B)(3)(a), (b), (c), or (e) of this section shall be dated and 30258

shall attest that the course, class, or program the applicant 30259

successfully completed met the requirements described in division 30260
(G)(1) of this section and that the applicant passed the 30261
competency examination described in division (G)(2) of this 30262
section. 30263

(4) A person who previously has received a competency 30264
certification as described in division (B)(3) of this section, or 30265
who previously has received a renewed competency certification as 30266
described in this division, may obtain a renewed competency 30267
certification pursuant to this division. If the person previously 30268
has received a competency certification or previously has received 30269
a renewed competency certification, the person may obtain a 30270
renewed competency certification from an entity that offers a 30271
course, class, or program described in division (B)(3)(a), (b), 30272
(c), or (e) of this section by passing a test that demonstrates 30273
that the person is range competent. In these circumstances, the 30274
person is not required to attend the course, class, or program or 30275
to take the competency examination described in division (G)(2) of 30276
this section for the renewed competency certification in order to 30277
be eligible to receive a renewed competency certification. A 30278
renewed competency certification issued under this division shall 30279
be dated and shall attest that the person has demonstrated range 30280
competency. 30281

(H) Upon deciding to issue a license, deciding to issue a 30282
replacement license, or deciding to renew a license to carry a 30283
concealed handgun pursuant to this section, and before actually 30284
issuing or renewing the license, the sheriff shall make available 30285
through the law enforcement automated data system all information 30286
contained on the license. If the license subsequently is suspended 30287
under division (A)(1) or (2) of section 2923.128 of the Revised 30288
Code, revoked pursuant to division (B)(1) of section 2923.128 of 30289
the Revised Code, or lost or destroyed, the sheriff also shall 30290
make available through the law enforcement automated data system a 30291

notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.

(I) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an application form or renewal application and a copy of the pamphlet described in division (B) of section 109.731 of the Revised Code to any person during at least fifteen hours a week. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division.

Sec. 2923.1213. (A) As used in this section:

(1) "Evidence of imminent danger" means any of the following:

(a) A statement sworn by the person seeking to carry a concealed handgun that is made under threat of perjury and that states that the person has reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed;

(b) A written document prepared by a governmental entity or public official describing the facts that give the person seeking to carry a concealed handgun reasonable cause to fear a criminal attack upon the person or a member of the person's family, such as would justify a prudent person in going armed. Written documents of this nature include, but are not limited to, any temporary protection order, civil protection order, protection order issued by another state, or other court order, any court report, and any report filed with or made by a law enforcement agency or prosecutor.

(2) "Prosecutor" has the same meaning as in section 2935.01 30323
of the Revised Code. 30324

(B)(1) A person seeking a temporary emergency license to 30325
carry a concealed handgun shall submit to the sheriff of the 30326
county in which the person resides all of the following: 30327

(a) Evidence of imminent danger to the person or a member of 30328
the person's family; 30329

(b) A sworn affidavit that contains all of the information 30330
required to be on the license and attesting that the person is 30331
legally living in the United States; is at least twenty-one years 30332
of age; is not a fugitive from justice; is not under indictment 30333
for or otherwise charged with an offense identified in division 30334
(D)(1)(d) of section 2923.125 of the Revised Code; has not been 30335
convicted of or pleaded guilty to an offense, and has not been 30336
adjudicated a delinquent child for committing an act, identified 30337
in division (D)(1)(e) of that section and to which division (B)(3) 30338
of this section does not apply; within three years of the date of 30339
the submission, has not been convicted of or pleaded guilty to an 30340
offense, and has not been adjudicated a delinquent child for 30341
committing an act, identified in division (D)(1)(f) of that 30342
section and to which division (B)(3) of this section does not 30343
apply; within five years of the date of the submission, has not 30344
been convicted of, pleaded guilty, or adjudicated a delinquent 30345
child for committing two or more violations identified in division 30346
(D)(1)(g) of that section; within ten years of the date of the 30347
submission, has not been convicted of, pleaded guilty, or 30348
adjudicated a delinquent child for committing a violation 30349
identified in division (D)(1)(h) of that section and to which 30350
division (B)(3) of this section does not apply; has not been 30351
adjudicated as a mental defective, has not been committed to any 30352
mental institution, is not under adjudication of mental 30353
incompetence, has not been found by a court to be a mentally ill 30354

person subject to hospitalization by court order, and is not an 30355
involuntary patient other than one who is a patient only for 30356
purposes of observation, as described in division (D)(1)(i) of 30357
that section; is not currently subject to a civil protection 30358
order, a temporary protection order, or a protection order issued 30359
by a court of another state, as described in division (D)(1)(j) of 30360
that section; and is not currently subject to a suspension imposed 30361
under division (A)(2) of section 2923.128 of the Revised Code of a 30362
license to carry a concealed handgun, or a temporary emergency 30363
license to carry a concealed handgun, that previously was issued 30364
to the person; 30365

(c) A nonrefundable temporary emergency license fee 30366
~~established by the Ohio peace officer training commission for an~~ 30367
~~amount that does not exceed the actual cost of conducting the~~ 30368
~~criminal background check or thirty dollars; as described in~~ 30369
either of the following: 30370

(i) For an applicant who has been a resident of this state 30371
for five or more years, a fee of fifteen dollars plus the actual 30372
cost of having a background check performed by the bureau of 30373
criminal identification and investigation pursuant to section 30374
311.41 of the Revised Code; 30375

(ii) For an applicant who has been a resident of this state 30376
for less than five years, a fee of fifteen dollars plus the actual 30377
cost of having background checks performed by the federal bureau 30378
of investigation and the bureau of criminal identification and 30379
investigation pursuant to section 311.41 of the Revised Code. 30380

(d) A set of fingerprints of the applicant provided as 30381
described in section 311.41 of the Revised Code through use of an 30382
electronic fingerprint reading device or, if the sheriff to whom 30383
the application is submitted does not possess and does not have 30384
ready access to the use of an electronic fingerprint reading 30385
device, on a standard impression sheet prescribed pursuant to 30386

division (C)(2) of section 109.572 of the Revised Code. If the 30387
fingerprints are provided on a standard impression sheet, the 30388
person also shall provide the person's social security number to 30389
the sheriff. 30390

(2) A sheriff shall accept the evidence of imminent danger, 30391
the sworn affidavit, the fee, and the set of fingerprints required 30392
under division (B)(1) of this section at the times and in the 30393
manners described in division (I) of this section. Upon receipt of 30394
the evidence of imminent danger, the sworn affidavit, the fee, and 30395
the set of fingerprints required under division (B)(1) of this 30396
section, the sheriff, in the manner specified in section 311.41 of 30397
the Revised Code, immediately shall conduct or cause to be 30398
conducted the criminal records check and the incompetency records 30399
check described in section 311.41 of the Revised Code. Immediately 30400
upon receipt of the results of the records checks, the sheriff 30401
shall review the information and shall determine whether the 30402
criteria set forth in divisions (D)(1)(a) to (j) and (m) of 30403
section 2923.125 of the Revised Code apply regarding the person. 30404
If the sheriff determines that all of criteria set forth in 30405
divisions (D)(1)(a) to (j) and (m) of section 2923.125 of the 30406
Revised Code apply regarding the person, the sheriff shall 30407
immediately make available through the law enforcement automated 30408
data system all information that will be contained on the 30409
temporary emergency license for the person if one is issued, and 30410
the superintendent of the state highway patrol shall ensure that 30411
the system is so configured as to permit the transmission through 30412
the system of that information. Upon making that information 30413
available through the law enforcement automated data system, the 30414
sheriff shall immediately issue to the person a temporary 30415
emergency license to carry a concealed handgun. 30416

If the sheriff denies the issuance of a temporary emergency 30417
license to the person, the sheriff shall specify the grounds for 30418

the denial in a written notice to the person. The person may 30419
appeal the denial, or challenge criminal records check results 30420
that were the basis of the denial if applicable, in the same 30421
manners specified in division (D)(2) of section 2923.125 and in 30422
section 2923.127 of the Revised Code, regarding the denial of an 30423
application for a license to carry a concealed handgun under that 30424
section. 30425

The temporary emergency license under this division shall be 30426
in the form, and shall include all of the information, described 30427
in divisions (A)(2) and (5) of section 109.731 of the Revised 30428
Code, and also shall include a unique combination of identifying 30429
letters and numbers in accordance with division (A)(4) of that 30430
section. 30431

The temporary emergency license issued under this division is 30432
valid for ninety days and may not be renewed. A person who has 30433
been issued a temporary emergency license under this division 30434
shall not be issued another temporary emergency license unless at 30435
least four years has expired since the issuance of the prior 30436
temporary emergency license. 30437

(3) If a person seeking a temporary emergency license to 30438
carry a concealed handgun has been convicted of or pleaded guilty 30439
to an offense identified in division (D)(1)(e), (f), or (h) of 30440
section 2923.125 of the Revised Code or has been adjudicated a 30441
delinquent child for committing an act or violation identified in 30442
any of those divisions, and if a court has ordered the sealing or 30443
expungement of the records of that conviction, guilty plea, or 30444
adjudication pursuant to sections 2151.355 to 2151.358 or sections 30445
2953.31 to 2953.36 of the Revised Code or a court has granted the 30446
applicant relief pursuant to section 2923.14 of the Revised Code 30447
from the disability imposed pursuant to section 2923.13 of the 30448
Revised Code relative to that conviction, guilty plea, or 30449
adjudication, the conviction, guilty plea, or adjudication shall 30450

not be relevant for purposes of the sworn affidavit described in 30451
division (B)(1)(b) of this section, and the person may complete, 30452
and swear to the truth of, the affidavit as if the conviction, 30453
guilty plea, or adjudication never had occurred. 30454

(4) The sheriff shall waive the payment pursuant to division 30455
(B)(1)(c) of this section of the license fee in connection with an 30456
application that is submitted by an applicant who is a retired 30457
peace officer, a retired person described in division (B)(1)(b) of 30458
section 109.77 of the Revised Code, or a retired federal law 30459
enforcement officer who, prior to retirement, was authorized under 30460
federal law to carry a firearm in the course of duty, unless the 30461
retired peace officer, person, or federal law enforcement officer 30462
retired as the result of a mental disability. 30463

The sheriff shall deposit all fees paid by an applicant under 30464
division (B)(1)(c) of this section into the sheriff's concealed 30465
handgun license issuance fund established pursuant to section 30466
311.42 of the Revised Code. 30467

(C) A person who holds a temporary emergency license to carry 30468
a concealed handgun has the same right to carry a concealed 30469
handgun as a person who was issued a license to carry a concealed 30470
handgun under section 2923.125 of the Revised Code, and any 30471
exceptions to the prohibitions contained in section 1547.69 and 30472
sections 2923.12 to 2923.16 of the Revised Code for a licensee 30473
under section 2923.125 of the Revised Code apply to a licensee 30474
under this section. The person is subject to the same 30475
restrictions, and to all other procedures, duties, and sanctions, 30476
that apply to a person who carries a license issued under section 30477
2923.125 of the Revised Code, other than the license renewal 30478
procedures set forth in that section. 30479

(D) A sheriff who issues a temporary emergency license to 30480
carry a concealed handgun under this section shall not require a 30481
person seeking to carry a concealed handgun in accordance with 30482

this section to submit a competency certificate as a prerequisite 30483
for issuing the license and shall comply with division (H) of 30484
section 2923.125 of the Revised Code in regards to the license. 30485
The sheriff shall suspend or revoke the license in accordance with 30486
section 2923.128 of the Revised Code. In addition to the 30487
suspension or revocation procedures set forth in section 2923.128 30488
of the Revised Code, the sheriff may revoke the license upon 30489
receiving information, verifiable by public documents, that the 30490
person is not eligible to possess a firearm under either the laws 30491
of this state or of the United States or that the person committed 30492
perjury in obtaining the license; if the sheriff revokes a license 30493
under this additional authority, the sheriff shall notify the 30494
person, by certified mail, return receipt requested, at the 30495
person's last known residence address that the license has been 30496
revoked and that the person is required to surrender the license 30497
at the sheriff's office within ten days of the date on which the 30498
notice was mailed. Division (H) of section 2923.125 of the Revised 30499
Code applies regarding any suspension or revocation of a temporary 30500
emergency license to carry a concealed handgun. 30501

(E) A sheriff who issues a temporary emergency license to 30502
carry a concealed handgun under this section shall retain, for the 30503
entire period during which the temporary emergency license is in 30504
effect, the evidence of imminent danger that the person submitted 30505
to the sheriff and that was the basis for the license, or a copy 30506
of that evidence, as appropriate. 30507

(F) If a temporary emergency license to carry a concealed 30508
handgun issued under this section is lost or is destroyed, the 30509
licensee may obtain from the sheriff who issued that license a 30510
duplicate license upon the payment of a fee of fifteen dollars and 30511
the submission of an affidavit attesting to the loss or 30512
destruction of the license. The sheriff, in accordance with the 30513
procedures prescribed in section 109.731 of the Revised Code, 30514

shall place on the replacement license a combination of 30515
identifying numbers different from the combination on the license 30516
that is being replaced. 30517

(G) The Ohio peace officer training commission shall 30518
prescribe, and shall make available to sheriffs, a standard form 30519
to be used under division (B) of this section by a person who 30520
applies for a temporary emergency license to carry a concealed 30521
handgun on the basis of imminent danger of a type described in 30522
division (A)(1)(a) of this section. 30523

(H) A sheriff who receives any fees paid by a person under 30524
this section shall deposit all fees so paid into the sheriff's 30525
concealed handgun license issuance expense fund established under 30526
section 311.42 of the Revised Code. 30527

(I) A sheriff shall accept evidence of imminent danger, a 30528
sworn affidavit, the fee, and the set of fingerprints specified in 30529
division (B)(1) of this section at any time during normal business 30530
hours. In no case shall a sheriff require an appointment, or 30531
designate a specific period of time, for the submission or 30532
acceptance of evidence of imminent danger, a sworn affidavit, the 30533
fee, and the set of fingerprints specified in division (B)(1) of 30534
this section, or for the provision to any person of a standard 30535
form to be used for a person to apply for a temporary emergency 30536
license to carry a concealed handgun. 30537

Sec. 2937.22. (A) Bail is security for the appearance of an 30538
accused to appear and answer to a specific criminal or 30539
quasi-criminal charge in any court or before any magistrate at a 30540
specific time or at any time to which a case may be continued, and 30541
not depart without leave. It may take any of the following forms: 30542

~~(A)(1)~~ The deposit of cash by the accused or by some other 30543
person for ~~him~~ the accused; 30544

~~(B)~~(2) The deposit by the accused or by some other person for 30545
~~him~~ the accused in form of bonds of the United States, this state, 30546
or any political subdivision thereof in a face amount equal to the 30547
sum set by the court or magistrate. In case of bonds not 30548
negotiable by delivery such bonds shall be properly endorsed for 30549
transfer. 30550

~~(C)~~(3) The written undertaking by one or more persons to 30551
forfeit the sum of money set by the court or magistrate, if the 30552
accused is in default for appearance, which shall be known as a 30553
recognizance. 30554

(B) Whenever a person is charged with any offense other than 30555
a traffic offense that is not a moving violation and posts bail, 30556
the person shall pay a surcharge of twenty-five dollars. The clerk 30557
of the court shall retain the twenty-five dollars until the person 30558
is convicted, pleads guilty, forfeits bail, is found not guilty, 30559
or has the charges dismissed. If the person is convicted, pleads 30560
guilty, or forfeits bail, the clerk shall transmit the twenty-five 30561
dollars on or before the twentieth day of the month following the 30562
month in which the person was convicted, pleaded guilty, or 30563
forfeited bail to the treasurer of state, and the treasurer of 30564
state shall deposit it into the indigent defense support fund 30565
created under section 120.08 of the Revised Code. If the person is 30566
found not guilty or the charges are dismissed, the clerk shall 30567
return the twenty-five dollars to the person. 30568

(C) All bail shall be received by the clerk of the court, 30569
deputy clerk of court, or by the magistrate, or by a special 30570
referee appointed by the supreme court pursuant to section 2937.46 30571
of the Revised Code, and, except in cases of recognizances, 30572
receipt shall be given therefor ~~by him~~. 30573

(D) As used in this section, "moving violation" has the same 30574
meaning as in section 2743.70 of the Revised Code. 30575

Sec. 2949.091. (A)(1)(a) The court, in which any person is convicted of or pleads guilty to any offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the sum of fifteen dollars following sums as costs in the case in addition to any other court costs that the court is required by law to impose upon the offender:

(i) Thirty dollars if the offense is a felony;

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation;

(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such

(b) All moneys collected pursuant to division (A)(1)(a) of this section during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state into to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code. The court shall not waive the payment of the additional ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the court determines that the offender is indigent and waives the payment of all court costs imposed upon the indigent offender.

(2)(a) The juvenile court, in which a child is found to be a delinquent child or a juvenile traffic offender for an act ~~which that~~, if committed by an adult, would be an offense ~~other than a traffic offense that is not a moving violation~~, shall impose one of the sum of fifteen dollars following sums as costs in the case in addition to any other court costs that the court is required or permitted by law to impose upon the delinquent child or juvenile traffic offender:

(i) Thirty dollars if the offense is a felony;

(ii) Twenty dollars if the offense is a misdemeanor other than a traffic offense that is not a moving violation; 30606
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(iii) Ten dollars if the offense is a traffic offense that is not a moving violation, excluding parking violations. All such 30608
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(b) All moneys collected pursuant to division (A)(2)(a) of this section during a month shall be transmitted on or before the 30610
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twentieth day of the following month by the clerk of the court to the treasurer of state and deposited by the treasurer of state into to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code. The ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs shall be collected in all cases unless the court determines the juvenile is indigent and waives the payment of all court costs, or enters an order on its journal stating that it has determined that the juvenile is indigent, that no other court costs are to be taxed in the case, and that the payment of the ~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs is waived.

(B) Whenever a person is charged with any offense ~~other than a traffic offense that is not a moving violation and posts bail described in division (A)(1) of this section~~, the court shall add to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten dollars required to be paid by division (A)(1) of this section. The ~~fifteen~~ thirty, twenty, or ten dollars shall be retained by the clerk of the court until the person is convicted, pleads guilty, forfeits bail, is found not guilty, or has the charges dismissed. If the person is convicted, pleads guilty, or forfeits bail, the clerk shall transmit the ~~fifteen~~ thirty, twenty, or ten dollars on or before the twentieth day of the month following the month in which the person was convicted, pleaded guilty, or forfeited bail to the treasurer of state, who shall deposit it ~~into to the credit of the general revenue indigent defense support fund established under section 120.08 of the Revised Code.~~ If the

person is found not guilty or the charges are dismissed, the clerk 30638
shall return the ~~fifteen~~ thirty, twenty, or ten dollars to the 30639
person. 30640

(C) No person shall be placed or held in a detention facility 30641
for failing to pay the additional ~~fifteen dollars~~ thirty-, 30642
twenty-, or ten-dollar court costs or bail that are required to be 30643
paid by this section. 30644

(D) As used in this section: 30645

(1) "Moving violation" and "bail" have the same meanings as 30646
in section 2743.70 of the Revised Code. 30647

(2) "Detention facility" has the same meaning as in section 30648
2921.01 of the Revised Code. 30649

Sec. 2949.111. (A) As used in this section: 30650

(1) "Court costs" means any assessment that the court 30651
requires an offender to pay to defray the costs of operating the 30652
court. 30653

(2) "State fines or costs" means any costs imposed or 30654
forfeited bail collected by the court under section 2743.70 of the 30655
Revised Code for deposit into the reparations fund or under 30656
section 2949.091 of the Revised Code for deposit into the ~~general~~ 30657
~~revenue~~ indigent defense support fund established under section 30658
120.08 of the Revised Code and all fines, penalties, and forfeited 30659
bail collected by the court and paid to a law library association 30660
under sections 3375.50 to 3375.53 of the Revised Code. 30661

(3) "Reimbursement" means any reimbursement for the costs of 30662
confinement that the court orders an offender to pay pursuant to 30663
section 2929.28 of the Revised Code, any supervision fee, any fee 30664
for the costs of house arrest with electronic monitoring that an 30665
offender agrees to pay, any reimbursement for the costs of an 30666
investigation or prosecution that the court orders an offender to 30667

pay pursuant to section 2929.71 of the Revised Code, or any other 30668
costs that the court orders an offender to pay. 30669

(4) "Supervision fees" means any fees that a court, pursuant 30670
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 30671
requires an offender who is under a community control sanction to 30672
pay for supervision services. 30673

(5) "Community control sanction" has the same meaning as in 30674
section 2929.01 of the Revised Code. 30675

(B) Unless the court, in accordance with division (C) of this 30676
section, enters in the record of the case a different method of 30677
assigning payments, if a person who is charged with a misdemeanor 30678
is convicted of or pleads guilty to the offense, if the court 30679
orders the offender to pay any combination of court costs, state 30680
fines or costs, restitution, a conventional fine, or any 30681
reimbursement, and if the offender makes any payment of any of 30682
them to a clerk of court, the clerk shall assign the offender's 30683
payment in the following manner: 30684

(1) If the court ordered the offender to pay any court costs, 30685
the offender's payment shall be assigned toward the satisfaction 30686
of those court costs until they have been entirely paid. 30687

(2) If the court ordered the offender to pay any state fines 30688
or costs and if all of the court costs that the court ordered the 30689
offender to pay have been paid, the remainder of the offender's 30690
payment shall be assigned on a pro rata basis toward the 30691
satisfaction of the state fines or costs until they have been 30692
entirely paid. 30693

(3) If the court ordered the offender to pay any restitution 30694
and if all of the court costs and state fines or costs that the 30695
court ordered the offender to pay have been paid, the remainder of 30696
the offender's payment shall be assigned toward the satisfaction 30697
of the restitution until it has been entirely paid. 30698

(4) If the court ordered the offender to pay any fine and if all of the court costs, state fines or costs, and restitution that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the fine until it has been entirely paid.

(5) If the court ordered the offender to pay any reimbursement and if all of the court costs, state fines or costs, restitution, and fines that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the reimbursements until they have been entirely paid.

(C) If a person who is charged with a misdemeanor is convicted of or pleads guilty to the offense and if the court orders the offender to pay any combination of court costs, state fines or costs, restitution, fines, or reimbursements, the court, at the time it orders the offender to make those payments, may prescribe an order of payments that differs from the order set forth in division (B) of this section by entering in the record of the case the order so prescribed. If a different order is entered in the record, on receipt of any payment, the clerk of the court shall assign the payment in the manner prescribed by the court.

Sec. 2949.17. (A) The sheriff may take one guard for every two convicted felons to be transported to a correctional institution. The trial judge may authorize a larger number of guards upon written application of the sheriff, in which case a transcript of the order of the judge shall be certified by the clerk of the court of common pleas under the seal of the court, and the sheriff shall deliver the order with the convict to the person in charge of the correctional institution.

(B) In order to obtain reimbursement for the county for the expenses of transportation for indigent convicted felons, the

clerk of the court of common pleas shall prepare a transportation 30730
cost bill for each indigent convicted felon transported pursuant 30731
to this section for an amount equal to ~~ten cents~~ not less than one 30732
dollar a mile from the county seat to the state correctional 30733
institution and return for ~~the sheriff and each of the guards and~~ 30734
~~five cents a mile from the county seat to the state correctional~~ 30735
~~institution for~~ each prisoner. The number of miles shall be 30736
computed by the usual route of travel. The clerk's duties under 30737
this division are subject to division (B) of section 2949.19 of 30738
the Revised Code. 30739

Sec. 2981.13. (A) Except as otherwise provided in this 30740
section, property ordered forfeited as contraband, proceeds, or an 30741
instrumentality pursuant to this chapter shall be disposed of, 30742
used, or sold pursuant to section 2981.12 of the Revised Code. If 30743
the property is to be sold under that section, the prosecutor 30744
shall cause notice of the proposed sale to be given in accordance 30745
with law. 30746

(B) If the contraband or instrumentality forfeited under this 30747
chapter is sold, any moneys acquired from a sale and any proceeds 30748
forfeited under this chapter shall be applied in the following 30749
order: 30750

(1) First, to pay costs incurred in the seizure, storage, 30751
maintenance, security, and sale of the property and in the 30752
forfeiture proceeding; 30753

(2) Second, in a criminal forfeiture case, to satisfy any 30754
restitution ordered to the victim of the offense or, in a civil 30755
forfeiture case, to satisfy any recovery ordered for the person 30756
harmd, unless paid from other assets; 30757

(3) Third, to pay the balance due on any security interest 30758
preserved under this chapter; 30759

(4) Fourth, apply the remaining amounts as follows: 30760

(a) If the forfeiture was ordered by a juvenile court, ten 30761
per cent to one or more certified alcohol and drug addiction 30762
treatment programs as provided in division (D) of section 2981.12 30763
of the Revised Code; 30764

(b) If the forfeiture was ordered in a juvenile court, ninety 30765
per cent, and if the forfeiture was ordered in a court other than 30766
a juvenile court, one hundred per cent to the law enforcement 30767
trust fund of the prosecutor and to the following fund supporting 30768
the law enforcement agency that substantially conducted the 30769
investigation: the law enforcement trust fund of the county 30770
sheriff, municipal corporation, township, or park district created 30771
under section 511.18 or 1545.01 of the Revised Code; the state 30772
highway patrol contraband, forfeiture, and other fund; the 30773
department of public safety investigative unit contraband, 30774
forfeiture, and other fund; the department of taxation enforcement 30775
fund; the board of pharmacy drug law enforcement fund created by 30776
division (B)(1) of section 4729.65 of the Revised Code; the 30777
medicaid fraud investigation and prosecution fund; or the 30778
treasurer of state for deposit into the peace officer training 30779
commission fund if any other state law enforcement agency 30780
substantially conducted the investigation. In the case of property 30781
forfeited for medicaid fraud, any remaining amount shall be used 30782
by the attorney general to investigate and prosecute medicaid 30783
fraud offenses. 30784

If the prosecutor declines to accept any of the remaining 30785
amounts, the amounts shall be applied to the fund of the agency 30786
that substantially conducted the investigation. 30787

(c) If more than one law enforcement agency is substantially 30788
involved in the seizure of property forfeited under this chapter, 30789
the court ordering the forfeiture shall equitably divide the 30790
amounts, after calculating any distribution to the law enforcement 30791

trust fund of the prosecutor pursuant to division (B)(4) of this 30792
section, among the entities that the court determines were 30793
substantially involved in the seizure. 30794

(C)(1) A law enforcement trust fund shall be established by 30795
the prosecutor of each county who intends to receive any remaining 30796
amounts pursuant to this section, by the sheriff of each county, 30797
by the legislative authority of each municipal corporation, by the 30798
board of township trustees of each township that has a township 30799
police department, township police district police force, or 30800
office of the constable, and by the board of park commissioners of 30801
each park district created pursuant to section 511.18 or 1545.01 30802
of the Revised Code that has a park district police force or law 30803
enforcement department, for the purposes of this section. 30804

There is hereby created in the state treasury the state 30805
highway patrol contraband, forfeiture, and other fund, the 30806
department of public safety investigative unit contraband, 30807
forfeiture, and other fund, the medicaid fraud investigation and 30808
prosecution fund, the department of taxation enforcement fund, and 30809
the peace officer training commission fund, for the purposes of 30810
this section. 30811

Amounts distributed to any municipal corporation, township, 30812
or park district law enforcement trust fund shall be allocated 30813
from the fund by the legislative authority only to the police 30814
department of the municipal corporation, by the board of township 30815
trustees only to the township police department, township police 30816
district police force, or office of the constable, and by the 30817
board of park commissioners only to the park district police force 30818
or law enforcement department. 30819

(2)(a) No amounts shall be allocated to a fund created under 30820
this section or used by an agency unless the agency has adopted a 30821
written internal control policy that addresses the use of moneys 30822
received from the appropriate fund. The appropriate fund shall be 30823

expended only in accordance with that policy and, subject to the 30824
requirements specified in this section, only for the following 30825
purposes: 30826

(i) To pay the costs of protracted or complex investigations 30827
or prosecutions; 30828

(ii) To provide reasonable technical training or expertise; 30829

(iii) To provide matching funds to obtain federal grants to 30830
aid law enforcement, in the support of DARE programs or other 30831
programs designed to educate adults or children with respect to 30832
the dangers associated with the use of drugs of abuse; 30833

(iv) To pay the costs of emergency action taken under section 30834
3745.13 of the Revised Code relative to the operation of an 30835
illegal methamphetamine laboratory if the forfeited property or 30836
money involved was that of a person responsible for the operation 30837
of the laboratory; 30838

(v) For other law enforcement purposes that the 30839
superintendent of the state highway patrol, department of public 30840
safety, prosecutor, county sheriff, legislative authority, 30841
department of taxation, board of township trustees, or board of 30842
park commissioners determines to be appropriate. 30843

(b) The board of pharmacy drug law enforcement fund shall be 30844
expended only in accordance with the written internal control 30845
policy so adopted by the board and only in accordance with section 30846
4729.65 of the Revised Code, except that it also may be expended 30847
to pay the costs of emergency action taken under section 3745.13 30848
of the Revised Code relative to the operation of an illegal 30849
methamphetamine laboratory if the forfeited property or money 30850
involved was that of a person responsible for the operation of the 30851
laboratory. 30852

(c) The state highway patrol contraband, forfeiture, and 30853
other fund, the department of public safety investigative unit 30854

contraband, forfeiture, and other fund, the department of taxation 30855
enforcement fund, the board of pharmacy drug law enforcement fund, 30856
and a law enforcement trust fund shall not be used to meet the 30857
operating costs of the state highway patrol, of the investigative 30858
unit of the department of public safety, of the state board of 30859
pharmacy, of any political subdivision, or of any office of a 30860
prosecutor or county sheriff that are unrelated to law 30861
enforcement. 30862

(d) Forfeited moneys that are paid into the state treasury to 30863
be deposited into the peace officer training commission fund shall 30864
be used by the commission only to pay the costs of peace officer 30865
training. 30866

(3) Any of the following offices or agencies that receive 30867
amounts under this section during any calendar year shall file a 30868
report with the specified entity, not later than the thirty-first 30869
day of January of the next calendar year, verifying that the 30870
moneys were expended only for the purposes authorized by this 30871
section or other relevant statute and specifying the amounts 30872
expended for each authorized purpose: 30873

(a) Any sheriff or prosecutor shall file the report with the 30874
county auditor. 30875

(b) Any municipal corporation police department shall file 30876
the report with the legislative authority of the municipal 30877
corporation. 30878

(c) Any township police department, township police district 30879
police force, or office of the constable shall file the report 30880
with the board of township trustees of the township. 30881

(d) Any park district police force or law enforcement 30882
department shall file the report with the board of park 30883
commissioners of the park district. 30884

(e) The superintendent of the state highway patrol and the 30885

tax commissioner shall file the report with the attorney general. 30886

(f) The executive director of the state board of pharmacy 30887
shall file the report with the attorney general, verifying that 30888
cash and forfeited proceeds paid into the board of pharmacy drug 30889
law enforcement fund were used only in accordance with section 30890
4729.65 of the Revised Code. 30891

(g) The peace officer training commission shall file a report 30892
with the attorney general, verifying that cash and forfeited 30893
proceeds paid into the peace officer training commission fund 30894
pursuant to this section during the prior calendar year were used 30895
by the commission during the prior calendar year only to pay the 30896
costs of peace officer training. 30897

(D) The written internal control policy of a county sheriff, 30898
prosecutor, municipal corporation police department, township 30899
police department, township police district police force, office 30900
of the constable, or park district police force or law enforcement 30901
department shall provide that at least ten per cent of the first 30902
one hundred thousand dollars of amounts deposited during each 30903
calendar year in the agency's law enforcement trust fund under 30904
this section, and at least twenty per cent of the amounts 30905
exceeding one hundred thousand dollars that are so deposited, 30906
shall be used in connection with community preventive education 30907
programs. The manner of use shall be determined by the sheriff, 30908
prosecutor, department, police force, or office of the constable 30909
after receiving and considering advice on appropriate community 30910
preventive education programs from the county's board of alcohol, 30911
drug addiction, and mental health services, from the county's 30912
alcohol and drug addiction services board, or through appropriate 30913
community dialogue. 30914

The financial records kept under the internal control policy 30915
shall specify the amount deposited during each calendar year in 30916
the portion of that amount that was used pursuant to this 30917

division, and the programs in connection with which the portion of 30918
that amount was so used. 30919

As used in this division, "community preventive education 30920
programs" include, but are not limited to, DARE programs and other 30921
programs designed to educate adults or children with respect to 30922
the dangers associated with using drugs of abuse. 30923

(E) Upon the sale, under this section or section 2981.12 of 30924
the Revised Code, of any property that is required by law to be 30925
titled or registered, the state shall issue an appropriate 30926
certificate of title or registration to the purchaser. If the 30927
state is vested with title and elects to retain property that is 30928
required to be titled or registered under law, the state shall 30929
issue an appropriate certificate of title or registration. 30930

(F) Any failure of a law enforcement officer or agency, 30931
prosecutor, court, or the attorney general to comply with this 30932
section in relation to any property seized does not affect the 30933
validity of the seizure and shall not be considered to be the 30934
basis for suppressing any evidence resulting from the seizure, 30935
provided the seizure itself was lawful. 30936

Sec. 3105.87. The court may order a public retirement program 30937
or the Ohio public employees deferred compensation program to 30938
provide information from a participant's personal history record 30939
necessary to determine the amounts described in division (D) of 30940
section 3105.82 of the Revised Code. 30941

Sec. 3119.01. (A) As used in the Revised Code, "child support 30942
enforcement agency" means a child support enforcement agency 30943
designated under former section 2301.35 of the Revised Code prior 30944
to October 1, 1997, or a private or government entity designated 30945
as a child support enforcement agency under section 307.981 of the 30946
Revised Code. 30947

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code: 30948
30949

(1) "Administrative child support order" means any order 30950
issued by a child support enforcement agency for the support of a 30951
child pursuant to section 3109.19 or 3111.81 of the Revised Code 30952
or former section 3111.211 of the Revised Code, section 3111.21 of 30953
the Revised Code as that section existed prior to January 1, 1998, 30954
or section 3111.20 or 3111.22 of the Revised Code as those 30955
sections existed prior to March 22, 2001. 30956

(2) "Child support order" means either a court child support 30957
order or an administrative child support order. 30958

(3) "Obligee" means the person who is entitled to receive the 30959
support payments under a support order. 30960

(4) "Obligor" means the person who is required to pay support 30961
under a support order. 30962

(5) "Support order" means either an administrative child 30963
support order or a court support order. 30964

(C) As used in this chapter: 30965

(1) "Combined gross income" means the combined gross income 30966
of both parents. 30967

(2) "Court child support order" means any order issued by a 30968
court for the support of a child pursuant to Chapter 3115. of the 30969
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 30970
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 30971
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 30972
Code, or division (B) of former section 3113.21 of the Revised 30973
Code. 30974

(3) "Court support order" means either a court child support 30975
order or an order for the support of a spouse or former spouse 30976
issued pursuant to Chapter 3115. of the Revised Code, section 30977

3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) 30978
of former section 3113.21 of the Revised Code. 30979

(4) "Extraordinary medical expenses" means any uninsured 30980
medical expenses incurred for a child during a calendar year that 30981
exceed one hundred dollars. 30982

(5) "Income" means either of the following: 30983

(a) For a parent who is employed to full capacity, the gross 30984
income of the parent; 30985

(b) For a parent who is unemployed or underemployed, the sum 30986
of the gross income of the parent and any potential income of the 30987
parent. 30988

(6) "Insurer" means any person authorized under Title XXXIX 30989
of the Revised Code to engage in the business of insurance in this 30990
state, any health insuring corporation, and any legal entity that 30991
is self-insured and provides benefits to its employees or members. 30992

(7) "Gross income" means, except as excluded in division 30993
(C)(7) of this section, the total of all earned and unearned 30994
income from all sources during a calendar year, whether or not the 30995
income is taxable, and includes income from salaries, wages, 30996
overtime pay, and bonuses to the extent described in division (D) 30997
of section 3119.05 of the Revised Code; commissions; royalties; 30998
tips; rents; dividends; severance pay; pensions; interest; trust 30999
income; annuities; social security benefits, including retirement, 31000
disability, and survivor benefits that are not means-tested; 31001
workers' compensation benefits; unemployment insurance benefits; 31002
disability insurance benefits; benefits that are not means-tested 31003
and that are received by and in the possession of the veteran who 31004
is the beneficiary for any service-connected disability under a 31005
program or law administered by the United States department of 31006
veterans' affairs or veterans' administration; spousal support 31007
actually received; and all other sources of income. "Gross income" 31008

includes income of members of any branch of the United States 31009
armed services or national guard, including, amounts representing 31010
base pay, basic allowance for quarters, basic allowance for 31011
subsistence, supplemental subsistence allowance, cost of living 31012
adjustment, specialty pay, variable housing allowance, and pay for 31013
training or other types of required drills; self-generated income; 31014
and potential cash flow from any source. 31015

"Gross income" does not include any of the following: 31016

(a) Benefits received from means-tested government 31017
administered programs, including Ohio works first; prevention, 31018
retention, and contingency; means-tested veterans' benefits; 31019
supplemental security income; ~~food stamps~~ supplemental nutrition 31020
assistance program; disability financial assistance; or other 31021
assistance for which eligibility is determined on the basis of 31022
income or assets; 31023

(b) Benefits for any service-connected disability under a 31024
program or law administered by the United States department of 31025
veterans' affairs or veterans' administration that are not 31026
means-tested, that have not been distributed to the veteran who is 31027
the beneficiary of the benefits, and that are in the possession of 31028
the United States department of veterans' affairs or veterans' 31029
administration; 31030

(c) Child support received for children who were not born or 31031
adopted during the marriage at issue; 31032

(d) Amounts paid for mandatory deductions from wages such as 31033
union dues but not taxes, social security, or retirement in lieu 31034
of social security; 31035

(e) Nonrecurring or unsustainable income or cash flow items; 31036

(f) Adoption assistance and foster care maintenance payments 31037
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 31038
501, 42 U.S.C.A. 670 (1980), as amended. 31039

(8) "Nonrecurring or unsustainable income or cash flow item" 31040
means an income or cash flow item the parent receives in any year 31041
or for any number of years not to exceed three years that the 31042
parent does not expect to continue to receive on a regular basis. 31043
"Nonrecurring or unsustainable income or cash flow item" does not 31044
include a lottery prize award that is not paid in a lump sum or 31045
any other item of income or cash flow that the parent receives or 31046
expects to receive for each year for a period of more than three 31047
years or that the parent receives and invests or otherwise uses to 31048
produce income or cash flow for a period of more than three years. 31049

(9)(a) "Ordinary and necessary expenses incurred in 31050
generating gross receipts" means actual cash items expended by the 31051
parent or the parent's business and includes depreciation expenses 31052
of business equipment as shown on the books of a business entity. 31053

(b) Except as specifically included in "ordinary and 31054
necessary expenses incurred in generating gross receipts" by 31055
division (C)(9)(a) of this section, "ordinary and necessary 31056
expenses incurred in generating gross receipts" does not include 31057
depreciation expenses and other noncash items that are allowed as 31058
deductions on any federal tax return of the parent or the parent's 31059
business. 31060

(10) "Personal earnings" means compensation paid or payable 31061
for personal services, however denominated, and includes wages, 31062
salary, commissions, bonuses, draws against commissions, profit 31063
sharing, vacation pay, or any other compensation. 31064

(11) "Potential income" means both of the following for a 31065
parent who the court pursuant to a court support order, or a child 31066
support enforcement agency pursuant to an administrative child 31067
support order, determines is voluntarily unemployed or voluntarily 31068
underemployed: 31069

(a) Imputed income that the court or agency determines the 31070

parent would have earned if fully employed as determined from the	31071
following criteria:	31072
(i) The parent's prior employment experience;	31073
(ii) The parent's education;	31074
(iii) The parent's physical and mental disabilities, if any;	31075
(iv) The availability of employment in the geographic area in	31076
which the parent resides;	31077
(v) The prevailing wage and salary levels in the geographic	31078
area in which the parent resides;	31079
(vi) The parent's special skills and training;	31080
(vii) Whether there is evidence that the parent has the	31081
ability to earn the imputed income;	31082
(viii) The age and special needs of the child for whom child	31083
support is being calculated under this section;	31084
(ix) The parent's increased earning capacity because of	31085
experience;	31086
(x) Any other relevant factor.	31087
(b) Imputed income from any nonincome-producing assets of a	31088
parent, as determined from the local passbook savings rate or	31089
another appropriate rate as determined by the court or agency, not	31090
to exceed the rate of interest specified in division (A) of	31091
section 1343.03 of the Revised Code, if the income is significant.	31092
(12) "Schedule" means the basic child support schedule set	31093
forth in section 3119.021 of the Revised Code.	31094
(13) "Self-generated income" means gross receipts received by	31095
a parent from self-employment, proprietorship of a business, joint	31096
ownership of a partnership or closely held corporation, and rents	31097
minus ordinary and necessary expenses incurred by the parent in	31098
generating the gross receipts. "Self-generated income" includes	31099

expense reimbursements or in-kind payments received by a parent 31100
from self-employment, the operation of a business, or rents, 31101
including company cars, free housing, reimbursed meals, and other 31102
benefits, if the reimbursements are significant and reduce 31103
personal living expenses. 31104

(14) "Split parental rights and responsibilities" means a 31105
situation in which there is more than one child who is the subject 31106
of an allocation of parental rights and responsibilities and each 31107
parent is the residential parent and legal custodian of at least 31108
one of those children. 31109

(15) "Worksheet" means the applicable worksheet that is used 31110
to calculate a parent's child support obligation as set forth in 31111
sections 3119.022 and 3119.023 of the Revised Code. 31112

Sec. 3119.371. (A) As used in this section: 31113

(1) "Health insurance provider" means: 31114

(a) A person authorized to engage in the business of sickness 31115
and accident insurance under Title XXXIX of the Revised Code; 31116

(b) A person or government entity providing coverage for 31117
medical services or items to individuals on a self-insurance 31118
basis; 31119

(c) A health insuring corporation as defined in section 31120
1751.01 of the Revised Code; 31121

(d) A group health plan as defined in 29 U.S.C. 1167; 31122

(e) Any organization, business, or association described in 31123
42 U.S.C. 1396a(a)(25); or 31124

(f) A managed care organization. 31125

(2) "Information" means all of the following: 31126

(a) An individual's name, address, date of birth, and social 31127
security number; 31128

(b) The group or plan number or other identifier assigned by a health insurance provider to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; and 31129
31130
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31132

(c) Any other data specified by the director of job and family services in rules adopted under section 3119.51 of the Revised Code. 31133
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(B) Upon request of the office of child support in the department of job and family services and for the purpose of establishing and enforcing orders to provide health insurance coverage, a health insurance provider shall provide the information described in division (A)(2) of this section to the office of child support. 31136
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Sec. 3119.94. (A) The director of job and family services shall adopt rules that provide for all of the following: 31142
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(1) The payment to the appropriate person of any funds that a court or child support enforcement agency has impounded under section 3119.90 or 3119.92 of the Revised Code; 31144
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31146

(2) The return to the appropriate person of any other payments made pursuant to a child support order if the payments were made at any time after the child support order has been terminated pursuant to section 3119.90 or 3119.92 of the Revised Code; 31147
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31151

(3) Any other standards, forms, or procedures needed to ensure uniform implementation of sections 3119.86 to 3119.94 of the Revised Code. 31152
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31154

(B) With respect to the court order for impoundment required under division (A)(1) of section 3119.90 of the Revised Code, the director of job and family services may adopt rules that specify a form for the order ~~or approve a form developed by the Ohio~~ 31155
31156
31157
31158

~~judicial conference.~~ 31159

Sec. 3121.03. If a court or child support enforcement agency 31160
that issued or modified a support order, or the agency 31161
administering the support order, is required by the Revised Code 31162
to issue one or more withholding or deduction notices described in 31163
this section or other orders described in this section, the court 31164
or agency shall issue one or more of the following types of 31165
notices or orders, as appropriate, for payment of the support and 31166
also, if required by the Revised Code or the court, to pay any 31167
arrearages: 31168

(A)(1) If the court or the child support enforcement agency 31169
determines that the obligor is receiving income from a payor, the 31170
court or agency shall require the payor to do all of the 31171
following: 31172

(a) Withhold from the obligor's income a specified amount for 31173
support in satisfaction of the support order and begin the 31174
withholding no later than fourteen business days following the 31175
date the notice is mailed or transmitted to the payor under 31176
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 31177
division (A)(2) of this section or, if the payor is an employer, 31178
no later than the first pay period that occurs after fourteen 31179
business days following the date the notice is mailed or 31180
transmitted; 31181

(b) Send the amount withheld to the office of child support 31182
in the department of job and family services pursuant to section 31183
3121.43 of the Revised Code immediately but not later than seven 31184
business days after the date the obligor is paid; 31185

(c) Continue the withholding at intervals specified in the 31186
notice until further notice from the court or child support 31187
enforcement agency. 31188

To the extent possible, the amount specified to be withheld 31189
shall satisfy the amount ordered for support in the support order 31190
plus any arrearages owed by the obligor under any prior support 31191
order that pertained to the same child or spouse, notwithstanding 31192
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 31193
2716.041, and 2716.05 of the Revised Code. However, in no case 31194
shall the sum of the amount to be withheld and any fee withheld by 31195
the payor as a charge for its services exceed the maximum amount 31196
permitted under section 303(b) of the "Consumer Credit Protection 31197
Act," 15 U.S.C. 1673(b). 31198

(2) A court or agency that imposes an income withholding 31199
requirement shall, within the applicable time specified in section 31200
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 31201
Code, send to the obligor's payor by regular mail or via secure 31202
federally managed data transmission interface a notice that 31203
contains all of the information applicable to withholding notices 31204
set forth in section 3121.037 of the Revised Code. The notice is 31205
final and is enforceable by the court. 31206

(B)(1) If the court or child support enforcement agency 31207
determines that the obligor has funds that are not exempt under 31208
the laws of this state or the United States from execution, 31209
attachment, or other legal process and are on deposit in an 31210
account in a financial institution under the jurisdiction of the 31211
court that issued the court support order, or in the case of an 31212
administrative child support order, under the jurisdiction of the 31213
common pleas court of the county in which the agency that issued 31214
or is administering the order is located, the court or agency may 31215
require any financial institution in which the obligor's funds are 31216
on deposit to do all of the following: 31217

(a) Deduct from the obligor's account a specified amount for 31218
support in satisfaction of the support order and begin the 31219
deduction no later than fourteen business days following the date 31220

the notice was mailed or transmitted to the financial institution 31221
under section 3121.035 or 3123.06 of the Revised Code and division 31222
(B)(2) of this section; 31223

(b) Send the amount deducted to the office of child support 31224
in the department of job and family services pursuant to section 31225
3121.43 of the Revised Code immediately but not later than seven 31226
business days after the date the latest deduction was made; 31227

(c) Provide the date on which the amount was deducted; 31228

(d) Continue the deduction at intervals specified in the 31229
notice until further notice from the court or child support 31230
enforcement agency. 31231

To the extent possible, the amount to be deducted shall 31232
satisfy the amount ordered for support in the support order plus 31233
any arrearages that may be owed by the obligor under any prior 31234
support order that pertained to the same child or spouse, 31235
notwithstanding the limitations of sections 2329.66, 2329.70, and 31236
2716.13 of the Revised Code. 31237

(2) A court or agency that imposes a deduction requirement 31238
shall, within the applicable period of time specified in section 31239
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 31240
to the financial institution by regular mail or via secure 31241
federally managed data transmission interface a notice that 31242
contains all of the information applicable to deduction notices 31243
set forth in section 3121.037 of the Revised Code. The notice is 31244
final and is enforceable by the court. 31245

(C) With respect to any court support order it issues, a 31246
court may issue an order requiring the obligor to enter into a 31247
cash bond with the court. The court shall issue the order as part 31248
of the court support order or, if the court support order has 31249
previously been issued, as a separate order. The cash bond shall 31250
be in a sum fixed by the court at not less than five hundred nor 31251

more than ten thousand dollars, conditioned that the obligor will 31252
make payment as previously ordered and will pay any arrearages 31253
under any prior court support order that pertained to the same 31254
child or spouse. 31255

The order, along with an additional order requiring the 31256
obligor to immediately notify the child support enforcement 31257
agency, in writing, if the obligor begins to receive income from a 31258
payor, shall be attached to and served on the obligor at the same 31259
time as service of the court support order or, if the court 31260
support order has previously been issued, as soon as possible 31261
after the issuance of the order under this section. The additional 31262
order requiring notice by the obligor shall state all of the 31263
following: 31264

(1) That when the obligor begins to receive income from a 31265
payor the obligor may request that the court cancel its bond order 31266
and instead issue a notice requiring the withholding of an amount 31267
from income for support in accordance with this section; 31268

(2) That when the obligor begins to receive income from a 31269
payor the court will proceed to collect on the bond if the court 31270
determines that payments due under the court support order have 31271
not been made and that the amount that has not been paid is at 31272
least equal to the support owed for one month under the court 31273
support order and will issue a notice requiring the withholding of 31274
an amount from income for support in accordance with this section. 31275
The notice required of the obligor shall include a description of 31276
the nature of any new employment, the name and business address of 31277
any new employer, and any other information reasonably required by 31278
the court. 31279

The court shall not order an obligor to post a cash bond 31280
under this section unless the court determines that the obligor 31281
has the ability to do so. 31282

A child support enforcement agency may not issue a cash bond order. If a child support enforcement agency is required to issue a withholding or deduction notice under this section with respect to a court support order but the agency determines that no withholding or deduction notice would be appropriate, the agency may request that the court issue a cash bond order under this section, and upon the request, the court may issue the order.

(D)(1) If the obligor under a court support order is unemployed, has no income, and does not have an account at any financial institution, or on request of a child support enforcement agency under division (D)(1) or (2) of this section, the court shall issue an order requiring the obligor, if able to engage in employment, to seek employment or participate in a work activity to which a recipient of assistance under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The court shall include in the order a requirement that the obligor notify the child support enforcement agency on obtaining employment, obtaining any income, or obtaining ownership of any asset with a value of five hundred dollars or more. The court may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." The court shall issue the order as part of a court support order or, if a court support order has previously been issued, as a separate order. If a child support enforcement agency is required to issue a withholding or deduction notice under this section with respect to a court support order but determines that no withholding or deduction notice would be appropriate, the agency may request that the court issue a court order under division (D)(1) of this section, and, on the request, the court may issue the order.

(2) If the obligor under an administrative child support order is unemployed, has no income, and does not have an account at any financial institution, the agency shall issue an administrative order requiring the obligor, if able to engage in employment, to seek employment or participate in a work activity to which a recipient of assistance under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall include in the order a requirement that the obligor notify the agency on obtaining employment or income, or ownership of any asset with a value of five hundred dollars or more. The agency may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." If an obligor fails to comply with an administrative order issued pursuant to division (D)(2) of this section, the agency shall submit a request to a court for the court to issue an order under division (D)(1) of this section.

Sec. 3121.035. Within fifteen days after an obligor under a support order is located following issuance or modification of the support order, the court or child support enforcement agency that issued or modified the support order, or the agency, pursuant to an agreement with the court with respect to a court support order, shall do either of the following:

(A) If a withholding or deduction notice described in section 3121.03 of the Revised Code is appropriate, send the notice by regular mail or via secure federally managed data transmission interface to each person required to comply with it;

(B) If an order described in section 3121.03, 3121.04 to 3121.08, or 3121.12 of the Revised Code is appropriate, issue and send the appropriate order.

Sec. 3121.037. (A) A withholding notice sent under section 3121.03 of the Revised Code shall contain all of the following:

(1) Notice of the amount to be withheld from the obligor's income and a statement that, notwithstanding that amount, the payor may not withhold an amount for support and other purposes, including the fee described in division (A)~~(11)~~(12) of this section, that exceeds the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(2) A statement that the payor is required to send the amount withheld to the office of child support immediately, but not later than seven business days, after the obligor is paid and is required to report to the agency the date the amount was withheld;

(3) A statement that the withholding shall be submitted to the state via electronic means if the employer employs more than fifty employees;

(4) A statement that the withholding is binding on the payor until further notice from the court or agency;

~~(4)~~(5) A statement that if the payor is an employer, the payor is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement;

~~(5)~~(6) A statement that, if the payor fails to withhold in accordance with the notice, the payor is liable for the accumulated amount the payor should have withheld from the obligor's income;

~~(6)~~(7) A statement that, except for deductions from lump sum payments made in accordance with section 3121.0311 of the Revised Code, the withholding in accordance with the notice has priority over any other legal process under the law of this state against

the same income; 31376

~~(7)~~(8) The date on which the notice was mailed and a 31377
statement that the payor is required to implement the withholding 31378
no later than fourteen business days following the date the notice 31379
was mailed or, if the payor is an employer, no later than the 31380
first pay period that occurs after fourteen business days 31381
following the date the notice was mailed, and is required to 31382
continue the withholding at the intervals specified in the notice. 31383

~~(8)~~(9) A requirement that the payor do the following: 31384

(a) Promptly notify the child support enforcement agency 31385
administering the support order, in writing, within ten business 31386
days after the date of any situation that occurs in which the 31387
payor ceases to pay income to the obligor in an amount sufficient 31388
to comply with the order, including termination of employment, 31389
layoff of the obligor from employment, any leave of absence of the 31390
obligor from employment without pay, termination of workers' 31391
compensation benefits, or termination of any pension, annuity, 31392
allowance, or retirement benefit; 31393

(b) Provide the agency with the obligor's last known address 31394
and, with respect to a court support order and if known, notify 31395
the agency of any new employer or income source and the name, 31396
address, and telephone number of the new employer or income 31397
source. 31398

~~(9)~~(10) A requirement that, if the payor is an employer, the 31399
payor do both of the following: 31400

(a) Identify in the notice given under division (A)~~(8)~~(9) of 31401
this section any types of benefits other than personal earnings 31402
the obligor is receiving or is eligible to receive as a benefit of 31403
employment or as a result of the obligor's termination of 31404
employment, including, but not limited to, unemployment 31405
compensation, workers' compensation benefits, severance pay, sick 31406

leave, lump sum payments of retirement benefits or contributions, 31407
and bonuses or profit-sharing payments or distributions, and the 31408
amount of the benefits; 31409

(b) Include in the notice the obligor's last known address 31410
and telephone number, date of birth, social security number, and 31411
case number and, if known, the name and business address of any 31412
new employer of the obligor. 31413

~~(10)~~(11) Subject to section 3121.0311 of the Revised Code, a 31414
requirement that, no later than the earlier of forty-five days 31415
before a lump sum payment is to be made or, if the obligor's right 31416
to the lump sum payment is determined less than forty-five days 31417
before it is to be made, the date on which that determination is 31418
made, the payor notify the child support enforcement agency 31419
administering the support order of any lump sum payment of any 31420
kind of one hundred fifty dollars or more that is to be paid to 31421
the obligor, hold each lump sum payment of one hundred fifty 31422
dollars or more for thirty days after the date on which it would 31423
otherwise be paid to the obligor and, on order of the court or 31424
agency that issued the support order, pay all or a specified 31425
amount of the lump sum payment to the office of child support; 31426

~~(11)~~(12) A statement that, in addition to the amount withheld 31427
for support, the payor may withhold a fee from the obligor's 31428
income as a charge for its services in complying with the notice 31429
and a specification of the amount that may be withheld. 31430

(B) A deduction notice sent under section 3121.03 of the 31431
Revised Code shall contain all of the following: 31432

(1) Notice of the amount to be deducted from the obligor's 31433
account; 31434

(2) A statement that the financial institution is required to 31435
send the amount deducted to the office of child support 31436
immediately, but not later than seven business days, after the 31437

date the last deduction was made and to report to the child support enforcement agency the date on which the amount was deducted; 31438
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(3) A statement that the deduction is binding on the financial institution until further notice from the court or agency; 31441
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(4) A statement that the deduction in accordance with the notice has priority over any other legal process under the law of this state against the same account; 31444
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(5) The date on which the notice was mailed and a statement that the financial institution is required to implement the deduction no later than fourteen business days following that date and to continue the deduction at the intervals specified in the notice; 31447
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(6) A requirement that the financial institution promptly notify the child support enforcement agency administering the support order, in writing, within ten days after the date of any termination of the account from which the deduction is being made and notify the agency, in writing, of the opening of a new account at that financial institution, the account number of the new account, the name of any other known financial institutions in which the obligor has any accounts, and the numbers of those accounts; 31452
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(7) A requirement that the financial institution include in all notices the obligor's last known mailing address, last known residence address, and social security number; 31461
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(8) A statement that, in addition to the amount deducted for support, the financial institution may deduct a fee from the obligor's account as a charge for its services in complying with the notice and a specification of the amount that may be deducted. 31464
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Sec. 3121.0311. (A) If a lump sum payment referred to in 31468
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code 31469
consists of workers' compensation benefits and the obligor is 31470
represented by an attorney with respect to the obligor's workers' 31471
compensation claim, prior to issuing the notice to the child 31472
support enforcement agency required by that division, the 31473
administrator of workers' compensation, for claims involving state 31474
fund employers, or a self-insuring employer, for that employer's 31475
claims, shall notify the obligor and the obligor's attorney in 31476
writing that the obligor is subject to a support order and that 31477
the administrator or self-insuring employer, as appropriate, shall 31478
hold the lump sum payment for a period of thirty days after the 31479
administrator or self-insuring employer sends this written notice, 31480
pending receipt of the information referred to in division (B) of 31481
this section. 31482

(B) The administrator or self-insuring employer, as 31483
appropriate, shall instruct the obligor's attorney in writing to 31484
file a copy of the fee agreement signed by the obligor, along with 31485
an affidavit signed by the attorney setting forth the amount of 31486
the attorney's fee with respect to the lump sum payment award to 31487
the obligor and the amount of all necessary expenses, along with 31488
documentation of those expenses, incurred by the attorney with 31489
respect to obtaining the lump sum award. The obligor's attorney 31490
shall file the fee agreement and attorney affidavit with the 31491
administrator or self-insuring employer, as appropriate, within 31492
thirty days after the date the administrator or self-insuring 31493
employer sends the notice required by division (A) of this 31494
section. 31495

(C) Upon receipt of the fee agreement and attorney affidavit, 31496
the administrator or self-insuring employer, as appropriate, shall 31497
deduct from the lump sum payment the amount of the attorney's fee 31498
and necessary expenses and pay that amount directly to and solely 31499

in the name of the attorney within fourteen days after the fee 31500
agreement and attorney affidavit have been filed with the 31501
administrator or self-insuring employer. 31502

(D) After deducting any attorney's fee and necessary 31503
expenses, if the lump sum payment is one hundred fifty dollars or 31504
more, the administrator or self-insuring employer, as appropriate, 31505
shall hold the balance of the lump sum award in accordance with 31506
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code. 31507

Sec. 3121.19. (A) The entire amount withheld or deducted 31508
pursuant to a withholding or deduction notice described in section 31509
3121.03 of the Revised Code shall be forwarded to the office of 31510
child support in the department of job and family services 31511
immediately, but not later than seven business days, after the 31512
withholding or deduction, as directed in the withholding or 31513
deduction notice. 31514

(B) An employer who employs more than fifty employees shall 31515
submit the entire amount withheld pursuant to a withholding notice 31516
described in section 3121.03 of the Revised Code by electronic 31517
transfer to the office of child support in the department of job 31518
and family services immediately, but not later than seven business 31519
days, after the withholding, as directed in the withholding 31520
notice. 31521

Sec. 3121.20. (A) A payor or financial institution required 31522
to withhold or deduct a specified amount from the income or 31523
savings of more than one obligor under a withholding or deduction 31524
notice described in section 3121.03 of the Revised Code and to 31525
forward the amounts withheld or deducted to the office of child 31526
support may combine all of the amounts to be forwarded in one 31527
payment if the payment is accompanied by a list that clearly 31528
identifies ~~each~~ all of the following: 31529

(1) Each obligor covered by the payment and the; 31530

(2) Each child support case, numbered as provided on the 31531
withholding or deduction notice, that is covered by the payment; 31532

(3) The portion of the payment attributable to each obligor 31533
and each case number. 31534

(B) A payor who employs more than fifty employees and who is 31535
required to submit the withholding by electronic transfer pursuant 31536
to sections 3121.037 and 3121.19 of the Revised Code shall combine 31537
all of the amounts to be forwarded in one payment. The payment 31538
shall be accompanied by information that clearly identifies all of 31539
the following: 31540

(1) Each obligor that is covered by the payment; 31541

(2) Each child support case, numbered as provided on the 31542
withholding notice issued pursuant to section 3121.03 of the 31543
Revised Code, that is covered by the payment; 31544

(3) The portion of the payment attributable to each obligor 31545
and each case number. 31546

Sec. 3121.898. The department of job and family services 31547
shall use the new hire reports it receives for any of the 31548
following purposes set forth in 42 U.S.C. 653a, as amended, 31549
including: 31550

(A) To locate individuals for the purposes of establishing 31551
paternity and for establishing, modifying, and enforcing child 31552
support orders. 31553

(B) As used in this division, "state agency" means every 31554
department, bureau, board, commission, office, or other organized 31555
body established by the constitution or laws of this state for the 31556
exercise of state government; every entity of county government 31557
that is subject to the rules of a state agency; and every 31558
contractual agent of a state agency. 31559

To make available to any state agency responsible for 31560
administering any of the following programs for purposes of 31561
verifying program eligibility: 31562

(1) Any Title IV-A program as defined in section 5101.80 of 31563
the Revised Code; 31564

(2) The medicaid program authorized by Chapter 5111. of the 31565
Revised Code; 31566

(3) The unemployment compensation program authorized by 31567
Chapter 4141. of the Revised Code; 31568

(4) The ~~food stamp~~ supplemental nutrition assistance program 31569
authorized by section 5101.54 of the Revised Code; 31570

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 31571
amended. 31572

(C) The administration of the employment security program 31573
under the director of job and family services. 31574

Sec. 3123.952. A child support enforcement agency may submit 31575
the name of a delinquent obligor to the office of child support 31576
for inclusion on a poster only if all of the following apply: 31577

(A) The obligor is subject to a support order and there has 31578
been an attempt to enforce the order through a public notice, a 31579
wage withholding order, a lien on property, a financial 31580
institution deduction order, or other court-ordered procedures. 31581

(B) The department of job and family services reviewed the 31582
obligor's records and confirms the child support enforcement 31583
agency's finding that the obligor's name and photograph may be 31584
submitted to be displayed on a poster. 31585

(C) The agency does not know or is unable to verify the 31586
obligor's whereabouts. 31587

(D) The obligor is not a participant in Ohio works first or 31588

the prevention, retention, and contingency program or a recipient 31589
of disability financial assistance, supplemental security income, 31590
or ~~food stamps~~ supplemental nutrition assistance program benefits. 31591

(E) The child support enforcement agency does not have 31592
evidence that the obligor has filed for protection under the 31593
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 31594

(F) The obligee gave written authorization to the agency to 31595
display the obligor on a poster. 31596

(G) A legal representative of the agency and a child support 31597
enforcement administrator reviewed the case. 31598

(H) The agency is able to submit to the department a 31599
description and photograph of the obligor, a statement of the 31600
possible locations of the obligor, and any other information 31601
required by the department. 31602

Sec. 3125.25. The director of job and family services shall 31603
adopt rules under Chapter 119. of the Revised Code governing the 31604
operation of support enforcement by child support enforcement 31605
agencies. The rules shall include, but shall not be limited to, 31606
~~provisions~~ the following: 31607

(A) Provisions relating to plans of cooperation between the 31608
agencies and boards of county commissioners entered into under 31609
section 3125.12 of the Revised Code, ~~requirements;~~ 31610

(B) Provisions for the compromise and waiver of child support 31611
arrears owed to the state and federal government, consistent 31612
with Title IV-D of the "Social Security Act," 88 Stat. 2351 31613
(1975), 42 U.S.C. 651 et seq., as amended; 31614

(C) Requirements for public hearings by the agencies, ~~and~~ 31615
~~provisions;~~ 31616

(D) Provisions for appeals of agency decisions under 31617
procedures established by the director. 31618

Sec. 3301.041. Beginning not later than June 30, 2010, the state board of education shall broadcast live via the internet all regular and special meetings of the state board and all meetings of every committee and subcommittee of the state board. The state board shall provide access to the live video stream free of charge via the department of education's web site. The state board shall also maintain a free video archive of all broadcasted meetings that shall be accessible via the department's web site. The state board shall not broadcast executive sessions conducted in accordance with division (G) of section 121.22 of the Revised Code.

The state board may consult with the Ohio government telecommunications service, and the Ohio government telecommunications service may provide technical assistance, in implementing and complying with this section.

Sec. 3301.07. The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the ~~following~~ powers+ described in this section.

(A) ~~Exercise~~ The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state, ~~and for adult education,~~ except as otherwise provided by law+.

(B) ~~Exercise~~ (1) The state board shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative

responsibilities of school officials and personnel, and finance 31649
and organization of school districts, educational service centers, 31650
and territory. Consultative and advisory services in such matters 31651
shall be provided by the board to school districts and educational 31652
service centers of this state. ~~The~~ 31653

(2) The state board also shall develop a standard of 31654
financial reporting which shall be used by all school districts 31655
and educational service centers to make their financial 31656
information available to the public in a format understandable by 31657
the average citizen and provide year-to-year comparisons for at 31658
least five years. The format shall show, among other things, 31659
district and educational service center revenue by source; 31660
expenditures for salaries, wages, and benefits of employees, 31661
showing such amounts separately for classroom teachers, other 31662
employees required to hold licenses issued pursuant to sections 31663
3319.22 to 3319.31 of the Revised Code, and all other employees; 31664
expenditures other than for personnel, by category, including 31665
utilities, textbooks and other educational materials, equipment, 31666
permanent improvements, pupil transportation, extracurricular 31667
athletics, and other extracurricular activities; and per pupil 31668
expenditures. 31669

(C) ~~Administer~~ The state board shall administer and supervise 31670
the allocation and distribution of all state and federal funds for 31671
public school education under the provisions of law, and may 31672
prescribe such systems of accounting as are necessary and proper 31673
to this function. It may require county auditors and treasurers, 31674
boards of education, educational service center governing boards, 31675
treasurers of such boards, teachers, and other school officers and 31676
employees, or other public officers or employees, to file with it 31677
such reports as it may prescribe relating to such funds, or to the 31678
management and condition of such funds. 31679

(D) ~~Formulate~~ The state board shall formulate and prescribe 31680

minimum standards to be applied to all elementary and secondary 31681
schools in this state for the purpose of requiring a general 31682
education of high quality. Such standards shall provide adequately 31683
for: the licensing of teachers, administrators, and other 31684
professional personnel and their assignment according to training 31685
and qualifications; efficient and effective instructional 31686
materials and equipment, including library facilities; the proper 31687
organization, administration, and supervision of each school, 31688
including regulations for preparing all necessary records and 31689
reports and the preparation of a statement of policies and 31690
objectives for each school; buildings, grounds, health and 31691
sanitary facilities and services; admission of pupils, and such 31692
requirements for their promotion from grade to grade as will 31693
assure that they are capable and prepared for the level of study 31694
to which they are certified; requirements for graduation; and such 31695
other factors as the board finds necessary. 31696

In the formulation and administration of such standards for 31697
nonpublic schools the board shall also consider the particular 31698
needs, methods and objectives of those schools, provided they do 31699
not conflict with the provision of a general education of a high 31700
quality and provided that regular procedures shall be followed for 31701
promotion from grade to grade of pupils who have met the 31702
educational requirements prescribed. 31703

(E) ~~May~~ The state board may require as part of the health 31704
curriculum information developed under section 2108.34 of the 31705
Revised Code promoting the donation of anatomical gifts pursuant 31706
to Chapter 2108. of the Revised Code and may provide the 31707
information to high schools, educational service centers, and 31708
joint vocational school district boards of education; 31709

(F) ~~Prepare~~ The state board shall prepare and submit annually 31710
to the governor and the general assembly a report on the status, 31711
needs, and major problems of the public schools of the state, with 31712

recommendations for necessary legislative action and a ten-year 31713
projection of the state's public and nonpublic school enrollment, 31714
by year and by grade level~~+~~. 31715

(G) ~~Prepare~~ The state board shall prepare and submit to the 31716
director of budget and management the biennial budgetary requests 31717
of the state board of education, for its agencies and for the 31718
public schools of the state~~+~~. 31719

(H) ~~Cooperate~~ The state board shall cooperate with federal, 31720
state, and local agencies concerned with the health and welfare of 31721
children and youth of the state~~+~~. 31722

(I) ~~Require~~ The state board shall require such reports from 31723
school districts and educational service centers, school officers, 31724
and employees as are necessary and desirable. The superintendents 31725
and treasurers of school districts and educational service centers 31726
shall certify as to the accuracy of all reports required by law or 31727
state board or state department of education rules to be submitted 31728
by the district or educational service center and which contain 31729
information necessary for calculation of state funding. Any 31730
superintendent who knowingly falsifies such report shall be 31731
subject to license revocation pursuant to section 3319.31 of the 31732
Revised Code. 31733

(J) In accordance with Chapter 119. of the Revised Code, the 31734
state board shall adopt procedures, standards, and guidelines for 31735
the education of children with disabilities pursuant to Chapter 31736
3323. of the Revised Code, including procedures, standards, and 31737
guidelines governing programs and services operated by county 31738
boards of mental retardation and developmental disabilities 31739
pursuant to section 3323.09 of the Revised Code~~+~~. 31740

(K) For the purpose of encouraging the development of special 31741
programs of education for academically gifted children, the state 31742
board shall employ competent persons to analyze and publish data, 31743

promote research, advise and counsel with boards of education, and 31744
encourage the training of teachers in the special instruction of 31745
gifted children. The board may provide financial assistance out of 31746
any funds appropriated for this purpose to boards of education and 31747
educational service center governing boards for developing and 31748
conducting programs of education for academically gifted children. 31749
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(L) ~~Require~~ The state board shall require that all public 31751
schools emphasize and encourage, within existing units of study, 31752
the teaching of energy and resource conservation as recommended to 31753
each district board of education by leading business persons 31754
involved in energy production and conservation, beginning in the 31755
primary grades~~+~~. 31756

(M) ~~Formulate~~ The state board shall formulate and prescribe 31757
minimum standards requiring the use of phonics as a technique in 31758
the teaching of reading in grades kindergarten through three. In 31759
addition, the state board shall provide in-service training 31760
programs for teachers on the use of phonics as a technique in the 31761
teaching of reading in grades kindergarten through three. 31762

(N) ~~Develop~~ The state board shall develop and modify as 31763
necessary a state plan for technology to encourage and promote the 31764
use of technological advancements in educational settings. 31765

The board may adopt rules necessary for carrying out any 31766
function imposed on it by law, and may provide rules as are 31767
necessary for its government and the government of its employees, 31768
and may delegate to the superintendent of public instruction the 31769
management and administration of any function imposed on it by 31770
law. It may provide for the appointment of board members to serve 31771
on temporary committees established by the board for such purposes 31772
as are necessary. Permanent or standing committees shall not be 31773
created. 31774

Sec. 3301.075. The state board of education shall adopt rules governing the purchasing and leasing of data processing services and equipment for all local, exempted village, city, and joint vocational school districts and all educational service centers. Such rules shall include provisions for the establishment of an Ohio education computer network under procedures, guidelines, and specifications of the department of education.

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The department shall administer funds appropriated for the Ohio education computer network to ensure its efficient and economical operation and shall approve no more than twenty-seven information technology centers to operate concurrently. Such centers shall be approved for funding in accordance with rules of the state board adopted under this section that shall provide for the superintendent of public instruction to require the membership of each information technology center to be composed of combinations of school districts and educational service centers having sufficient students to support an efficient, economical comprehensive program of computer services to member districts and educational service centers. However, no such rule shall prohibit a school district or educational service center from receiving computer services from any information technology center established under this section or from any other public or private vendor. Each information technology center shall be organized in accordance with section 3313.92 or Chapter 167. of the Revised Code.

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~~The department of education may contract with an independent for profit or nonprofit entity to provide current and historical information on Ohio government through the Ohio education computer network to school district libraries operating in accordance with section 3375.14 of the Revised Code in order to assist school teachers in social studies course instruction and support student~~

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~~research projects. Any such contract shall be awarded in 31807
accordance with Chapter 125. of the Revised Code. 31808~~

The department may approve and administer funding for 31809
programs to provide technical support, maintenance, consulting, 31810
and group purchasing services for information technology centers, 31811
school districts, educational service centers, and other client 31812
entities or governmental entities served in accordance with rules 31813
adopted by the department or as otherwise authorized by law, and 31814
to deliver to schools programs operated by the infOhio network and 31815
the technology solutions group of the management council of the 31816
Ohio education computer network. 31817

Sec. 3301.076. No information technology center established 31818
under section 3301.075 of the Revised Code shall be required to 31819
maintain an operating reserve account or fund or minimum cash 31820
balance. This section does not affect any sinking fund or other 31821
capital improvement fund the center may be required to maintain as 31822
a condition by law or contract relative to the issuance of 31823
securities. Any rule of the state board of education or other 31824
regulation or guideline of the department of education that 31825
conflicts with this section is void. 31826

Sec. 3301.0714. (A) The state board of education shall adopt 31827
rules for a statewide education management information system. The 31828
rules shall require the state board to establish guidelines for 31829
the establishment and maintenance of the system in accordance with 31830
this section and the rules adopted under this section. The 31831
guidelines shall include: 31832

(1) Standards identifying and defining the types of data in 31833
the system in accordance with divisions (B) and (C) of this 31834
section; 31835

(2) Procedures for annually collecting and reporting the data 31836

to the state board in accordance with division (D) of this section; 31837
31838

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 31839
31840

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 31841
31842

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 31843
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31845

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 31846
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31848

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. 31849
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(b) The numbers of students receiving support or 31867

extracurricular services for each of the support services or	31868
extracurricular programs offered by the school district, such as	31869
counseling services, health services, and extracurricular sports	31870
and fine arts programs. The categories of services required by the	31871
guidelines under this division shall be the same as the categories	31872
of services used in determining cost units pursuant to division	31873
(C)(4)(a) of this section.	31874
(c) Average student grades in each subject in grades nine	31875
through twelve;	31876
(d) Academic achievement levels as assessed by the testing of	31877
student achievement under sections 3301.0710 and 3301.0711 of the	31878
Revised Code;	31879
(e) The number of students designated as having a disabling	31880
condition pursuant to division (C)(1) of section 3301.0711 of the	31881
Revised Code;	31882
(f) The numbers of students reported to the state board	31883
pursuant to division (C)(2) of section 3301.0711 of the Revised	31884
Code;	31885
(g) Attendance rates and the average daily attendance for the	31886
year. For purposes of this division, a student shall be counted as	31887
present for any field trip that is approved by the school	31888
administration.	31889
(h) Expulsion rates;	31890
(i) Suspension rates;	31891
(j) The percentage of students receiving corporal punishment;	31892
(k) Dropout rates;	31893
(l) Rates of retention in grade;	31894
(m) For pupils in grades nine through twelve, the average	31895
number of carnegie units, as calculated in accordance with state	31896
board of education rules;	31897

(n) Graduation rates, to be calculated in a manner specified 31898
by the department of education that reflects the rate at which 31899
students who were in the ninth grade three years prior to the 31900
current year complete school and that is consistent with 31901
nationally accepted reporting requirements; 31902

(o) Results of diagnostic assessments administered to 31903
kindergarten students as required under section 3301.0715 of the 31904
Revised Code to permit a comparison of the academic readiness of 31905
kindergarten students. However, no district shall be required to 31906
report to the department the results of any diagnostic assessment 31907
administered to a kindergarten student if the parent of that 31908
student requests the district not to report those results. 31909

(2) Personnel and classroom enrollment data for each school 31910
district, including: 31911

(a) The total numbers of licensed employees and nonlicensed 31912
employees and the numbers of full-time equivalent licensed 31913
employees and nonlicensed employees providing each category of 31914
instructional service, instructional support service, and 31915
administrative support service used pursuant to division (C)(3) of 31916
this section. The guidelines adopted under this section shall 31917
require these categories of data to be maintained for the school 31918
district as a whole and, wherever applicable, for each grade in 31919
the school district as a whole, for each school building as a 31920
whole, and for each grade in each school building. 31921

(b) The total number of employees and the number of full-time 31922
equivalent employees providing each category of service used 31923
pursuant to divisions (C)(4)(a) and (b) of this section, and the 31924
total numbers of licensed employees and nonlicensed employees and 31925
the numbers of full-time equivalent licensed employees and 31926
nonlicensed employees providing each category used pursuant to 31927
division (C)(4)(c) of this section. The guidelines adopted under 31928
this section shall require these categories of data to be 31929

maintained for the school district as a whole and, wherever 31930
applicable, for each grade in the school district as a whole, for 31931
each school building as a whole, and for each grade in each school 31932
building. 31933

(c) The total number of regular classroom teachers teaching 31934
classes of regular education and the average number of pupils 31935
enrolled in each such class, in each of grades kindergarten 31936
through five in the district as a whole and in each school 31937
building in the school district. 31938

(d) The number of ~~master~~ lead teachers employed by each 31939
school district and each school building, ~~once a definition of~~ 31940
~~master teacher has been developed by the educator standards board~~ 31941
~~pursuant to section 3319.61 of the Revised Code.~~ 31942

(3)(a) Student demographic data for each school district, 31943
including information regarding the gender ratio of the school 31944
district's pupils, the racial make-up of the school district's 31945
pupils, the number of limited English proficient students in the 31946
district, and an appropriate measure of the number of the school 31947
district's pupils who reside in economically disadvantaged 31948
households. The demographic data shall be collected in a manner to 31949
allow correlation with data collected under division (B)(1) of 31950
this section. Categories for data collected pursuant to division 31951
(B)(3) of this section shall conform, where appropriate, to 31952
standard practices of agencies of the federal government. 31953

(b) With respect to each student entering kindergarten, 31954
whether the student previously participated in a public preschool 31955
program, a private preschool program, or a head start program, and 31956
the number of years the student participated in each of these 31957
programs. 31958

(4) Any data required to be collected pursuant to federal 31959
law. 31960

(C) The education management information system shall include 31961
cost accounting data for each district as a whole and for each 31962
school building in each school district. The guidelines adopted 31963
under this section shall require the cost data for each school 31964
district to be maintained in a system of mutually exclusive cost 31965
units and shall require all of the costs of each school district 31966
to be divided among the cost units. The guidelines shall require 31967
the system of mutually exclusive cost units to include at least 31968
the following: 31969

(1) Administrative costs for the school district as a whole. 31970
The guidelines shall require the cost units under this division 31971
(C)(1) to be designed so that each of them may be compiled and 31972
reported in terms of average expenditure per pupil in formula ADM 31973
in the school district, as determined pursuant to section 3317.03 31974
of the Revised Code. 31975

(2) Administrative costs for each school building in the 31976
school district. The guidelines shall require the cost units under 31977
this division (C)(2) to be designed so that each of them may be 31978
compiled and reported in terms of average expenditure per 31979
full-time equivalent pupil receiving instructional or support 31980
services in each building. 31981

(3) Instructional services costs for each category of 31982
instructional service provided directly to students and required 31983
by guidelines adopted pursuant to division (B)(1)(a) of this 31984
section. The guidelines shall require the cost units under 31985
division (C)(3) of this section to be designed so that each of 31986
them may be compiled and reported in terms of average expenditure 31987
per pupil receiving the service in the school district as a whole 31988
and average expenditure per pupil receiving the service in each 31989
building in the school district and in terms of a total cost for 31990
each category of service and, as a breakdown of the total cost, a 31991
cost for each of the following components: 31992

(a) The cost of each instructional services category required	31993
by guidelines adopted under division (B)(1)(a) of this section	31994
that is provided directly to students by a classroom teacher;	31995
(b) The cost of the instructional support services, such as	31996
services provided by a speech-language pathologist, classroom	31997
aide, multimedia aide, or librarian, provided directly to students	31998
in conjunction with each instructional services category;	31999
(c) The cost of the administrative support services related	32000
to each instructional services category, such as the cost of	32001
personnel that develop the curriculum for the instructional	32002
services category and the cost of personnel supervising or	32003
coordinating the delivery of the instructional services category.	32004
(4) Support or extracurricular services costs for each	32005
category of service directly provided to students and required by	32006
guidelines adopted pursuant to division (B)(1)(b) of this section.	32007
The guidelines shall require the cost units under division (C)(4)	32008
of this section to be designed so that each of them may be	32009
compiled and reported in terms of average expenditure per pupil	32010
receiving the service in the school district as a whole and	32011
average expenditure per pupil receiving the service in each	32012
building in the school district and in terms of a total cost for	32013
each category of service and, as a breakdown of the total cost, a	32014
cost for each of the following components:	32015
(a) The cost of each support or extracurricular services	32016
category required by guidelines adopted under division (B)(1)(b)	32017
of this section that is provided directly to students by a	32018
licensed employee, such as services provided by a guidance	32019
counselor or any services provided by a licensed employee under a	32020
supplemental contract;	32021
(b) The cost of each such services category provided directly	32022
to students by a nonlicensed employee, such as janitorial	32023

services, cafeteria services, or services of a sports trainer; 32024

(c) The cost of the administrative services related to each 32025
services category in division (C)(4)(a) or (b) of this section, 32026
such as the cost of any licensed or nonlicensed employees that 32027
develop, supervise, coordinate, or otherwise are involved in 32028
administering or aiding the delivery of each services category. 32029

(D)(1) The guidelines adopted under this section shall 32030
require school districts to collect information about individual 32031
students, staff members, or both in connection with any data 32032
required by division (B) or (C) of this section or other reporting 32033
requirements established in the Revised Code. The guidelines may 32034
also require school districts to report information about 32035
individual staff members in connection with any data required by 32036
division (B) or (C) of this section or other reporting 32037
requirements established in the Revised Code. The guidelines shall 32038
not authorize school districts to request social security numbers 32039
of individual students. The guidelines shall prohibit the 32040
reporting under this section of a student's name, address, and 32041
social security number to the state board of education or the 32042
department of education. The guidelines shall also prohibit the 32043
reporting under this section of any personally identifiable 32044
information about any student, except for the purpose of assigning 32045
the data verification code required by division (D)(2) of this 32046
section, to any other person unless such person is employed by the 32047
school district or the information technology center operated 32048
under section 3301.075 of the Revised Code and is authorized by 32049
the district or technology center to have access to such 32050
information or is employed by an entity with which the department 32051
contracts for the scoring of tests administered under section 32052
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 32053
require school districts to provide the social security numbers of 32054
individual staff members. 32055

(2) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section.

Individual student data shall be reported to the department through the information technology centers utilizing the code but, except as provided in sections 3310.11, 3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district or community school in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

The director of health shall request and receive, pursuant to sections 3301.0723 and 3701.62 of the Revised Code, a data verification code for a child who is receiving services under division (A)(2) of section 3701.61 of the Revised Code.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education

management information system but are not required to be compiled 32088
as part of the profile formats required under division (G) of this 32089
section or the annual statewide report required under division (H) 32090
of this section. 32091

(F) Beginning with the school year that begins July 1, 1991, 32092
the board of education of each school district shall annually 32093
collect and report to the state board, in accordance with the 32094
guidelines established by the board, the data required pursuant to 32095
this section. A school district may collect and report these data 32096
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 32097

(G) The state board shall, in accordance with the procedures 32098
it adopts, annually compile the data reported by each school 32099
district pursuant to division (D) of this section. The state board 32100
shall design formats for profiling each school district as a whole 32101
and each school building within each district and shall compile 32102
the data in accordance with these formats. These profile formats 32103
shall: 32104

(1) Include all of the data gathered under this section in a 32105
manner that facilitates comparison among school districts and 32106
among school buildings within each school district; 32107

(2) Present the data on academic achievement levels as 32108
assessed by the testing of student achievement maintained pursuant 32109
to division (B)(1)(d) of this section. 32110

(H)(1) The state board shall, in accordance with the 32111
procedures it adopts, annually prepare a statewide report for all 32112
school districts and the general public that includes the profile 32113
of each of the school districts developed pursuant to division (G) 32114
of this section. Copies of the report shall be sent to each school 32115
district. 32116

(2) The state board shall, in accordance with the procedures 32117
it adopts, annually prepare an individual report for each school 32118

district and the general public that includes the profiles of each 32119
of the school buildings in that school district developed pursuant 32120
to division (G) of this section. Copies of the report shall be 32121
sent to the superintendent of the district and to each member of 32122
the district board of education. 32123

(3) Copies of the reports received from the state board under 32124
divisions (H)(1) and (2) of this section shall be made available 32125
to the general public at each school district's offices. Each 32126
district board of education shall make copies of each report 32127
available to any person upon request and payment of a reasonable 32128
fee for the cost of reproducing the report. The board shall 32129
annually publish in a newspaper of general circulation in the 32130
school district, at least twice during the two weeks prior to the 32131
week in which the reports will first be available, a notice 32132
containing the address where the reports are available and the 32133
date on which the reports will be available. 32134

(I) Any data that is collected or maintained pursuant to this 32135
section and that identifies an individual pupil is not a public 32136
record for the purposes of section 149.43 of the Revised Code. 32137

(J) As used in this section: 32138

(1) "School district" means any city, local, exempted 32139
village, or joint vocational school district and, in accordance 32140
with section 3314.17 of the Revised Code, any community school. As 32141
used in division (L) of this section, "school district" also 32142
includes any educational service center or other educational 32143
entity required to submit data using the system established under 32144
this section. 32145

(2) "Cost" means any expenditure for operating expenses made 32146
by a school district excluding any expenditures for debt 32147
retirement except for payments made to any commercial lending 32148
institution for any loan approved pursuant to section 3313.483 of 32149

the Revised Code. 32150

(K) Any person who removes data from the information system 32151
established under this section for the purpose of releasing it to 32152
any person not entitled under law to have access to such 32153
information is subject to section 2913.42 of the Revised Code 32154
prohibiting tampering with data. 32155

(L)(1) In accordance with division (L)(2) of this section and 32156
the rules adopted under division (L)(10) of this section, the 32157
department of education may sanction any school district that 32158
reports incomplete or inaccurate data, reports data that does not 32159
conform to data requirements and descriptions published by the 32160
department, fails to report data in a timely manner, or otherwise 32161
does not make a good faith effort to report data as required by 32162
this section. 32163

(2) If the department decides to sanction a school district 32164
under this division, the department shall take the following 32165
sequential actions: 32166

(a) Notify the district in writing that the department has 32167
determined that data has not been reported as required under this 32168
section and require the district to review its data submission and 32169
submit corrected data by a deadline established by the department. 32170
The department also may require the district to develop a 32171
corrective action plan, which shall include provisions for the 32172
district to provide mandatory staff training on data reporting 32173
procedures. 32174

(b) Withhold up to ten per cent of the total amount of state 32175
funds due to the district for the current fiscal year and, if not 32176
previously required under division (L)(2)(a) of this section, 32177
require the district to develop a corrective action plan in 32178
accordance with that division; 32179

(c) Withhold an additional amount of up to twenty per cent of 32180

the total amount of state funds due to the district for the 32181
current fiscal year; 32182

(d) Direct department staff or an outside entity to 32183
investigate the district's data reporting practices and make 32184
recommendations for subsequent actions. The recommendations may 32185
include one or more of the following actions: 32186

(i) Arrange for an audit of the district's data reporting 32187
practices by department staff or an outside entity; 32188

(ii) Conduct a site visit and evaluation of the district; 32189

(iii) Withhold an additional amount of up to thirty per cent 32190
of the total amount of state funds due to the district for the 32191
current fiscal year; 32192

(iv) Continue monitoring the district's data reporting; 32193

(v) Assign department staff to supervise the district's data 32194
management system; 32195

(vi) Conduct an investigation to determine whether to suspend 32196
or revoke the license of any district employee in accordance with 32197
division (N) of this section; 32198

(vii) If the district is issued a report card under section 32199
3302.03 of the Revised Code, indicate on the report card that the 32200
district has been sanctioned for failing to report data as 32201
required by this section; 32202

(viii) If the district is issued a report card under section 32203
3302.03 of the Revised Code and incomplete or inaccurate data 32204
submitted by the district likely caused the district to receive a 32205
higher performance rating than it deserved under that section, 32206
issue a revised report card for the district; 32207

(ix) Any other action designed to correct the district's data 32208
reporting problems. 32209

(3) Any time the department takes an action against a school 32210

district under division (L)(2) of this section, the department 32211
shall make a report of the circumstances that prompted the action. 32212
The department shall send a copy of the report to the district 32213
superintendent or chief administrator and maintain a copy of the 32214
report in its files. 32215

(4) If any action taken under division (L)(2) of this section 32216
resolves a school district's data reporting problems to the 32217
department's satisfaction, the department shall not take any 32218
further actions described by that division. If the department 32219
withheld funds from the district under that division, the 32220
department may release those funds to the district, except that if 32221
the department withheld funding under division (L)(2)(c) of this 32222
section, the department shall not release the funds withheld under 32223
division (L)(2)(b) of this section and, if the department withheld 32224
funding under division (L)(2)(d) of this section, the department 32225
shall not release the funds withheld under division (L)(2)(b) or 32226
(c) of this section. 32227

(5) Notwithstanding anything in this section to the contrary, 32228
the department may use its own staff or an outside entity to 32229
conduct an audit of a school district's data reporting practices 32230
any time the department has reason to believe the district has not 32231
made a good faith effort to report data as required by this 32232
section. If any audit conducted by an outside entity under 32233
division (L)(2)(d)(i) or (5) of this section confirms that a 32234
district has not made a good faith effort to report data as 32235
required by this section, the district shall reimburse the 32236
department for the full cost of the audit. The department may 32237
withhold state funds due to the district for this purpose. 32238

(6) Prior to issuing a revised report card for a school 32239
district under division (L)(2)(d)(viii) of this section, the 32240
department may hold a hearing to provide the district with an 32241
opportunity to demonstrate that it made a good faith effort to 32242

report data as required by this section. The hearing shall be 32243
conducted by a referee appointed by the department. Based on the 32244
information provided in the hearing, the referee shall recommend 32245
whether the department should issue a revised report card for the 32246
district. If the referee affirms the department's contention that 32247
the district did not make a good faith effort to report data as 32248
required by this section, the district shall bear the full cost of 32249
conducting the hearing and of issuing any revised report card. 32250

(7) If the department determines that any inaccurate data 32251
reported under this section caused a school district to receive 32252
excess state funds in any fiscal year, the district shall 32253
reimburse the department an amount equal to the excess funds, in 32254
accordance with a payment schedule determined by the department. 32255
The department may withhold state funds due to the district for 32256
this purpose. 32257

(8) Any school district that has funds withheld under 32258
division (L)(2) of this section may appeal the withholding in 32259
accordance with Chapter 119. of the Revised Code. 32260

(9) In all cases of a disagreement between the department and 32261
a school district regarding the appropriateness of an action taken 32262
under division (L)(2) of this section, the burden of proof shall 32263
be on the district to demonstrate that it made a good faith effort 32264
to report data as required by this section. 32265

(10) The state board of education shall adopt rules under 32266
Chapter 119. of the Revised Code to implement division (L) of this 32267
section. 32268

(M) No information technology center or school district shall 32269
acquire, change, or update its student administration software 32270
package to manage and report data required to be reported to the 32271
department unless it converts to a student software package that 32272
is certified by the department. 32273

(N) The state board of education, in accordance with sections 32274
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 32275
license as defined under division (A) of section 3319.31 of the 32276
Revised Code that has been issued to any school district employee 32277
found to have willfully reported erroneous, inaccurate, or 32278
incomplete data to the education management information system. 32279

(O) No person shall release or maintain any information about 32280
any student in violation of this section. Whoever violates this 32281
division is guilty of a misdemeanor of the fourth degree. 32282

(P) The department shall disaggregate the data collected 32283
under division (B)(1)(o) of this section according to the race and 32284
socioeconomic status of the students assessed. No data collected 32285
under that division shall be included on the report cards required 32286
by section 3302.03 of the Revised Code. 32287

(Q) If the department cannot compile any of the information 32288
required by division (C)(5) of section 3302.03 of the Revised Code 32289
based upon the data collected under this section, the department 32290
shall develop a plan and a reasonable timeline for the collection 32291
of any data necessary to comply with that division. 32292

Sec. 3301.0715. (A) Except as provided in division (E) of 32293
this section, the board of education of each city, local, and 32294
exempted village school district shall administer each applicable 32295
diagnostic assessment developed and provided to the district in 32296
accordance with section 3301.079 of the Revised Code to the 32297
following: 32298

(1) Each student enrolled in a building that has failed to 32299
make adequate yearly progress for two or more consecutive school 32300
years; 32301

(2) Any student who transfers into the district or to a 32302
different school within the district if each applicable diagnostic 32303

assessment was not administered by the district or school the 32304
student previously attended in the current school year, within 32305
thirty days after the date of transfer. If the district or school 32306
into which the student transfers cannot determine whether the 32307
student has taken any applicable diagnostic assessment in the 32308
current school year, the district or school may administer the 32309
diagnostic assessment to the student. 32310

(3) Each kindergarten student, not earlier than four weeks 32311
prior to the first day of school and not later than the first day 32312
of October. For the purpose of division (A)(3) of this section, 32313
the district shall administer the kindergarten readiness 32314
assessment provided by the department of education. In no case 32315
shall the results of the readiness assessment be used to prohibit 32316
a student from enrolling in kindergarten. 32317

(4) Each student enrolled in first or second grade. 32318

(B) Each district board shall administer each diagnostic 32319
assessment as the board deems appropriate. However, the board 32320
shall administer any diagnostic assessment at least once annually 32321
to all students in the appropriate grade level. A district board 32322
may administer any diagnostic assessment in the fall and spring of 32323
a school year to measure the amount of academic growth 32324
attributable to the instruction received by students during that 32325
school year. 32326

(C) Each district board shall utilize and score any 32327
diagnostic assessment administered under division (A) of this 32328
section in accordance with rules established by the department. 32329
Except as required by division (B)(1)(o) of section 3301.0714 of 32330
the Revised Code, neither the state board of education nor the 32331
department shall require school districts to report the results of 32332
diagnostic assessments for any students to the department or to 32333
make any such results available in any form to the public. After 32334
the administration of any diagnostic assessment, each district 32335

shall provide a student's completed diagnostic assessment, the 32336
results of such assessment, and any other accompanying documents 32337
used during the administration of the assessment to the parent of 32338
that student upon the parent's request. 32339

(D) Each district board shall provide intervention services 32340
to students whose diagnostic assessments show that they are 32341
failing to make satisfactory progress toward attaining the 32342
academic standards for their grade level. 32343

(E) Any district that made adequate yearly progress in the 32344
immediately preceding school year may assess student progress in 32345
grades one through three using a diagnostic assessment other than 32346
the diagnostic assessment required by division (A) of this 32347
section. 32348

(F) A district board may administer the third grade writing 32349
diagnostic assessment provided to the district in accordance with 32350
section 3301.079 of the Revised Code to any student enrolled in a 32351
building that is not subject to division (A)(1) of this section. 32352
Any district electing to administer the diagnostic assessment to 32353
students under this division shall provide intervention services 32354
to any such student whose diagnostic assessment shows 32355
unsatisfactory progress toward attaining the academic standards 32356
for the student's grade level. 32357

(G) As used in this section, "adequate yearly progress" has 32358
the same meaning as in section 3302.01 of the Revised Code. 32359

Sec. 3301.0719. (A) As used in this section, "business 32360
education" includes, but is not limited to, accounting, career 32361
development, economics and personal finance, entrepreneurship, 32362
information technology, management, and marketing. 32363

(B) Not later than July 1, 2010, the state board of education 32364
shall adopt standards for business education in grades 32365

kindergarten through twelve. The standards shall incorporate 32366
existing business education standards as appropriate to help guide 32367
instruction in the state's schools. The department shall provide 32368
the standards, and any revisions of the standards, to all school 32369
districts and community schools established under Chapter 3314. of 32370
the Revised Code. Any school district or community school may 32371
utilize the standards. Standards adopted under this division shall 32372
supplement, and not supersede, academic content standards adopted 32373
under section 3301.079 of the Revised Code. 32374

Sec. 3301.12. (A) The superintendent of public instruction in 32375
addition to the authority otherwise imposed on the superintendent, 32376
shall perform the following duties: 32377

(1) The superintendent shall provide technical and 32378
professional assistance and advice to all school districts in 32379
reference to all aspects of education, including finance, 32380
buildings and equipment, administration, organization of school 32381
districts, curriculum and instruction, transportation of pupils, 32382
personnel problems, and the interpretation of school laws and 32383
state regulations. 32384

(2) The superintendent shall prescribe and require the 32385
preparation and filing of such financial and other reports from 32386
school districts, officers, and employees as are necessary or 32387
proper. The superintendent shall prescribe and require the 32388
installation by school districts of such standardized reporting 32389
forms and accounting procedures as are essential to the 32390
businesslike operations of the public schools of the state. 32391

(3) The superintendent shall conduct such studies and 32392
research projects as are necessary or desirable for the 32393
improvement of public school education in Ohio, and such as may be 32394
assigned to the superintendent by the state board of education. 32395
Such studies and projects may include analysis of data contained 32396

in the education management information system established under 32397
section 3301.0714 of the Revised Code. For any study or project 32398
that requires the analysis of individual student data, the 32399
department of education or any entity with which the 32400
superintendent or department contracts to conduct the study or 32401
project shall maintain the confidentiality of student data at all 32402
times. For this purpose, the department or contracting entity 32403
shall use the data verification code assigned pursuant to division 32404
(D)(2) of section 3301.0714 of the Revised Code for each student 32405
whose data is analyzed. Except as otherwise provided in division 32406
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 32407
the superintendent, the department, the state board of education, 32408
or any entity conducting a study or research project on the 32409
superintendent's behalf have access to a student's name, address, 32410
or social security number while analyzing individual student data. 32411

(4) The superintendent shall prepare and submit annually to 32412
the state board of education a report of the activities of the 32413
department of education and the status, problems, and needs of 32414
education in the state of Ohio. 32415

(5) The superintendent shall supervise all agencies over 32416
which the board exercises administrative control, including 32417
schools for education of persons with disabilities. 32418

(6) In accordance with section 3333.048 of the Revised Code, 32419
the superintendent, jointly with the chancellor of the Ohio board 32420
of regents, shall establish metrics and courses of study for 32421
institutions of higher education that prepare educators and other 32422
school personnel and shall provide for inspection of those 32423
institutions. 32424

(B) The superintendent of public instruction may annually 32425
inspect and analyze the expenditures of each school district and 32426
make a determination as to the efficiency of each district's 32427
costs, relative to other school districts in the state, for 32428

instructional, administrative, and student support services. The 32429
superintendent shall notify each school district as to the nature 32430
of, and reasons for, the determination. The state board of 32431
education shall adopt rules in accordance with Chapter 119. of the 32432
Revised Code setting forth the procedures and standards for the 32433
performance of the inspection and analysis. 32434

Sec. 3301.122. Not later than December 1, 2009, the 32435
superintendent of public instruction shall develop a ten-year 32436
strategic plan aligned with the strategic plan for higher 32437
education developed by the chancellor under division (D) of 32438
Section 375.30.25 of Am. Sub. H.B. 119 of the 127th general 32439
assembly. The superintendent shall submit the plan to the general 32440
assembly, in accordance with section 101.68 of the Revised Code, 32441
and to the governor. The plan shall include recommendations for: 32442

(A) A framework for collaborative, professional, innovative, 32443
and thinking twenty-first century learning environments; 32444

(B) Ways to prepare and support Ohio's educators for 32445
successful instructional careers; 32446

(C) Enhancement of the current financial and resource 32447
management accountability systems; 32448

(D) Implementation of an effective school funding system 32449
according to the principles, mandates, and guidance established in 32450
Chapter 3306. of the Revised Code. 32451

Sec. 3301.16. Pursuant to standards prescribed by the state 32452
board of education as provided in division (D) of section 3301.07 32453
of the Revised Code, the state board shall classify and charter 32454
school districts and individual schools within each district 32455
except that no charter shall be granted to a nonpublic school 32456
unless pursuant to division (K) of section 3301.0711 of the 32457
Revised Code the school elects to administer the tests prescribed 32458

by division (B) of section 3301.0710 of the Revised Code beginning 32459
July 1, 1995. 32460

In the course of considering the charter of a new school 32461
district created under section 3311.26 or 3311.38 of the Revised 32462
Code, the state board shall require the party proposing creation 32463
of the district to submit to the board a map, certified by the 32464
county auditor of the county in which the proposed new district is 32465
located, showing the boundaries of the proposed new district. In 32466
the case of a proposed new district located in more than one 32467
county, the map shall be certified by the county auditor of each 32468
county in which the proposed district is located. 32469

The state board shall revoke the charter of any school 32470
district or school which fails to meet the standards for 32471
elementary and high schools as prescribed by the board. The state 32472
board shall also revoke the charter of any nonpublic school that 32473
does not comply with section 3313.612 of the Revised Code or, on 32474
or after July 1, 1995, does not participate in the testing program 32475
prescribed by division (B) of section 3301.0710 of the Revised 32476
Code. 32477

In the issuance and revocation of school district or school 32478
charters, the state board shall be governed by the provisions of 32479
Chapter 119. of the Revised Code. 32480

No school district, or individual school operated by a school 32481
district, shall operate without a charter issued by the state 32482
board under this section. 32483

In case a school district charter is revoked pursuant to this 32484
section, the state board may dissolve the school district and 32485
transfer its territory to one or more adjacent districts. An 32486
equitable division of the funds, property, and indebtedness of the 32487
school district shall be made by the state board among the 32488
receiving districts. The board of education of a receiving 32489

district shall accept such territory pursuant to the order of the 32490
state board. Prior to dissolving the school district, the state 32491
board shall notify the appropriate educational service center 32492
governing board and all adjacent school district boards of 32493
education of its intention to do so. Boards so notified may make 32494
recommendations to the state board regarding the proposed 32495
dissolution and subsequent transfer of territory. Except as 32496
provided in section 3301.161 of the Revised Code, the transfer 32497
ordered by the state board shall become effective on the date 32498
specified by the state board, but the date shall be at least 32499
thirty days following the date of issuance of the order. 32500

A high school is one of higher grade than an elementary 32501
school, in which instruction and training are given in accordance 32502
with sections 3301.07 and 3313.60 of the Revised Code and which 32503
also offers other subjects of study more advanced than those 32504
taught in the elementary schools and such other subjects as may be 32505
approved by the state board of education. 32506

An elementary school is one in which instruction and training 32507
are given in accordance with sections 3301.07 and 3313.60 of the 32508
Revised Code and which offers such other subjects as may be 32509
approved by the state board of education. In districts wherein a 32510
junior high school is maintained, the elementary schools in that 32511
district may be considered to include only the work of the first 32512
six school years inclusive, plus the kindergarten year. 32513

A high school or an elementary school may consist of less 32514
than one or more than one organizational unit, as defined in 32515
sections 3306.02 and 3306.04 of the Revised Code. 32516

Sec. 3301.163. (A)(1) This section applies to any school 32517
operated by a school district that meets one of the following 32518
criteria after July 1, 2009: 32519

(a) The school does not offer a grade level higher than three 32520

and has been declared to be in a state of academic emergency under 32521
section 3302.03 of the Revised Code for three of the four most 32522
recent school years. 32523

(b) The school satisfies all of the following conditions: 32524

(i) The school offers any of grade levels four to eight but 32525
does not offer a grade level higher than nine. 32526

(ii) The school has been declared to be in a state of 32527
academic emergency under section 3302.03 of the Revised Code for 32528
two of the three most recent school years. 32529

(iii) In at least two of the three most recent school years, 32530
the school showed less than one standard year of academic growth 32531
in either reading or mathematics, as determined by the department 32532
of education in accordance with rules adopted under division (A) 32533
of section 3302.021 of the Revised Code. 32534

(c) The school offers any of grade levels ten to twelve and 32535
has been declared to be in a state of academic emergency under 32536
section 3302.03 of the Revised Code for three of the four most 32537
recent school years. 32538

(2) This section does not apply to any school in which a 32539
majority of the students are enrolled in a dropout prevention and 32540
recovery program that is operated by the school and that has been 32541
granted a waiver under section 3301.164 of the Revised Code. 32542

(B) The state board of education shall revoke the charter 32543
issued under section 3301.16 of the Revised Code of any school 32544
operated by a school district to which this section applies 32545
effective at the conclusion of the school year in which the school 32546
first becomes subject to this section. 32547

(C) If the revocation of a school's charter under this 32548
section causes a school district to no longer maintain all grades 32549
kindergarten through twelve, as required by section 3311.29 of the 32550

Revised Code, the district board of education shall enter into a 32551
contract with another school district pursuant to section 3327.04 32552
of the Revised Code for enrollment of students in the schools of 32553
that other district to the extent necessary to comply with the 32554
requirement of section 3311.29 of the Revised Code. 32555
Notwithstanding any provision of the Revised Code to the contrary, 32556
if the district board enters into and maintains a contract under 32557
section 3327.04 of the Revised Code, the district shall not be 32558
considered to have failed to comply with the requirement of 32559
section 3311.29 of the Revised Code. If, however, the district 32560
board fails to or is unable to enter into or maintain such a 32561
contract, the state board shall take all necessary actions to 32562
dissolve the district as provided in division (A) of section 32563
3311.29 of the Revised Code. 32564

Sec. 3301.164. Section 3301.163 of the Revised Code does not 32565
apply to any school in which a majority of the students are 32566
enrolled in a dropout prevention and recovery program that is 32567
operated by the school and that has been granted a waiver by the 32568
department of education. The department shall grant a waiver to a 32569
dropout prevention and recovery program, within sixty days after 32570
the program applies for the waiver, if the program meets all of 32571
the following conditions: 32572

(A) The program serves only students not younger than sixteen 32573
years of age and not older than twenty-one years of age. 32574

(B) The program enrolls students who, at the time of their 32575
initial enrollment, either, or both, are at least one grade level 32576
behind their cohort age groups or experience crises that 32577
significantly interfere with their academic progress such that 32578
they are prevented from continuing their traditional programs. 32579

(C) The program requires students to attain at least the 32580
applicable score designated for each of the assessments prescribed 32581

under division (B)(1) of section 3301.0710 of the Revised Code or, 32582
to the extent prescribed by rule of the state board of education 32583
under division (E)(6) of section 3301.0712 of the Revised Code, 32584
division (B)(2) of that section. 32585

(D) The program develops an individual career plan for the 32586
student that specifies the student's matriculating to a two-year 32587
degree program, acquiring a business and industry credential, or 32588
entering an apprenticeship. 32589

(E) The program provides counseling and support for the 32590
student related to the plan developed under division (D) of this 32591
section during the remainder of the student's high school 32592
experience. 32593

(F) Prior to receiving the waiver, the program has submitted 32594
to the department an instructional plan that demonstrates how the 32595
academic content standards adopted by the state board of education 32596
under section 3301.079 of the Revised Code will be taught and 32597
assessed. 32598

If the department does not act either to grant the waiver or 32599
to reject the program application for the waiver within sixty days 32600
as required under this section, the waiver shall be considered to 32601
be granted. 32602

Sec. 3301.42. The partnership for continued learning shall 32603
promote systemic approaches to education by supporting regional 32604
efforts to foster collaboration among providers of preschool 32605
through postsecondary education, identifying the workforce needs 32606
of private sector employers in the state, and making 32607
recommendations for facilitating collaboration among providers of 32608
preschool through postsecondary education and for maintaining a 32609
high-quality workforce in the state. Copies of the recommendations 32610
shall be provided to the governor, the president and minority 32611
leader of the senate, the speaker and minority leader of the house 32612

of representatives, the chairpersons and ranking minority members 32613
of the standing committees of the senate and the house of 32614
representatives that consider education legislation, the 32615
~~chairperson~~ chancellor of the Ohio board of regents, and the 32616
president of the state board of education. The recommendations 32617
shall address at least the following issues: 32618

(A) Expansion of access to preschool and other learning 32619
opportunities for children under five years old; 32620

(B) Increasing opportunities for students to earn credit 32621
toward a degree from an institution of higher education while 32622
enrolled in high school, including expanded opportunities for 32623
students to earn that credit on their high school campuses; a 32624
definition of "in good standing" for purposes of section 3313.6013 32625
of the Revised Code; and legislative changes that the partnership, 32626
in consultation with the Ohio board of regents and the state board 32627
of education, determines would improve the operation of the 32628
post-secondary enrollment options program established under 32629
Chapter 3365. of the Revised Code and other dual enrollment 32630
programs. The recommendations for legislative changes required by 32631
this division shall be issued not later than May 31, 2007. 32632

(C) Expansion of access to workforce development programs 32633
administered by school districts, institutions of higher 32634
education, and other providers of career-technical education; 32635

(D) Alignment of the statewide academic standards for grades 32636
nine through twelve adopted under section 3301.079 of the Revised 32637
Code, the Ohio graduation tests prescribed by division (B) of 32638
section 3301.0710 of the Revised Code, and the curriculum 32639
requirements for a high school diploma prescribed by section 32640
3313.603 of the Revised Code with the expectations of employers 32641
and institutions of higher education regarding the knowledge and 32642
skills that high school graduates should attain prior to entering 32643

the workforce or enrolling in an institution of higher education;	32644
(E) Improving the science and mathematics skills of students and employees to meet the needs of a knowledge-intensive economy;	32645 32646
(F) Reducing the number of students who need academic remediation after enrollment in an institution of higher education;	32647 32648 32649
(G) Expansion of school counseling career and educational programs, access programs, and other strategies to overcome financial, cultural, and organizational barriers that interfere with students' planning for postsecondary education and that prevent students from obtaining a postsecondary education;	32650 32651 32652 32653 32654
(H) Alignment of teacher preparation programs approved by the state board of education <u>chancellor of the Ohio board of regents</u> pursuant to section 3319.23 <u>3333.048</u> of the Revised Code with the instructional needs and expectations of school districts;	32655 32656 32657 32658
(I) Strategies for retaining more graduates of Ohio institutions of higher education in the state and for attracting talented individuals from outside Ohio to work in the state;	32659 32660 32661
(J) Strategies for promoting lifelong continuing education as a component of maintaining a strong workforce and economy;	32662 32663
(K) Appropriate measures of the impact of statewide efforts to promote collaboration among providers of preschool through postsecondary education and to develop a high-quality workforce and strategies for collecting and sharing data relevant to such measures;	32664 32665 32666 32667 32668
(L) Strategies for developing and improving opportunities and for removing barriers to achievement for children identified as gifted under Chapter 3324. of the Revised Code;	32669 32670 32671
(M) Legislative changes to establish criteria by which state universities may waive the general requirement, under division (B)	32672 32673

of section 3345.06 of the Revised Code, that a student complete 32674
the Ohio core curriculum to be admitted as an undergraduate. The 32675
partnership at least shall consider criteria for waiving the 32676
requirement for students who have served in the military and 32677
students who entered ninth grade on or after July 1, 2010, in 32678
another state and moved to Ohio prior to high school graduation. 32679
The recommendations for legislative changes under this division 32680
shall be developed in consultation with the Ohio board of regents 32681
and shall be issued not later than July 1, 2007. 32682

Sec. 3301.56. (A) The director of each preschool program 32683
shall be responsible for the following: 32684

(1) Ensuring that the health and safety of the children are 32685
safeguarded by an organized program of school health services 32686
designed to identify child health problems and to coordinate 32687
school and community health resources for children, as evidenced 32688
by but not limited to: 32689

(a) Requiring immunization and compliance with emergency 32690
medical authorization requirements in accordance with rules 32691
adopted by the state board of education under section 3301.53 of 32692
the Revised Code; 32693

(b) Providing procedures for emergency situations, including 32694
fire drills, rapid dismissals, tornado drills, and school safety 32695
drills in accordance with section 3737.73 of the Revised Code, and 32696
keeping records of such drills or dismissals; 32697

(c) Posting emergency procedures in preschool rooms and 32698
making them available to school personnel, children, and parents; 32699

(d) Posting emergency numbers by each telephone; 32700

(e) Supervising grounds, play areas, and other facilities 32701
when scheduled for use by children; 32702

(f) Providing first-aid facilities and materials. 32703

(2) Maintaining cumulative records for each child;	32704
(3) Supervising each child's admission, placement, and withdrawal according to established procedures;	32705 32706
(4) Preparing at least once annually for each group of children in the program a roster of names and telephone numbers of parents, guardians, and custodians of children in the group and, on request, furnishing the roster for each group to the parents, guardians, and custodians of children in that group. The director may prepare a similar roster of all children in the program and, on request, make it available to the parents, guardians, and custodians, of children in the program. The director shall not include in either roster the name or telephone number of any parent, guardian, or custodian who requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program.	32707 32708 32709 32710 32711 32712 32713 32714 32715 32716 32717 32718 32719
(5) Ensuring that clerical and custodial services are provided for the program;	32720 32721
(6) Supervising the instructional program and the daily operation of the program;	32722 32723
(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.	32724 32725 32726
(B)(1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:	32727 32728 32729
	Maximum 32730
	Group Staff Member/ 32731
Age Group	Size Child Ratio 32732
Birth to less than 12 months	12 1:5, or 2:12 if 32733
	two preschool 32734

		staff members	32735
		are in the room	32736
12 months to less than 18 months	12	1:6	32737
18 months to less than 30 months	14	1:7	32738
30 months to less than 3 years	16	1:8	32739
3-year-olds	24	1:12	32740
4- and 5-year-olds not in school	28	1:14	32741

(2) When age groups are combined, the maximum number of 32742
children per preschool staff member shall be determined by the age 32743
of the youngest child in the group, except that when no more than 32744
one child thirty months of age or older receives child care in a 32745
group in which all the other children are in the next older age 32746
group, the maximum number of children per child-care staff member 32747
and maximum group size requirements of the older age group 32748
established under division (B)(1) of this section shall apply. 32749

(3) In a room where children are napping, if all the children 32750
are at least eighteen months of age, the maximum number of 32751
children per preschool staff member shall, for a period not to 32752
exceed one and one-half hours in any twenty-four hour day, be 32753
twice the maximum number of children per preschool staff member 32754
established under division (B)(1) of this section if all the 32755
following criteria are met: 32756

(a) At least one preschool staff member is present in the 32757
room; 32758

(b) Sufficient preschool staff members are present on the 32759
preschool program premises to comply with division (B)(1) of this 32760
section; 32761

(c) Naptime preparations have been completed and the children 32762
are resting or napping. 32763

(4) Any accredited program that uses the Montessori method 32764
endorsed by the American Montessori society or the association 32765

Montessori internationale as its primary method of instruction and 32766
is licensed as a preschool program under section 3301.58 of the 32767
Revised Code may combine preschool children of ages three to five 32768
years old with children enrolled in kindergarten. Notwithstanding 32769
anything to the contrary in division (B)(2) of this section, when 32770
such age groups are combined, the maximum number of children per 32771
preschool staff member ~~shall be twelve~~ and the maximum group size 32772
shall be ~~twenty four children~~ consistent with the accreditation 32773
standards of the society or association. 32774

(C) In each building in which a preschool program is operated 32775
there shall be on the premises, and readily available at all 32776
times, at least one employee who has completed a course in first 32777
aid and in the prevention, recognition, and management of 32778
communicable diseases which is approved by the state department of 32779
health, and an employee who has completed a course in child abuse 32780
recognition and prevention. 32781

(D) Any parent, guardian, or custodian of a child enrolled in 32782
a preschool program shall be permitted unlimited access to the 32783
school during its hours of operation to contact the parent's, 32784
guardian's, or custodian's child, evaluate the care provided by 32785
the program, or evaluate the premises, or for other purposes 32786
approved by the director. Upon entering the premises, the parent, 32787
guardian, or custodian shall report to the school office. 32788

Sec. 3301.60. The interstate compact on educational 32789
opportunity for military children is hereby ratified, enacted into 32790
law, and entered into by this state as a party thereto with any 32791
other state that heretofore has legally joined or hereafter 32792
legally joins the compact, as follows: 32793

Interstate Compact on Educational 32794
Opportunity for Military Children 32795

ARTICLE I. PURPOSE 32796

<u>It is the purpose of this compact to remove barriers to</u>	32797
<u>educational success imposed on children of military families</u>	32798
<u>because of frequent moves and deployment of their parents by:</u>	32799
<u>A. Facilitating the timely enrollment of children of military</u>	32800
<u>families and ensuring that they are not placed at a disadvantage</u>	32801
<u>due to difficulty in the transfer of education records from the</u>	32802
<u>previous school district or variations in entrance or age</u>	32803
<u>requirements.</u>	32804
<u>B. Facilitating the student placement process through which</u>	32805
<u>children of military families are not disadvantaged by variations</u>	32806
<u>in attendance requirements, scheduling, sequencing, grading,</u>	32807
<u>course content, or assessment.</u>	32808
<u>C. Facilitating the qualification and eligibility for</u>	32809
<u>enrollment, educational programs, and participation in</u>	32810
<u>extracurricular academic, athletic, and social activities.</u>	32811
<u>D. Facilitating the on-time graduation of children of</u>	32812
<u>military families.</u>	32813
<u>E. Providing for the promulgation and enforcement of</u>	32814
<u>administrative rules implementing the provisions of this compact.</u>	32815
<u>F. Providing for the uniform collection and sharing of</u>	32816
<u>information between and among member states, schools, and military</u>	32817
<u>families under this compact.</u>	32818
<u>G. Promoting coordination between this compact and other</u>	32819
<u>compacts affecting military children.</u>	32820
<u>H. Promoting flexibility and cooperation between the</u>	32821
<u>educational system, parents, and the student in order to achieve</u>	32822
<u>educational success for the student.</u>	32823
<u>ARTICLE II. DEFINITIONS</u>	32824
<u>As used in this compact, unless the context clearly requires</u>	32825
<u>a different construction:</u>	32826

A. "Active duty" means full-time duty status in the active 32827
uniformed service of the United States, including members of the 32828
national guard and reserve on active duty orders pursuant to 10 32829
U.S.C. 1209 and 1211. 32830

B. "Children of military families" means school-aged 32831
children, enrolled in kindergarten through twelfth grade, in the 32832
household of an active duty member. 32833

C. "Compact commissioner" means the voting representative of 32834
each compacting state appointed pursuant to Article VIII of this 32835
compact. 32836

D. "Deployment" means the period one month prior to the 32837
service members' departure from their home station on military 32838
orders through six months after return to their home station. 32839

E. "Educational records" or "education records" means those 32840
official records, files, and data directly related to a student 32841
and maintained by the school or local education agency, including, 32842
but not limited to, records encompassing all the material kept in 32843
the student's cumulative folder such as general identifying data, 32844
records of attendance and of academic work completed, records of 32845
achievement and results of evaluative tests, health data, 32846
disciplinary status, test protocols, and individualized education 32847
programs. 32848

F. "Extracurricular activities" means a voluntary activity 32849
sponsored by the school or local education agency or an 32850
organization sanctioned by the local education agency. 32851
Extracurricular activities include, but are not limited to, 32852
preparation for and involvement in public performances, contests, 32853
athletic competitions, demonstrations, displays, and club 32854
activities. 32855

G. "Interstate Commission on Educational Opportunity for 32856
Military Children" means the commission that is created under 32857

Article IX of this compact, which is generally referred to as 32858
Interstate Commission. 32859

H. "Local education agency" means a public authority legally 32860
constituted by the state as an administrative agency to provide 32861
control of and direction for kindergarten through twelfth grade 32862
public educational institutions. 32863

I. "Member state" means a state that has enacted this 32864
compact. 32865

J. "Military installation" means a base, camp, post, station, 32866
yard, center, homeport facility for any ship, or other activity 32867
under the jurisdiction of the Department of Defense, including any 32868
leased facility, which is located within any of the several 32869
states, the District of Columbia, the Commonwealth of Puerto Rico, 32870
the U.S. Virgin Islands, Guam, American Samoa, the Northern 32871
Marianas Islands, and any other United States territory. Such term 32872
does not include any facility used primarily for civil works, 32873
rivers and harbors projects, or flood control projects. 32874

K. "Nonmember state" means a state that has not enacted this 32875
compact. 32876

L. "Receiving state" means the state to which a child of a 32877
military family is sent, brought, or caused to be sent or brought. 32878

M. "Rule" means a written statement by the Interstate 32879
Commission promulgated pursuant to Article XII of this compact 32880
that is of general applicability, implements, interprets, or 32881
prescribes a policy or provision of the compact, or an 32882
organizational, procedural, or practice requirement of the 32883
Interstate Commission, and has the force and effect of statutory 32884
law in a member state, and includes the amendment, repeal, or 32885
suspension of an existing rule. 32886

N. "Sending state" means the state from which a child of a 32887
military family is sent, brought, or caused to be sent or brought. 32888

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other United States territory. 32889
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P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade. 32893
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Q. "Transition" means 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state. 32896
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R. "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Service. 32900
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S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable. 32904
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ARTICLE III. APPLICABILITY 32907

A. Except as otherwise provided in Section B, this compact shall apply to the children of: 32908
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1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211; 32910
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2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and 32913
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3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death. 32916
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<u>B. The provisions of this interstate compact shall only apply</u>	32919
<u>to local education agencies as defined in this compact.</u>	32920
<u>C. The provisions of this compact shall not apply to the</u>	32921
<u>children of:</u>	32922
<u>1. Inactive members of the national guard and military</u>	32923
<u>reserves;</u>	32924
<u>2. Members of the uniformed services now retired, except as</u>	32925
<u>provided in Section A;</u>	32926
<u>3. Veterans of the uniformed services, except as provided in</u>	32927
<u>Section A; and</u>	32928
<u>4. Other Department of Defense personnel and other federal</u>	32929
<u>agency civilian and contract employees not defined as active duty</u>	32930
<u>members of the uniformed services.</u>	32931
<u>ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT</u>	32932
<u>A. Unofficial or "hand-carried" education records - In the</u>	32933
<u>event that official education records cannot be released to the</u>	32934
<u>parents for the purpose of transfer, the custodian of the records</u>	32935
<u>in the sending state shall prepare and furnish to the parent a</u>	32936
<u>complete set of unofficial educational records containing uniform</u>	32937
<u>information as determined by the Interstate Commission. Upon</u>	32938
<u>receipt of the unofficial education records by a school in the</u>	32939
<u>receiving state, the school shall enroll and appropriately place</u>	32940
<u>the student based on the information provided in the unofficial</u>	32941
<u>records pending validation by the official records, as quickly as</u>	32942
<u>possible.</u>	32943
<u>B. Official education records and transcripts - Simultaneous</u>	32944
<u>with the enrollment and conditional placement of the student, the</u>	32945
<u>school in the receiving state shall request the student's official</u>	32946
<u>education record from the school in the sending state. Upon</u>	32947
<u>receipt of this request, the school in the sending state will</u>	32948

process and furnish the official education records to the school 32949
in the receiving state within ten days or within such time as is 32950
reasonably determined under the rules promulgated by the 32951
Interstate Commission. 32952

C. Immunizations - Compacting states shall give thirty days 32953
from the date of enrollment or within such time as is reasonably 32954
determined under the rules promulgated by the Interstate 32955
Commission, for students to obtain any immunizations required by 32956
the receiving state. For a series of immunizations, initial 32957
vaccinations must be obtained within thirty days or within such 32958
time as is reasonably determined under the rules promulgated by 32959
the Interstate Commission. 32960

D. Kindergarten and first grade entrance age - Students shall 32961
be allowed to continue their enrollment at grade level in the 32962
receiving state commensurate with their grade level (including 32963
kindergarten) from a local education agency in the sending state 32964
at the time of transition, regardless of age. A student that has 32965
satisfactorily completed the prerequisite grade level in the local 32966
education agency in the sending state shall be eligible for 32967
enrollment in the next highest grade level in the receiving state, 32968
regardless of age. A student transferring after the start of the 32969
school year in the receiving state shall enter the school in the 32970
receiving state on their validated level from an accredited school 32971
in the sending state. 32972

ARTICLE V. PLACEMENT AND ATTENDANCE 32973

A. Course placement - When the student transfers before or 32974
during the school year, the receiving state school shall initially 32975
honor placement of the student in educational courses based on the 32976
student's enrollment in the sending state school or educational 32977
assessments conducted at the school in the sending state if the 32978
courses are offered. Course placement includes but is not limited 32979
to Honors, International Baccalaureate, Advanced Placement, 32980

vocational, technical, and career pathways courses. Continuing the 32981
student's academic program from the previous school and promoting 32982
placement in academically and career challenging courses should be 32983
paramount when considering placement. This does not preclude the 32984
school in the receiving state from performing subsequent 32985
evaluations to ensure appropriate placement and continued 32986
enrollment of the student in the courses. 32987

B. Educational program placement - The receiving state school 32988
shall initially honor placement of the student in educational 32989
programs based on current educational assessments conducted at the 32990
school in the sending state or participation/placement in like 32991
programs in the sending state. Such programs include, but are not 32992
limited to: 1) gifted and talented programs; and 2) English as a 32993
second language. This does not preclude the school in the 32994
receiving state from performing subsequent evaluations to ensure 32995
appropriate placement of the student. 32996

C. Special education services - 1) In compliance with the 32997
federal requirements of the Individuals with Disabilities 32998
Education Act (IDEA), 20 U.S.C. 1400 et seq., the receiving state 32999
shall initially provide comparable services to a student with 33000
disabilities based on the student's current individualized 33001
education program (IEP); and 2) in compliance with the 33002
requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 33003
794, and with Title II of the Americans with Disabilities Act, 42 33004
U.S.C. 12131 to 12165, the receiving state shall make reasonable 33005
accommodations and modifications to address the needs of incoming 33006
students with disabilities, subject to an existing Section 504 or 33007
Title II Plan, to provide the student with equal access to 33008
education. This does not preclude the school in the receiving 33009
state from performing subsequent evaluations to ensure appropriate 33010
placement of the student. 33011

D. Placement flexibility - Local education agency 33012

administrative officials shall have flexibility in waiving course 33013
or program prerequisites, or other preconditions for placement in 33014
courses or programs offered under the jurisdiction of the local 33015
education agency. 33016

E. Absence as related to deployment activities - A student 33017
whose parent or legal guardian is an active duty member of the 33018
uniformed services, as defined by the compact, and has been called 33019
to duty for, is on leave from, or immediately returned from 33020
deployment to a combat zone or combat support posting, shall be 33021
granted additional excused absences at the discretion of the local 33022
education agency superintendent to visit with the student's parent 33023
or legal guardian relative to such leave or deployment of the 33024
parent or guardian. 33025

ARTICLE VI. ELIGIBILITY 33026

A. Eligibility for enrollment 33027

1. A special power of attorney, relative to the guardianship 33028
of a child of a military family and executed under applicable law 33029
shall be sufficient for the purposes of enrollment and all other 33030
actions requiring parental participation and consent. 33031

2. A local education agency shall be prohibited from charging 33032
local tuition to a transitioning military child placed in the care 33033
of a noncustodial parent or other person standing in loco parentis 33034
who lives in a jurisdiction other than that of the custodial 33035
parent. 33036

3. A transitioning military child, placed in the care of a 33037
noncustodial parent or other person standing in loco parentis who 33038
lives in a jurisdiction other than that of the custodial parent, 33039
may continue to attend the school in which the child was enrolled 33040
while residing with the custodial parent. 33041

B. Eligibility for extracurricular participation - State and 33042
local education agencies shall facilitate the opportunity for 33043

transitioning military children's inclusion in extracurricular 33044
activities, regardless of application deadlines, to the extent 33045
they are otherwise qualified. 33046

ARTICLE VII. GRADUATION 33047

In order to facilitate the on-time graduation of children of 33048
military families states and local education agencies shall 33049
incorporate the following procedures: 33050

A. Waiver requirements - Local education agency 33051
administrative officials shall waive specific courses required for 33052
graduation if similar coursework has been satisfactorily completed 33053
in another local education agency or shall provide reasonable 33054
justification for denial. Should a waiver not be granted to a 33055
student who would qualify to graduate from the sending school, the 33056
local education agency shall provide an alternative means of 33057
acquiring required coursework so that graduation may occur on 33058
time. 33059

B. Exit exams - States shall accept: 1) exit or end-of-course 33060
exams required for graduation from the sending state; or 2) 33061
national norm-referenced achievement tests; or 3) alternative 33062
testing, in lieu of testing requirements for graduation in the 33063
receiving state. In the event the above alternatives cannot be 33064
accommodated by the receiving state for a student transferring in 33065
his or her Senior year, then the provisions of Article VII, 33066
Section C shall apply. 33067

C. Transfers during Senior year - Should a military student 33068
transferring at the beginning or during the student's Senior year 33069
be ineligible to graduate from the receiving local education 33070
agency after all alternatives have been considered, the sending 33071
and receiving local education agencies shall ensure the receipt of 33072
a diploma from the sending local education agency, if the student 33073
meets the graduation requirements of the sending local education 33074

agency. In the event that one of the states in question is not a 33075
member of this compact, the member state shall use best efforts to 33076
facilitate the on-time graduation of the student in accordance 33077
with Sections A and B of this Article. 33078

ARTICLE VIII. STATE COORDINATION 33079

A. Each member state shall, through the creation of a state 33080
council or use of an existing body or board, provide for the 33081
coordination among its agencies of government, local education 33082
agencies and military installations concerning the state's 33083
participation in, and compliance with, this compact and Interstate 33084
Commission activities. While each member state may determine the 33085
membership of its own state council, its membership must include 33086
at least: the state superintendent of education, superintendent of 33087
a school district with a high concentration of military children, 33088
representative from a military installation, one representative 33089
each from the legislative and executive branches of government, 33090
and other offices and stakeholder groups the state council deems 33091
appropriate. A member state that does not have a school district 33092
deemed to contain a high concentration of military children may 33093
appoint a superintendent from another school district to represent 33094
local education agencies on the state council. 33095

B. The state council of each member state shall appoint or 33096
designate a military family education liaison to assist military 33097
families and the state in facilitating the implementation of this 33098
compact. 33099

C. The compact commissioner responsible for the 33100
administration and management of the state's participation in the 33101
compact shall be appointed by the governor or as otherwise 33102
determined by each member state. 33103

D. The compact commissioner and the military family education 33104
liaison designated herein shall be ex officio members of the state 33105

council, unless either is already a full voting member of the 33106
state council. 33107

ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY 33108
FOR MILITARY CHILDREN 33109

The member states hereby create the "Interstate Commission on 33110
Educational Opportunity for Military Children." The activities of 33111
the Interstate Commission are the formation of public policy and 33112
are a discretionary state function. The Interstate Commission 33113
shall: 33114

A. Be a body corporate and joint agency of the member states 33115
and shall have all the responsibilities, powers and duties set 33116
forth herein, and such additional powers as may be conferred upon 33117
it by a subsequent concurrent action of the respective 33118
legislatures of the member states in accordance with the terms of 33119
this compact. 33120

B. Consist of one Interstate Commission voting representative 33121
from each member state who shall be that state's compact 33122
commissioner. 33123

1. Each member state represented at a meeting of the 33124
Interstate Commission is entitled to one vote. 33125

2. A majority of the total member states shall constitute a 33126
quorum for the transaction of business, unless a larger quorum is 33127
required by the bylaws of the Interstate Commission. 33128

3. A representative shall not delegate a vote to another 33129
member state. In the event the compact commissioner is unable to 33130
attend a meeting of the Interstate Commission, the governor or 33131
state council may delegate voting authority to another person from 33132
their state for a specified meeting. 33133

4. The bylaws may provide for meetings of the Interstate 33134
Commission to be conducted by telecommunication or electronic 33135

communication. 33136

C. Consist of ex officio, nonvoting representatives who are 33137
members of interested organizations. Such ex officio members, as 33138
defined in the bylaws, may include but not be limited to, members 33139
of the representative organizations of military family advocates, 33140
local education agency officials, parent and teacher groups, the 33141
Department of Defense, the Education Commission of the States, the 33142
Interstate Agreement on the Qualification of Educational Personnel 33143
and other interstate compacts affecting the education of children 33144
of military members. 33145

D. Meet at least once each calendar year. The chairperson may 33146
call additional meetings and, upon the request of a simple 33147
majority of the member states, shall call additional meetings. 33148

E. Establish an executive committee, whose members shall 33149
include the officers of the Interstate Commission and such other 33150
members of the Interstate Commission as determined by the bylaws. 33151
Members of the executive committee shall serve a one year term. 33152
Members of the executive committee shall be entitled to one vote 33153
each. The executive committee shall have the power to act on 33154
behalf of the Interstate Commission, with the exception of 33155
rulemaking, during periods when the Interstate Commission is not 33156
in session. The executive committee shall oversee the day-to-day 33157
activities of the administration of the compact including 33158
enforcement and compliance with the provisions of the compact, its 33159
bylaws and rules, and other such duties as deemed necessary. The 33160
Department of Defense, shall serve as an ex officio, nonvoting 33161
member of the executive committee. 33162

F. Establish bylaws and rules that provide for conditions and 33163
procedures under which the Interstate Commission shall make its 33164
information and official records available to the public for 33165
inspection or copying. The Interstate Commission may exempt from 33166
disclosure information or official records to the extent they 33167

<u>would adversely affect personal privacy rights or proprietary</u>	33168
<u>interests.</u>	33169
<u>G. Give public notice of all meetings and all meetings shall</u>	33170
<u>be open to the public, except as set forth in the rules or as</u>	33171
<u>otherwise provided in the compact. The Interstate Commission and</u>	33172
<u>its committees may close a meeting, or portion thereof, where it</u>	33173
<u>determines by two-thirds vote that an open meeting would be likely</u>	33174
<u>to:</u>	33175
<u>1. Relate solely to the Interstate Commission's internal</u>	33176
<u>personnel practices and procedures;</u>	33177
<u>2. Disclose matters specifically exempted from disclosure by</u>	33178
<u>federal and state statute;</u>	33179
<u>3. Disclose trade secrets or commercial or financial</u>	33180
<u>information which is privileged or confidential;</u>	33181
<u>4. Involve accusing a person of a crime, or formally</u>	33182
<u>censuring a person;</u>	33183
<u>5. Disclose information of a personal nature where disclosure</u>	33184
<u>would constitute a clearly unwarranted invasion of personal</u>	33185
<u>privacy;</u>	33186
<u>6. Disclose investigative records compiled for law</u>	33187
<u>enforcement purposes; or</u>	33188
<u>7. Specifically relate to the Interstate Commission's</u>	33189
<u>participation in a civil action or other legal proceeding.</u>	33190
<u>H. Shall cause its legal counsel or designee to certify that</u>	33191
<u>a meeting may be closed and shall reference each relevant</u>	33192
<u>exemptible provision for any meeting, or portion of a meeting,</u>	33193
<u>which is closed pursuant to this provision. The Interstate</u>	33194
<u>Commission shall keep minutes which shall fully and clearly</u>	33195
<u>describe all matters discussed in a meeting and shall provide a</u>	33196
<u>full and accurate summary of actions taken, and the reasons</u>	33197

therefore, including a description of the views expressed and the 33198
record of a roll call vote. All documents considered in connection 33199
with an action shall be identified in such minutes. All minutes 33200
and documents of a closed meeting shall remain under seal, subject 33201
to release by a majority vote of the Interstate Commission. 33202

I. Shall collect standardized data concerning the educational 33203
transition of the children of military families under this compact 33204
as directed through its rules which shall specify the data to be 33205
collected, the means of collection and data exchange, and 33206
reporting requirements. Such methods of data collection, exchange, 33207
and reporting shall, in so far as is reasonably possible, conform 33208
to current technology and coordinate its information functions 33209
with the appropriate custodian of records as identified in the 33210
bylaws and rules. 33211

J. Shall create a process that permits military officials, 33212
education officials and parents to inform the Interstate 33213
Commission if and when there are alleged violations of the compact 33214
or its rules or when issues subject to the jurisdiction of the 33215
compact or its rules are not addressed by the state or local 33216
education agency. This section shall not be construed to create a 33217
private right of action against the Interstate Commission or any 33218
member state. 33219

ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION 33220

The Interstate Commission shall have the following powers: 33221

A. To provide for dispute resolution among member states. 33222

B. To promulgate rules and take all necessary actions to 33223
effect the goals, purposes, and obligations as enumerated in this 33224
compact. The rules shall have the force and effect of statutory 33225
law and shall be binding in the compact states to the extent and 33226
in the manner provided in this compact. 33227

C. To issue, upon request of a member state, advisory 33228

<u>opinions concerning the meaning or interpretation of the</u>	33229
<u>interstate compact, its bylaws, rules, and actions.</u>	33230
<u>D. To enforce compliance with the compact provisions, the</u>	33231
<u>rules promulgated by the Interstate Commission, and the bylaws,</u>	33232
<u>using all necessary and proper means, including but not limited to</u>	33233
<u>the use of judicial process.</u>	33234
<u>E. To establish and maintain offices which shall be located</u>	33235
<u>within one or more of the member states.</u>	33236
<u>F. To purchase and maintain insurance and bonds.</u>	33237
<u>G. To borrow, accept, hire, or contract for services of</u>	33238
<u>personnel.</u>	33239
<u>H. To establish and appoint committees including, but not</u>	33240
<u>limited to, an executive committee as required by Article IX,</u>	33241
<u>Section E, which shall have the power to act on behalf of the</u>	33242
<u>Interstate Commission in carrying out its powers and duties</u>	33243
<u>hereunder.</u>	33244
<u>I. To elect or appoint such officers, attorneys, employees,</u>	33245
<u>agents, or consultants, and to fix their compensation, define</u>	33246
<u>their duties and determine their qualifications; and to establish</u>	33247
<u>the Interstate Commission's personnel policies and programs</u>	33248
<u>relating to conflicts of interest, rates of compensation, and</u>	33249
<u>qualifications of personnel.</u>	33250
<u>J. To accept any and all donations and grants of money,</u>	33251
<u>equipment, supplies, materials, and services, and to receive,</u>	33252
<u>utilize, and dispose of it.</u>	33253
<u>K. To lease, purchase, accept contributions or donations of,</u>	33254
<u>or otherwise to own, hold, improve, or use any property, real,</u>	33255
<u>personal, or mixed.</u>	33256
<u>L. To sell, convey, mortgage, pledge, lease, exchange,</u>	33257
<u>abandon, or otherwise dispose of any property, real, personal, or</u>	33258

<u>mixed.</u>	33259
<u>M. To establish a budget and make expenditures.</u>	33260
<u>N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.</u>	33261 33262
<u>O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.</u>	33263 33264 33265 33266 33267
<u>P. To coordinate education, training, and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.</u>	33268 33269 33270
<u>Q. To establish uniform standards for the reporting, collecting and exchanging of data.</u>	33271 33272
<u>R. To maintain corporate books and records in accordance with the bylaws.</u>	33273 33274
<u>S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.</u>	33275 33276
<u>T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.</u>	33277 33278 33279
<u>ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION</u>	33280 33281
<u>A. The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:</u>	33282 33283 33284 33285 33286
<u>1. Establishing the fiscal year of the Interstate Commission;</u>	33287

<u>2. Establishing an executive committee, and such other committees as may be necessary;</u>	33288
	33289
<u>3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;</u>	33290
	33291
	33292
<u>4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;</u>	33293
	33294
	33295
<u>5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;</u>	33296
	33297
<u>6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.</u>	33298
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	33301
<u>7. Providing "start up" rules for initial administration of the compact.</u>	33302
	33303
<u>B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.</u>	33304
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<u>C. Executive Committee, Officers, and Personnel</u>	33316
<u>1. The executive committee shall have such authority and</u>	33317

duties as may be set forth in the bylaws, including but not 33318
limited to: 33319

a. Managing the affairs of the Interstate Commission in a 33320
manner consistent with the bylaws and purposes of the Interstate 33321
Commission; 33322

b. Overseeing an organizational structure within, and 33323
appropriate procedures for the Interstate Commission to provide 33324
for the creation of rules, operating procedures, and 33325
administrative and technical support functions; and 33326

c. Planning, implementing, and coordinating communications 33327
and activities with other state, federal, and local government 33328
organizations in order to advance the goals of the Interstate 33329
Commission. 33330

2. The executive committee may, subject to the approval of 33331
the Interstate Commission, appoint or retain an executive director 33332
for such period, upon such terms and conditions and for such 33333
compensation, as the Interstate Commission may deem appropriate. 33334
The executive director shall serve as secretary to the Interstate 33335
Commission, but shall not be a Member of the Interstate 33336
Commission. The executive director shall hire and supervise such 33337
other persons as may be authorized by the Interstate Commission. 33338

D. The Interstate Commission's executive director and its 33339
employees shall be immune from suit and liability, either 33340
personally or in their official capacity, for a claim for damage 33341
to or loss of property or personal injury or other civil liability 33342
caused or arising out of or relating to an actual or alleged act, 33343
error, or omission that occurred, or that such person had a 33344
reasonable basis for believing occurred, within the scope of 33345
Interstate Commission employment, duties, or responsibilities; 33346
provided, that such person shall not be protected from suit or 33347
liability for damage, loss, injury, or liability caused by the 33348

intentional or willful and wanton misconduct of such person. 33349

1. The liability of the Interstate Commission's executive 33350
director and employees or Interstate Commission representatives, 33351
acting within the scope of such person's employment or duties for 33352
acts, errors, or omissions occurring within such person's state 33353
may not exceed the limits of liability set forth under the 33354
Constitution and laws of that state for state officials, 33355
employees, and agents. The Interstate Commission is considered to 33356
be an instrumentality of the states for the purposes of any such 33357
action. Nothing in this subsection shall be construed to protect 33358
such person from suit or liability for damage, loss, injury, or 33359
liability caused by the intentional or willful and wanton 33360
misconduct of such person. 33361

2. The Interstate Commission shall defend the executive 33362
director and its employees and, subject to the approval of the 33363
Attorney General or other appropriate legal counsel of the member 33364
state represented by an Interstate Commission representative, 33365
shall defend such Interstate Commission representative in any 33366
civil action seeking to impose liability arising out of an actual 33367
or alleged act, error or omission that occurred within the scope 33368
of Interstate Commission employment, duties or responsibilities, 33369
or that the defendant had a reasonable basis for believing 33370
occurred within the scope of Interstate Commission employment, 33371
duties, or responsibilities, provided that the actual or alleged 33372
act, error, or omission did not result from intentional or willful 33373
and wanton misconduct on the part of such person. 33374

3. To the extent not covered by the state involved, member 33375
state, or the Interstate Commission, the representatives or 33376
employees of the Interstate Commission shall be held harmless in 33377
the amount of a settlement or judgment, including attorney's fees 33378
and costs, obtained against such persons arising out of an actual 33379
or alleged act, error, or omission that occurred within the scope 33380

of Interstate Commission employment, duties, or responsibilities, 33381
or that such persons had a reasonable basis for believing occurred 33382
within the scope of Interstate Commission employment, duties, or 33383
responsibilities, provided that the actual or alleged act, error, 33384
or omission did not result from intentional or willful and wanton 33385
misconduct on the part of such persons. 33386

ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE 33387
COMMISSION 33388

A. Rulemaking Authority - The Interstate Commission shall 33389
promulgate reasonable rules in order to effectively and 33390
efficiently achieve the purposes of this compact. Notwithstanding 33391
the foregoing, in the event the Interstate Commission exercises 33392
its rulemaking authority in a manner that is beyond the scope of 33393
the purposes of this act, or the powers granted hereunder, then 33394
such an action by the Interstate Commission shall be invalid and 33395
have no force or effect. 33396

B. Rulemaking Procedure - Rules shall be made pursuant to a 33397
rulemaking process that substantially conforms to the "Model State 33398
Administrative Procedure Act," of 1981 Act, Uniform Laws 33399
Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate 33400
to the operations of the Interstate Commission. 33401

C. Not later than thirty days after a rule is promulgated, 33402
any person may file a petition for judicial review of the rule; 33403
provided, that the filing of such a petition shall not stay or 33404
otherwise prevent the rule from becoming effective unless the 33405
court finds that the petitioner has a substantial likelihood of 33406
success. The court shall give deference to the actions of the 33407
Interstate Commission consistent with applicable law and shall not 33408
find the rule to be unlawful if the rule represents a reasonable 33409
exercise of the Interstate Commission's authority. 33410

D. If a majority of the legislatures of the compacting states 33411

rejects a rule by enactment of a statute or resolution in the same 33412
manner used to adopt the compact, then such rule shall have no 33413
further force and effect in any compacting state. 33414

ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION 33415

A. Oversight 33416

1. The executive, legislative, and judicial branches of state 33417
government in each member state shall enforce this compact and 33418
shall take all actions necessary and appropriate to effectuate the 33419
compact's purposes and intent. The provisions of this compact and 33420
the rules promulgated hereunder shall have standing as statutory 33421
law. 33422

2. All courts shall take judicial notice of the compact and 33423
the rules in any judicial or administrative proceeding in a member 33424
state pertaining to the subject matter of this compact which may 33425
affect the powers, responsibilities or actions of the Interstate 33426
Commission. 33427

3. The Interstate Commission shall be entitled to receive all 33428
service of process in any such proceeding, and shall have standing 33429
to intervene in the proceeding for all purposes. Failure to 33430
provide service of process to the Interstate Commission shall 33431
render a judgment or order void as to the Interstate Commission, 33432
this compact or promulgated rules. 33433

B. Default, Technical Assistance, Suspension, and Termination 33434

- If the Interstate Commission determines that a member state has 33435
defaulted in the performance of its obligations or 33436
responsibilities under this compact, or the bylaws or promulgated 33437
rules, the Interstate Commission shall: 33438

1. Provide written notice to the defaulting state and other 33439
member states, of the nature of the default, the means of curing 33440
the default and any action taken by the Interstate Commission. The 33441
Interstate Commission shall specify the conditions by which the 33442

defaulting state must cure its default. 33443

2. Provide remedial training and specific technical assistance regarding the default. 33444
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3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default. 33446
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4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. 33453
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5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination. 33459
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6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state. 33464
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7. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation 33469
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<u>including reasonable attorney's fees.</u>	33474
<u>C. Dispute Resolution</u>	33475
<u>1. The Interstate Commission shall attempt, upon the request</u>	33476
<u>of a member state, to resolve disputes which are subject to the</u>	33477
<u>compact and which may arise among member states and between member</u>	33478
<u>and nonmember states.</u>	33479
<u>2. The Interstate Commission shall promulgate a rule</u>	33480
<u>providing for both mediation and binding dispute resolution for</u>	33481
<u>disputes as appropriate.</u>	33482
<u>D. Enforcement</u>	33483
<u>1. The Interstate Commission, in the reasonable exercise of</u>	33484
<u>its discretion, shall enforce the provisions and rules of this</u>	33485
<u>compact.</u>	33486
<u>2. The Interstate Commission, may by majority vote of the</u>	33487
<u>members, initiate legal action in the United States District Court</u>	33488
<u>for the District of Columbia or, at the discretion of the</u>	33489
<u>Interstate Commission, in the federal district where the</u>	33490
<u>Interstate Commission has its principal offices, to enforce</u>	33491
<u>compliance with the provisions of the compact, its promulgated</u>	33492
<u>rules and bylaws, against a member state in default. The relief</u>	33493
<u>sought may include both injunctive relief and damages. In the</u>	33494
<u>event judicial enforcement is necessary the prevailing party shall</u>	33495
<u>be awarded all costs of such litigation including reasonable</u>	33496
<u>attorney's fees.</u>	33497
<u>3. The remedies herein shall not be the exclusive remedies of</u>	33498
<u>the Interstate Commission. The Interstate Commission may avail</u>	33499
<u>itself of any other remedies available under state law or the</u>	33500
<u>regulation of a profession.</u>	33501
<u>ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION</u>	33502
<u>A. The Interstate Commission shall pay, or provide for the</u>	33503

payment of the reasonable expenses of its establishment, 33504
organization, and ongoing activities. 33505

B. The Interstate Commission may levy on and collect an 33506
annual assessment from each member state to cover the cost of the 33507
operations and activities of the Interstate Commission and its 33508
staff which must be in a total amount sufficient to cover the 33509
Interstate Commission's annual budget as approved each year. The 33510
aggregate annual assessment amount shall be allocated based upon a 33511
formula to be determined by the Interstate Commission, which shall 33512
promulgate a rule binding upon all member states. 33513

C. The Interstate Commission shall not incur obligations of 33514
any kind prior to securing the funds adequate to meet the same; 33515
nor shall the Interstate Commission pledge the credit of any of 33516
the member states, except by and with the authority of the member 33517
state. 33518

D. The Interstate Commission shall keep accurate accounts of 33519
all receipts and disbursements. The receipts and disbursements of 33520
the Interstate Commission shall be subject to the audit and 33521
accounting procedures established under its bylaws. However, all 33522
receipts and disbursements of funds handled by the Interstate 33523
Commission shall be audited yearly by a certified or licensed 33524
public accountant and the report of the audit shall be included in 33525
and become part of the annual report of the Interstate Commission. 33526

ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 33527

A. Any state is eligible to become a member state. 33528

B. The compact shall become effective and binding upon 33529
legislative enactment of the compact into law by no less than ten 33530
of the states. The effective date shall be no earlier than 33531
December 1, 2007. Thereafter it shall become effective and binding 33532
as to any other member state upon enactment of the compact into 33533
law by that state. The governors of nonmember states or their 33534

designees shall be invited to participate in the activities of the 33535
Interstate Commission on a nonvoting basis prior to adoption of 33536
the compact by all states. 33537

C. The Interstate Commission may propose amendments to the 33538
compact for enactment by the member states. No amendment shall 33539
become effective and binding upon the Interstate Commission and 33540
the member states unless and until it is enacted into law by 33541
unanimous consent of the member states. 33542

ARTICLE XVI. WITHDRAWAL AND DISSOLUTION 33543

A. Withdrawal 33544

1. Once effective, the compact shall continue in force and 33545
remain binding upon each and every member state; provided that a 33546
member state may withdraw from the compact by specifically 33547
repealing the statute, which enacted the compact into law. 33548

2. Withdrawal from this compact shall be by the enactment of 33549
a statute repealing the same, but shall not take effect until one 33550
year after the effective date of such statute and until written 33551
notice of the withdrawal has been given by the withdrawing state 33552
to the Governor of each other member jurisdiction. 33553

3. The withdrawing state shall immediately notify the 33554
chairperson of the Interstate Commission in writing upon the 33555
introduction of legislation repealing this compact in the 33556
withdrawing state. The Interstate Commission shall notify the 33557
other member states of the withdrawing state's intent to withdraw 33558
within sixty days of its receipt thereof. 33559

4. The withdrawing state is responsible for all assessments, 33560
obligations and liabilities incurred through the effective date of 33561
withdrawal, including obligations, the performance of which extend 33562
beyond the effective date of withdrawal. 33563

5. Reinstatement following withdrawal of a member state shall 33564

<u>occur upon the withdrawing state reenacting the compact or upon</u>	33565
<u>such later date as determined by the Interstate Commission.</u>	33566
<u>B. Dissolution of Compact</u>	33567
<u>1. This compact shall dissolve effective upon the date of the</u>	33568
<u>withdrawal or default of the member state which reduces the</u>	33569
<u>membership in the compact to one member state.</u>	33570
<u>2. Upon the dissolution of this compact, the compact becomes</u>	33571
<u>null and void and shall be of no further force or effect, and the</u>	33572
<u>business and affairs of the Interstate Commission shall be</u>	33573
<u>concluded and surplus funds shall be distributed in accordance</u>	33574
<u>with the bylaws.</u>	33575
<u>ARTICLE XVII. SEVERABILITY AND CONSTRUCTION</u>	33576
<u>A. The provisions of this compact shall be severable, and if</u>	33577
<u>any phrase, clause, sentence or provision is deemed unenforceable,</u>	33578
<u>the remaining provisions of the compact shall be enforceable.</u>	33579
<u>B. The provisions of this compact shall be liberally</u>	33580
<u>construed to effectuate its purposes.</u>	33581
<u>C. Nothing in this compact shall be construed to prohibit the</u>	33582
<u>applicability of other interstate compacts to which the states are</u>	33583
<u>members.</u>	33584
<u>ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS</u>	33585
<u>A. Other Laws</u>	33586
<u>1. Nothing herein prevents the enforcement of any other law</u>	33587
<u>of a member state that is not inconsistent with this compact.</u>	33588
<u>2. All member states' laws conflicting with this compact are</u>	33589
<u>superseded to the extent of the conflict.</u>	33590
<u>B. Binding Effect of the Compact</u>	33591
<u>1. All lawful actions of the Interstate Commission, including</u>	33592
<u>all rules and bylaws promulgated by the Interstate Commission, are</u>	33593

<u>binding upon the member states.</u>	33594
<u>2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.</u>	33595
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<u>3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.</u>	33597
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<u>Sec. 3301.61. (A) Subject to section 3301.64 of the Revised Code, the state council on educational opportunity for military children is hereby established within the department of veterans services. The council shall consist of the following members:</u>	33602
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<u>(1) The superintendent of public instruction;</u>	33606
<u>(2) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor;</u>	33607
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	33609
<u>(3) A representative of a military installation located in this state, appointed by the governor;</u>	33610
	33611
<u>(4) A representative of the governor's office, appointed by the governor;</u>	33612
	33613
<u>(5) Four members of the general assembly, appointed as follows:</u>	33614
	33615
<u>(a) One member of the house of representatives appointed by the speaker of the house of representatives;</u>	33616
	33617
<u>(b) One member of the house of representatives appointed by the minority leader of the house of representatives;</u>	33618
	33619
<u>(c) One member of the senate appointed by the president of the senate;</u>	33620
	33621
<u>(d) One member of the senate appointed by the minority leader</u>	33622

of the senate. 33623

(6) The compact commissioner appointed under section 3301.62 33624
of the Revised Code; 33625

(7) The military education family education liaison appointed 33626
under section 3301.63 of the Revised Code; 33627

(8) Other members appointed in the manner prescribed by and 33628
seated at the discretion of the voting members of the council. 33629

The members of the council shall serve at the pleasure of 33630
their appointing authorities. Vacancies shall be filled in the 33631
manner of the initial appointments. 33632

The members appointed under divisions (A)(5) to (8) of this 33633
section shall be nonvoting members of the council. 33634

The members of the council shall serve without compensation. 33635

(B) The council shall oversee and provide coordination for 33636
the state's participation in and compliance with the interstate 33637
compact on educational opportunity for military children, as 33638
ratified by section 3301.60 of the Revised Code. 33639

(C) The department of veterans services shall provide staff 33640
support for the council. 33641

(D) Sections 101.82 to 101.87 of the Revised Code do not 33642
apply to the council. 33643

(E) As used in this section, "children of military families" 33644
and "military installation" have the same meanings as in Article 33645
II of the interstate compact on educational opportunity for 33646
military children. 33647

Sec. 3301.62. Subject to section 3301.64 of the Revised Code, 33648
the governor shall appoint a compact commissioner who shall be 33649
responsible for administering the state's participation in the 33650
interstate compact on educational opportunity for military 33651

children, as ratified by section 3301.60 of the Revised Code. The 33652
compact commissioner shall be a state officer within the 33653
department of veterans services and shall serve at the pleasure of 33654
the governor. 33655

Sec. 3301.63. Subject to section 3301.64 of the Revised Code, 33656
the state council on educational opportunity for military 33657
children, established under section 3301.61 of the Revised Code, 33658
shall appoint a military education family education liaison to 33659
assist families and the state in implementing the interstate 33660
compact on educational opportunity for military children, as 33661
ratified by section 3301.60 of the Revised Code. The department of 33662
veterans services shall provide staff support for the military 33663
education family education liaison. 33664

Sec. 3301.64. Notwithstanding sections 3301.61, 3301.62, and 33665
3301.63 of the Revised Code, the state council on educational 33666
opportunity for military children, the compact commissioner, and 33667
the military education family education liaison shall not be 33668
appointed until such time as not less than ten states, including 33669
this state, ratify the interstate compact on educational 33670
opportunity for military children. 33671

Sec. 3301.90. The governor shall create the early childhood 33672
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 33673
shall appoint one of its members to serve as chairperson of the 33674
council. The council shall serve as the state advisory council on 33675
early childhood education and care, as described in 42 U.S.C. 33676
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 33677
9837b(b)(1), the council shall advise the state regarding the 33678
creation and duties of the center for early childhood development 33679
and shall promote family-centered programs and services that 33680
acknowledge and support the social, emotional, cognitive, 33681

intellectual, and physical development of children and the vital 33682
role of families in ensuring the well-being and success of 33683
children. 33684

Sec. 3301.95. Each school district that receives federal 33685
funding under the "American Recovery and Reinvestment Act of 33686
2009," Pub. L. No. 111-5, 123 Stat. 115, shall use the required 33687
amounts of that funding for services for students enrolled in 33688
nonpublic schools located in the district as prescribed under 33689
Title I of the "Elementary and Secondary Education Act of 1965," 33690
20 U.S.C. 6301 et seq., the "Individuals with Disabilities 33691
Education Improvement Act of 2004," 20 U.S.C. 1400 et seq., or the 33692
"Enhancing Education Through Technology Act of 2001," 20 U.S.C. 33693
6751 et seq., and under section 3323.041 of the Revised Code. 33694

The department of education shall ensure compliance with this 33695
section. 33696

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 33697
later than July 1, 2007, the department of education shall 33698
implement a value-added progress dimension for school districts 33699
and buildings and shall incorporate the value-added progress 33700
dimension into the report cards and performance ratings issued for 33701
districts and buildings under section 3302.03 of the Revised Code. 33702

The state board of education shall adopt rules, pursuant to 33703
Chapter 119. of the Revised Code, for the implementation of the 33704
value-added progress dimension. In adopting rules, the state board 33705
shall consult with the Ohio accountability task force established 33706
under division ~~(D)~~(E) of this section. The rules adopted under 33707
this division shall specify both of the following: 33708

(1) A scale for describing the levels of academic progress in 33709
reading and mathematics relative to a standard year of academic 33710
growth in those subjects for each of grades three through eight; 33711

(2) That the department shall maintain the confidentiality of individual student test scores and individual student reports in accordance with sections 3301.0711, 3301.0714, and 3319.321 of the Revised Code and federal law. The department may require school districts to use a unique identifier for each student for this purpose. Individual student test scores and individual student reports shall be made available only to a student's classroom teacher and other appropriate educational personnel and to the student's parent or guardian.

(B) The department shall use a system designed for collecting necessary data, calculating the value-added progress dimension, analyzing data, and generating reports, which system has been used previously by a non-profit organization led by the Ohio business community for at least one year in the operation of a pilot program in cooperation with school districts to collect and report student achievement data via electronic means and to provide information to the districts regarding the academic performance of individual students, grade levels, school buildings, and the districts as a whole.

(C) The department shall not pay more than two dollars per student for data analysis and reporting to implement the value-added progress dimension in the same manner and with the same services as under the pilot program described by division (B) of this section. However, nothing in this section shall preclude the department or any school district from entering into a contract for the provision of more services at a higher fee per student. Any data analysis conducted under this section by an entity under contract with the department shall be completed in accordance with timelines established by the superintendent of public instruction.

(D) The department shall share any aggregate student data and any calculation, analysis, or report utilizing aggregate student

data that is generated under this section with the chancellor of 33744
the Ohio board of regents. The department shall not share 33745
individual student test scores and individual student reports with 33746
the chancellor. 33747

(E)(1) There is hereby established the Ohio accountability 33748
task force. The task force shall consist of the following thirteen 33749
members: 33750

(a) The chairpersons and ranking minority members of the 33751
house of representatives and senate standing committees primarily 33752
responsible for education legislation, who shall be nonvoting 33753
members; 33754

(b) One representative of the governor's office, appointed by 33755
the governor; 33756

(c) The superintendent of public instruction, or the 33757
superintendent's designee; 33758

(d) One representative of teacher employee organizations 33759
formed pursuant to Chapter 4117. of the Revised Code, appointed by 33760
the speaker of the house of representatives; 33761

(e) One representative of school district boards of 33762
education, appointed by the president of the senate; 33763

(f) One school district superintendent, appointed by the 33764
speaker of the house of representatives; 33765

(g) One representative of business, appointed by the 33766
president of the senate; 33767

(h) One representative of a non-profit organization led by 33768
the Ohio business community, appointed by the governor; 33769

(i) One school building principal, appointed by the president 33770
of the senate; 33771

(j) A member of the state board of education, appointed by 33772
the speaker of the house of representatives. 33773

Initial appointed members of the task force shall serve until 33774
January 1, 2005. Thereafter, terms of office for appointed members 33775
shall be for two years, each term ending on the same day of the 33776
same month as did the term that it succeeds. Each appointed member 33777
shall hold office from the date of appointment until the end of 33778
the term for which the member was appointed. Members may be 33779
reappointed. Vacancies shall be filled in the same manner as the 33780
original appointment. Any member appointed to fill a vacancy 33781
occurring prior to the expiration of the term for which the 33782
member's predecessor was appointed shall hold office for the 33783
remainder of that term. 33784

The task force shall select from among its members a 33785
chairperson. The task force shall meet at least six times each 33786
calendar year and at other times upon the call of the chairperson 33787
to conduct its business. Members of the task force shall serve 33788
without compensation. 33789

(2) The task force shall do all of the following: 33790

(a) Examine the implementation of the value-added progress 33791
dimension by the department, including the system described in 33792
division (B) of this section, the reporting of performance data to 33793
school districts and buildings, and the provision of professional 33794
development on the interpretation of the data to classroom 33795
teachers and administrators; 33796

(b) Periodically review any fees for data analysis and 33797
reporting paid by the department pursuant to division (C) of this 33798
section and determine if the fees are appropriate based upon the 33799
level of services provided; 33800

(c) Periodically report to the department and the state board 33801
on all issues related to the school district and building 33802
accountability system established under this chapter; 33803

(d) Not later than seven years after its initial meeting, 33804

make recommendations to improve the school district and building 33805
accountability system established under this chapter. The task 33806
force shall adopt recommendations by a majority vote of its 33807
members. Copies of the recommendations shall be provided to the 33808
state board, the governor, the speaker of the house of 33809
representatives, and the president of the senate. 33810

(e) Determine starting dates for the implementation of the 33811
value-added progress dimension and its incorporation into school 33812
district and building report cards and performance ratings. 33813

Sec. 3302.03. (A) Annually the department of education shall 33814
report for each school district and each school building in a 33815
district all of the following: 33816

(1) The extent to which the school district or building meets 33817
each of the applicable performance indicators created by the state 33818
board of education under section 3302.02 of the Revised Code and 33819
the number of applicable performance indicators that have been 33820
achieved; 33821

(2) The performance index score of the school district or 33822
building; 33823

(3) Whether the school district or building has made adequate 33824
yearly progress; 33825

(4) Whether the school district or building is excellent, 33826
effective, needs continuous improvement, is under an academic 33827
watch, or is in a state of academic emergency. 33828

(B) Except as otherwise provided in ~~divisions~~ division (B)(6) 33829
~~and (7)~~ of this section: 33830

(1) A school district or building shall be declared excellent 33831
if it ~~fulfills one of the following requirements:~~ 33832

~~(a) It makes adequate yearly progress and either meets at 33833
least ninety four per cent of the applicable state performance 33834~~

~~indicators or has a performance index score established by the~~ 33835
~~department.~~ 33836

~~(b) It has failed to make adequate yearly progress for not~~ 33837
~~more than two consecutive years and either~~ meets at least 33838
ninety-four per cent of the applicable state performance 33839
indicators or has a performance index score established by the 33840
department, except that if it does not make adequate yearly 33841
progress for two more of the same subgroups for three or more 33842
consecutive years, it shall be declared effective. 33843

(2) A school district or building shall be declared effective 33844
if it ~~fulfills one of the following requirements:~~ 33845

~~(a) It makes adequate yearly progress and either~~ 33846
least seventy-five per cent but less than ninety-four per cent of 33847
the applicable state performance indicators or has a performance 33848
index score established by the department. 33849

~~(b) It does not make adequate yearly progress and either~~ 33850
~~meets at least seventy five per cent of the applicable state~~ 33851
~~performance indicators or has a performance index score~~ 33852
~~established by the department, except that if it does not make~~ 33853
adequate yearly progress for two or more of the same subgroups for 33854
three or more consecutive years, it shall be declared in need of 33855
continuous improvement. 33856

(3) A school district or building shall be declared to be in 33857
need of continuous improvement if it fulfills one of the following 33858
requirements: 33859

(a) It makes adequate yearly progress, meets at least 33860
thirty-one per cent but less than seventy-five per cent of the 33861
applicable state performance indicators, and has a performance 33862
index score established by the department. 33863

(b) It does not make adequate yearly progress and either 33864
meets at least fifty per cent but less than seventy-five per cent 33865

of the applicable state performance indicators or has a 33866
performance index score established by the department. 33867

(4) A school district or building shall be declared to be 33868
under an academic watch if it fulfills one of the following 33869
requirements: 33870

(a) It makes adequate yearly progress, does not meet at least 33871
thirty-one per cent of the applicable state performance 33872
indicators, and has a performance index score established by the 33873
department. 33874

(b) It does not make adequate yearly progress and either 33875
meets at least thirty-one per cent but less than fifty per cent of 33876
the applicable state performance indicators or has a performance 33877
index score established by the department. 33878

(5) A school district or building shall be declared to be in 33879
a state of academic emergency if it does not make adequate yearly 33880
progress, does not meet at least thirty-one per cent of the 33881
applicable state performance indicators, and has a performance 33882
index score established by the department. 33883

~~(6) When designating performance ratings for school districts~~ 33884
~~and buildings under divisions (B)(1) to (5) of this section, the~~ 33885
~~department shall not assign a school district or building a lower~~ 33886
~~designation from its previous year's designation based solely on~~ 33887
~~one subgroup not making adequate yearly progress.~~ 33888

~~(7)~~ Division (B)~~(7)~~(6) of this section does not apply to any 33889
community school established under Chapter 3314. of the Revised 33890
Code in which a majority of the students are enrolled in a dropout 33891
prevention and recovery program. 33892

A school district or building shall not be assigned a higher 33893
performance rating than in need of continuous improvement if at 33894
least ten per cent but not more than fifteen per cent of the 33895
enrolled students do not take all achievement tests prescribed for 33896

their grade level under section 3301.0710 of the Revised Code from 33897
which they are not excused pursuant to division (C)(1) or (3) of 33898
section 3301.0711 of the Revised Code. A school district or 33899
building shall not be assigned a higher performance rating than 33900
under an academic watch if more than fifteen per cent but not more 33901
than twenty per cent of the enrolled students do not take all 33902
achievement tests prescribed for their grade level under section 33903
3301.0710 of the Revised Code from which they are not excused 33904
pursuant to division (C)(1) or (3) of section 3301.0711 of the 33905
Revised Code. A school district or building shall not be assigned 33906
a higher performance rating than in a state of academic emergency 33907
if more than twenty per cent of the enrolled students do not take 33908
all achievement tests prescribed for their grade level under 33909
section 3301.0710 of the Revised Code from which they are not 33910
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 33911
the Revised Code. 33912

(C)(1) The department shall issue annual report cards for 33913
each school district, each building within each district, and for 33914
the state as a whole reflecting performance on the indicators 33915
created by the state board under section 3302.02 of the Revised 33916
Code, the performance index score, and adequate yearly progress. 33917

(2) The department shall include on the report card for each 33918
district information pertaining to any change from the previous 33919
year made by the school district or school buildings within the 33920
district on any performance indicator. 33921

(3) When reporting data on student performance, the 33922
department shall disaggregate that data according to the following 33923
categories: 33924

(a) Performance of students by age group; 33925

(b) Performance of students by race and ethnic group; 33926

(c) Performance of students by gender; 33927

(d) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	33928 33929
(e) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	33930 33931 33932
(f) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	33933 33934
(g) Performance of students grouped by those who are economically disadvantaged;	33935 33936
(h) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	33937 33938 33939
(i) Performance of students grouped by those who are classified as limited English proficient;	33940 33941
(j) Performance of students grouped by those who have disabilities;	33942 33943
(k) Performance of students grouped by those who are classified as migrants;	33944 33945
(l) Performance of students grouped by those who are identified as gifted pursuant to Chapter 3324. of the Revised Code.	33946 33947 33948
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (C)(3)(a) to (l) of this section that it deems relevant.	33949 33950 33951 33952 33953 33954
In reporting data pursuant to division (C)(3) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or	33955 33956 33957

that could result in the identification of individual students. 33958
For this purpose, the department shall not report student 33959
performance data for any group identified in division (C)(3) of 33960
this section that contains less than ten students. 33961

(4) The department may include with the report cards any 33962
additional education and fiscal performance data it deems 33963
valuable. 33964

(5) The department shall include on each report card a list 33965
of additional information collected by the department that is 33966
available regarding the district or building for which the report 33967
card is issued. When available, such additional information shall 33968
include student mobility data disaggregated by race and 33969
socioeconomic status, college enrollment data, and the reports 33970
prepared under section 3302.031 of the Revised Code. 33971

The department shall maintain a site on the world wide web. 33972
The report card shall include the address of the site and shall 33973
specify that such additional information is available to the 33974
public at that site. The department shall also provide a copy of 33975
each item on the list to the superintendent of each school 33976
district. The district superintendent shall provide a copy of any 33977
item on the list to anyone who requests it. 33978

(6)(a) This division does not apply to conversion community 33979
schools that primarily enroll students between sixteen and 33980
twenty-two years of age who dropped out of high school or are at 33981
risk of dropping out of high school due to poor attendance, 33982
disciplinary problems, or suspensions. 33983

For any district that sponsors a conversion community school 33984
under Chapter 3314. of the Revised Code, the department shall 33985
combine data regarding the academic performance of students 33986
enrolled in the community school with comparable data from the 33987
schools of the district for the purpose of calculating the 33988

performance of the district as a whole on the report card issued 33989
for the district. 33990

(b) Any district that leases a building to a community school 33991
located in the district or that enters into an agreement with a 33992
community school located in the district whereby the district and 33993
the school endorse each other's programs may elect to have data 33994
regarding the academic performance of students enrolled in the 33995
community school combined with comparable data from the schools of 33996
the district for the purpose of calculating the performance of the 33997
district as a whole on the district report card. Any district that 33998
so elects shall annually file a copy of the lease or agreement 33999
with the department. 34000

(7) The department shall include on each report card the 34001
percentage of teachers in the district or building who are highly 34002
qualified, as defined by the "No Child Left Behind Act of 2001," 34003
and a comparison of that percentage with the percentages of such 34004
teachers in similar districts and buildings. 34005

(8) The department shall include on the report card the 34006
number of ~~master~~ lead teachers employed by each district and each 34007
building once the data is available from the education management 34008
information system established under section 3301.0714 of the 34009
Revised Code. 34010

(D)(1) In calculating reading, writing, mathematics, social 34011
studies, or science proficiency or achievement test passage rates 34012
used to determine school district or building performance under 34013
this section, the department shall include all students taking a 34014
test with accommodation or to whom an alternate assessment is 34015
administered pursuant to division (C)(1) or (3) of section 34016
3301.0711 of the Revised Code. 34017

(2) In calculating performance index scores, rates of 34018
achievement on the performance indicators established by the state 34019

board under section 3302.02 of the Revised Code, and adequate 34020
yearly progress for school districts and buildings under this 34021
section, the department shall do all of the following: 34022

(a) Include for each district or building only those students 34023
who are included in the ADM certified for the first full school 34024
week of October and are continuously enrolled in the district or 34025
building through the time of the spring administration of any test 34026
prescribed by section 3301.0710 of the Revised Code that is 34027
administered to the student's grade level; 34028

(b) Include cumulative totals from both the fall and spring 34029
administrations of the third grade reading achievement test; 34030

(c) Except as required by the "No Child Left Behind Act of 34031
2001" for the calculation of adequate yearly progress, exclude for 34032
each district or building any limited English proficient student 34033
who has been enrolled in United States schools for less than one 34034
full school year. 34035

Sec. 3304.231. There is hereby created a brain injury 34036
advisory committee, which shall advise the administrator of the 34037
rehabilitation services commission and the brain injury program 34038
with regard to unmet needs of survivors of brain injury, 34039
development of programs for survivors and their families, 34040
establishment of training programs for health care professionals, 34041
and any other matter within the province of the brain injury 34042
program. The committee shall consist of not ~~less~~ fewer than 34043
~~eighteen~~ twenty and not more than ~~twenty-one~~ twenty-two members as 34044
follows: 34045

(A) Not ~~less~~ fewer than ten and not more than twelve members 34046
appointed by the administrator of the rehabilitation services 34047
commission, including all of the following: a survivor of brain 34048
injury, a relative of a survivor of brain injury, a licensed 34049
physician recommended by the Ohio chapter of the American college 34050

of emergency physicians, a licensed physician recommended by the 34051
Ohio state medical association, one other health care 34052
professional, a rehabilitation professional, an individual who 34053
represents the brain injury association of Ohio, and not ~~less~~ 34054
fewer than three nor more than five individuals who shall 34055
represent the public; 34056

(B) The directors of the departments of health, alcohol and 34057
drug addiction services, mental retardation and developmental 34058
disabilities, mental health, job and family services, aging, and 34059
~~highway~~ public safety; the administrator of workers' compensation; 34060
the superintendent of public instruction; and the administrator of 34061
the rehabilitation services commission. Any of the officials 34062
specified in this division may designate an individual to serve in 34063
the official's place as a member of the committee. 34064

~~The director of health shall make initial appointments to the 34065
committee by November 1, 1990. Appointments made after July 26, 34066
1991, shall be made by the administrator of the rehabilitation 34067
services commission. Terms of office of the appointed members 34068
shall be two years. Members may be reappointed. Vacancies shall be 34069
filled in the manner provided for original appointments. Any 34070
member appointed to fill a vacancy occurring prior to the 34071
expiration date of the term for which the member's predecessor was 34072
appointed shall hold office as a member for the remainder of that 34073
term. 34074~~

Members of the committee shall serve without compensation, 34075
but shall be reimbursed for actual and necessary expenses incurred 34076
in the performance of their duties. 34077

Sec. 3310.03. (A) A student is an "eligible student" for 34078
purposes of the educational choice scholarship pilot program if 34079
the student's resident district is not a school district in which 34080
the pilot project scholarship program is operating under sections 34081

3313.974 to 3313.979 of the Revised Code and the student satisfies 34082
one of the following conditions: 34083

(1) The student is enrolled in a school building that is 34084
operated by the student's resident district and to which both of 34085
the following apply: 34086

(a) The building was declared, in at least two of the three 34087
most recent ratings of school buildings published prior to the 34088
first day of July of the school year for which a scholarship is 34089
sought, to be in a state of academic emergency or academic watch 34090
under section 3302.03 of the Revised Code; 34091

(b) The building was not declared to be excellent or 34092
effective under that section in the most recent rating published 34093
prior to the first day of July of the school year for which a 34094
scholarship is sought. 34095

(2) The student is eligible to enroll in kindergarten in the 34096
school year for which a scholarship is sought and otherwise would 34097
be assigned under section 3319.01 of the Revised Code to a school 34098
building described in division (A)(1) of this section. 34099

(3) The student is enrolled in a community school established 34100
under Chapter 3314. of the Revised Code but otherwise would be 34101
assigned under section 3319.01 of the Revised Code to a building 34102
described in division (A)(1) of this section. 34103

(4) The student is enrolled in a school building that is 34104
operated by the student's resident district or in a community 34105
school established under Chapter 3314. of the Revised Code and 34106
otherwise would be assigned under section 3319.01 of the Revised 34107
Code to a school building described in division (A)(1) of this 34108
section in the school year for which the scholarship is sought. 34109

(5) The student is eligible to enroll in kindergarten in the 34110
school year for which a scholarship is sought, or is enrolled in a 34111

community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(6) The student is enrolled in a new school building that is operated by the student's resident district and to which all of the following apply:

(a) The new building is open for instruction for its second or third school year.

(b) For the first school year that the new building was open for instruction, at least seventy-five per cent of the enrolled students had transferred directly from two or more school buildings that closed and to each of which all of the following apply:

(i) The closed buildings were operated by the same school district that operates the new building.

(ii) The closed buildings offered at least some of the grade levels that the new building also offers.

(iii) The closed buildings were declared, for at least two of their last three ratings under section 3302.03 of the Revised Code, to be in a state of academic emergency or academic watch.

(iv) The closed buildings were not declared to be excellent or effective in their last rating under section 3302.03 of the Revised Code.

(c) If the new building is conducting its second school year of instruction, the building was declared, based on its first school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code.

(d) If the new building is conducting its third school year of instruction, the building was declared, based on either its first or second school year of instruction, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code, but was not declared to be excellent or effective under that section based on its second school year of instruction.

(7) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(6) of this section.

(8) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(6) of this section.

(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would

be assigned in the new resident district to a school building 34173
described in division (A)(1) or (6) of this section; 34174

(2) The student takes each state test prescribed for the 34175
student's grade level under section 3301.0710 or 3301.0712 of the 34176
Revised Code while enrolled in a chartered nonpublic school; 34177

(3) In each school year that the student is enrolled in a 34178
chartered nonpublic school, the student is absent from school for 34179
not more than twenty days that the school is open for instruction, 34180
not including excused absences. 34181

(C) The department shall cease awarding first-time 34182
scholarships pursuant to divisions (A)(1) to (4) of this section 34183
with respect to a school building that, in the most recent ratings 34184
of school buildings published under section 3302.03 of the Revised 34185
Code prior to the first day of July of the school year, ceases to 34186
meet the criteria in division (A)(1) of this section. The 34187
department shall cease awarding first-time scholarships pursuant 34188
to division (A)(5) of this section with respect to a school 34189
district that, in the most recent ratings of school districts 34190
published under section 3302.03 of the Revised Code prior to the 34191
first day of July of the school year, ceases to meet the criteria 34192
in division (A)(5) of this section. However, students who have 34193
received scholarships in the prior school year remain eligible 34194
students pursuant to division (B) of this section. 34195

(D) The state board of education shall adopt rules defining 34196
excused absences for purposes of division (B)(3) of this section. 34197

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 34198
Revised Code: 34199

(A) "Alternative public provider" means either of the 34200
following providers that agrees to enroll a child in the 34201
provider's special education program to implement the child's 34202

<u>individualized education program and to which the eligible</u>	34203
<u>applicant owes fees for the services provided to the child:</u>	34204
<u>(1) A school district that is not the school district in</u>	34205
<u>which the child is entitled to attend school or the child's school</u>	34206
<u>district of residence, if different;</u>	34207
<u>(2) A public entity other than a school district.</u>	34208
<u>(B) "Applicable special education weight" means the multiple</u>	34209
<u>specified in section 3317.013 of the Revised Code for the</u>	34210
<u>corresponding disability described in that section.</u>	34211
<u>(C) "Category one through six special education ADM" means</u>	34212
<u>the respective categories prescribed in divisions (F)(1) to (6) of</u>	34213
<u>section 3317.02 of the Revised Code.</u>	34214
<u>(D) "Child with a disability" and "individualized education</u>	34215
<u>program" have the same meanings as in section 3323.01 of the</u>	34216
<u>Revised Code.</u>	34217
<u>(E) "Eligible applicant" means any of the following:</u>	34218
<u>(1) Either of the natural or adoptive parents of a qualified</u>	34219
<u>special education child, except as otherwise specified in this</u>	34220
<u>division. When the marriage of the natural or adoptive parents of</u>	34221
<u>the student has been terminated by a divorce, dissolution of</u>	34222
<u>marriage, or annulment, or when the natural or adoptive parents of</u>	34223
<u>the student are living separate and apart under a legal separation</u>	34224
<u>decree, and a court has issued an order allocating the parental</u>	34225
<u>rights and responsibilities with respect to the child, "eligible</u>	34226
<u>applicant" means the residential parent as designated by the</u>	34227
<u>court. If the court issues a shared parenting decree, "eligible</u>	34228
<u>applicant" means either parent. "Eligible applicant" does not mean</u>	34229
<u>a parent whose custodial rights have been terminated.</u>	34230
<u>(2) The custodian of a qualified special education child,</u>	34231
<u>when a court has granted temporary, legal, or permanent custody of</u>	34232

the child to an individual other than either of the natural or 34233
adoptive parents of the child or to a government agency; 34234

(3) The guardian of a qualified special education child, when 34235
a court has appointed a guardian for the child; 34236

(4) The grandparent of a qualified special education child, 34237
when the grandparent is the child's attorney in fact under a power 34238
of attorney executed under sections 3109.51 to 3109.62 of the 34239
Revised Code or when the grandparent has executed a caregiver 34240
authorization affidavit under sections 3109.65 to 3109.73 of the 34241
Revised Code; 34242

(5) The surrogate parent appointed for a qualified special 34243
education child pursuant to division (B) of section 3323.05 and 34244
section 3323.051 of the Revised Code; 34245

(6) A qualified special education child, if the child does 34246
not have a custodian or guardian and the child is at least 34247
eighteen years of age. 34248

(F) "Entitled to attend school" means entitled to attend 34249
school in a school district under sections 3313.64 and 3313.65 of 34250
the Revised Code. 34251

(G) "Formula ADM" and "formula amount" have the same meanings 34252
as in section 3317.02 of the Revised Code. 34253

(H) "Qualified special education child" is a child for whom 34254
all of the following conditions apply: 34255

(1) The child is at least five years of age and less than 34256
twenty-two years of age. 34257

(2) The school district in which the child is entitled to 34258
attend school, or the child's school district of residence if 34259
different, has identified the child as a child with a disability. 34260

(3) The school district in which the child is entitled to 34261
attend school, or the child's school district of residence if 34262

different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child. 34263
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(4) The child either: 34265

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child; 34266
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(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child. 34270
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(5) The department of education has not approved a scholarship for the child under the autism scholarship program under section 3310.41 of the Revised Code for the same school year in which a scholarship under the special education scholarship pilot program is sought. 34274
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(I) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code. 34279
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(J) "Scholarship" means a scholarship awarded under the special education scholarship pilot program pursuant to sections 3310.51 to 3310.64 of the Revised Code. 34283
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(K) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code. 34286
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(L) "School year" has the same meaning as in section 3313.62 of the Revised Code. 34291
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(M) "Special education program" means a school or facility that provides special education and related services to children with disabilities. 34293
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Sec. 3310.52. (A) The special education scholarship pilot program is hereby established. Under the program, in fiscal years 2012 through 2017, subject to division (B) of this section, the department of education annually shall pay a scholarship to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are associated with educating the child. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child. 34296
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(B) The number of scholarships awarded under the pilot program in any fiscal year shall not exceed three per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year. 34314
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(C) No scholarship or renewal of a scholarship shall be awarded to an eligible applicant on behalf of a qualified special education child for the next school year, unless on or before the fifteenth day of April the eligible applicant completes the application for the scholarship or renewal, in the manner prescribed by the department, and notifies the school district in 34318
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which the child is entitled to attend school that the eligible applicant has applied for the scholarship or renewal. 34324
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Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department. 34326
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(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain all of the following: 34331
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(1) Information regarding the financial status of the provider; 34337
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(2) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child; 34339
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(3) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child; 34342
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(4) Results of the evaluation of the academic program of the provider; 34345
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(5) Any other information required by the department. 34347

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to 34348
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provide the child with a free appropriate public education under 34353
Chapter 3323. of the Revised Code for as long as the child 34354
continues to attend the special education program operated by 34355
either an alternative public provider or a registered private 34356
provider for which a scholarship is awarded under the special 34357
education scholarship pilot program. If at any time, the eligible 34358
applicant for the child decides no longer to accept scholarship 34359
payments and enrolls the child in the special education program of 34360
the school district in which the child is entitled to attend 34361
school, that district shall provide the child with a free 34362
appropriate public education under Chapter 3323. of the Revised 34363
Code. 34364

(B) Each eligible applicant and each qualified special 34365
education child have a continuing right to the development of an 34366
individualized education program for the child that complies with 34367
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 34368
administrative rules or guidelines adopted by the Ohio department 34369
of education or the United States department of education. The 34370
school district in which a qualified special education child is 34371
entitled to attend school, or the child's school district of 34372
residence if different, shall develop each individualized 34373
education program for the child in accordance with those 34374
provisions. 34375

(C) Each school district shall notify an eligible applicant 34376
of the applicant's and qualified special education child's rights 34377
under sections 3310.51 to 3310.64 of the Revised Code by providing 34378
to each eligible applicant the comparison document prescribed in 34379
section 3323.052 of the Revised Code. An eligible applicant's 34380
receipt of that document, as acknowledged in a format prescribed 34381
by the department of education, shall constitute notice that the 34382
eligible applicant has been informed of those rights. Upon receipt 34383
of that document, subsequent acceptance of a scholarship 34384

constitutes the eligible applicant's informed consent to the 34385
provisions of sections 3310.51 to 3310.64 of the Revised Code. 34386

Sec. 3310.54. As prescribed in divisions (A)(2)(f), 34387
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 34388
Code, a qualified special education child in any of grades 34389
kindergarten through twelve for whom a scholarship is awarded 34390
under the special education scholarship pilot program shall be 34391
counted in the formula ADM and category one through six special 34392
education ADM, as appropriate, of the school district in which the 34393
child is entitled to attend school. A qualified special education 34394
child shall not be counted in the formula ADM or category one 34395
through six special education ADM of any other school district. 34396

Sec. 3310.55. The department of education shall deduct from a 34397
school district's state education aid, as defined in section 34398
3317.02 of the Revised Code, and if necessary, from its payment 34399
under sections 321.24 and 323.156 of the Revised Code, the 34400
aggregate amount of scholarships paid under section 3310.57 of the 34401
Revised Code for qualified special education children included in 34402
the formula ADM and the category one through six special education 34403
ADM of that school district. 34404

Sec. 3310.56. The amount of the scholarship awarded and paid 34405
to an eligible applicant for services for a qualified special 34406
education child under the special education scholarship pilot 34407
program in each school year shall be the least of the following: 34408

(A) The amount of fees charged for that school year by the 34409
alternative public provider or registered private provider; 34410

(B) The sum of the amounts calculated under divisions (B)(1) 34411
and (2) of this section: 34412

(1) The sum of the formula amount plus the per pupil amount 34413

of the base funding supplements specified in divisions (C)(1) to 34414
(4) of section 3317.012 of the Revised Code; 34415

(2) The formula amount times the applicable special education 34416
weight for the child's disability; 34417

(C) Twenty thousand dollars. 34418

Sec. 3310.57. The department of education shall make periodic 34419
payments to an eligible applicant for services for each qualified 34420
special education child for whom a scholarship has been awarded. 34421
The total of all payments made to an applicant in each school year 34422
shall not exceed the amount calculated for the child under section 34423
3310.56 of the Revised Code. 34424

The scholarship amount shall be proportionately reduced in 34425
the case of a child who is not enrolled in the special education 34426
program of an alternative public provider or a registered private 34427
provider for the entire school year. 34428

In accordance with division (A) of section 3310.62 of the 34429
Revised Code, the department shall make no payments to an 34430
applicant for a first-time scholarship for a qualified special 34431
education child while any administrative or judicial mediation or 34432
proceedings with respect to the content of the child's 34433
individualized education program are pending. 34434

Sec. 3310.58. No nonpublic school or entity shall receive 34435
payments from an eligible applicant for services for a qualified 34436
special education child under the special education scholarship 34437
pilot program until the school or entity registers with the 34438
superintendent of public instruction. The superintendent shall 34439
register and designate as a registered private provider any 34440
nonpublic school or entity that meets the following requirements: 34441

(A) The special education program operated by the school or 34442
entity meets the minimum education standards established by the 34443

<u>state board of education.</u>	34444
<u>(B) The school or entity complies with the antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance.</u>	34445 34446 34447
<u>(C) If the school or entity is not chartered by the state board under section 3301.16 of the Revised Code, the school or entity agrees to comply with section 3319.39 of the Revised Code as if it were a school district.</u>	34448 34449 34450 34451
<u>(D) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board to be appropriate for the qualified special education children enrolled in the special education program it operates.</u>	34452 34453 34454 34455 34456
<u>(E) The school or entity meets applicable health and safety standards established by law for school buildings.</u>	34457 34458
<u>(F) The school or entity agrees to retain on file documentation as required by the department of education.</u>	34459 34460
<u>(G) The school or entity demonstrates fiscal soundness to the satisfaction of the department.</u>	34461 34462
<u>(H) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child is entitled to attend school, in the form and manner prescribed by the department.</u>	34463 34464 34465 34466 34467 34468 34469
<u>(I) The school or entity agrees that, if it declines to enroll a particular qualified special education child, it will notify in writing the eligible applicant of its reasons for declining to enroll the child.</u>	34470 34471 34472 34473

(J) The school or entity agrees to meet other requirements established by rule of the state board under section 3310.64 of the Revised Code. 34474
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Sec. 3310.59. The superintendent of public instruction shall revoke the registration of any school or entity if, after a hearing, the superintendent determines that the school or entity is in violation of any provision of section 3310.58 of the Revised Code. 34477
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Sec. 3310.60. A qualified special education child attending a special education program at an alternative public provider or a registered private provider with a scholarship shall be entitled to transportation to and from that program in the manner prescribed by law for any child with a disability attending a nonpublic special education program. 34482
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Sec. 3310.61. An eligible applicant on behalf of a child who currently attends a public special education program under a contract, compact, or other bilateral agreement, or on behalf of a child who currently attends a community school, shall not be prohibited from applying for and accepting a scholarship so that the applicant may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program operated by an alternative public provider or a registered private provider. 34488
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Sec. 3310.62. (A) A scholarship under the special education scholarship pilot program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of 34497
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residence if different, or while any administrative or judicial 34503
mediation or proceedings with respect to the content of that 34504
individualized education program are pending. 34505

(B) Development of individualized education programs 34506
subsequent to the one developed for the child the first time a 34507
scholarship was awarded on behalf of the child and the 34508
prosecuting, by the eligible applicant on behalf of the child, of 34509
administrative or judicial mediation or proceedings with respect 34510
to any of those subsequent individualized education programs do 34511
not affect the applicant's and the child's continued eligibility 34512
for scholarship payments. 34513

(C) In the case of any child for whom a scholarship has been 34514
awarded, if the school district in which the child is entitled to 34515
attend school has agreed to provide some services for the child 34516
under an agreement entered into with the eligible applicant or 34517
with the alternative public provider or registered private 34518
provider implementing the child's individualized education 34519
program, or if the district is required by law to provide some 34520
services for the child, including transportation services under 34521
sections 3310.60 and 3327.01 of the Revised Code, the district 34522
shall not discontinue the services it is providing pending 34523
completion of any administrative proceedings regarding those 34524
services. The prosecuting, by the eligible applicant on behalf of 34525
the child, of administrative proceedings regarding the services 34526
provided by the district does not affect the applicant's and the 34527
child's continued eligibility for scholarship payments. 34528

(D) The department of education shall continue to make 34529
payments to the eligible applicant under section 3310.57 of the 34530
Revised Code while either of the following are pending: 34531

(1) Administrative or judicial mediation or proceedings with 34532
respect to a subsequent individualized education program for the 34533
child referred to in division (B) of this section; 34534

(2) Administrative proceedings regarding services provided by 34535
the district under division (C) of this section. 34536

Sec. 3310.63. (A) Only for the purpose of administering the 34537
special education scholarship pilot program, the department of 34538
education may request from any of the following entities the data 34539
verification code assigned under division (D)(2) of section 34540
3301.0714 of the Revised Code to any qualified special education 34541
child for whom a scholarship is sought under the program: 34542

(1) The school district in which the child is entitled to 34543
attend school; 34544

(2) If applicable, the community school in which the child is 34545
enrolled; 34546

(3) The independent contractor engaged to create and maintain 34547
data verification codes. 34548

(B) Upon a request by the department under division (A) of 34549
this section for the data verification code of a qualified special 34550
education child or a request by the eligible applicant for the 34551
child for that code, the school district or community school shall 34552
submit that code to the department or applicant in the manner 34553
specified by the department. If the child has not been assigned a 34554
code, because the child will be entering kindergarten during the 34555
school year for which the scholarship is sought, the district 34556
shall assign a code to that child and submit the code to the 34557
department or applicant by a date specified by the department. If 34558
the district does not assign a code to the child by the specified 34559
date, the department shall assign a code to the child. 34560

The department annually shall submit to each school district 34562
the name and data verification code of each child residing in the 34563
district who is entering kindergarten, who has been awarded a 34564

scholarship under the program, and for whom the department has 34565
assigned a code under this division. 34566

(C) The department shall not release any data verification 34567
code that it receives under this section to any person except as 34568
provided by law. 34569

(D) Any document relative to the special education 34570
scholarship pilot program that the department holds in its files 34571
that contains both a qualified special education child's name or 34572
other personally identifiable information and the child's data 34573
verification code shall not be a public record under section 34574
149.43 of the Revised Code. 34575

Sec. 3310.64. The state board of education shall adopt rules 34576
in accordance with Chapter 119. of the Revised Code prescribing 34577
procedures necessary to implement sections 3310.51 to 3310.62 of 34578
the Revised Code including, but not limited to, procedures for 34579
parents to apply for scholarships, standards for registered 34580
private providers, and procedures for registration of private 34581
providers. 34582

Sec. 3311.0510. (A) If all of the local school districts that 34583
make up the territory of an educational service center have 34584
severed from the territory of that service center pursuant to 34585
section 3311.059 of the Revised Code, upon the effective date of 34586
the severance of the last remaining local school district to make 34587
up the territory of the service center, the governing board of 34588
that service center shall be abolished and such service center 34589
shall be dissolved by order of the superintendent of public 34590
instruction. The superintendent's order shall provide for the 34591
equitable division and disposition of the assets, property, debts, 34592
and obligations of the service center among the local school 34593
districts, of which the territory of the service center is or 34594

previously was made up, and shall provide that the tax duplicate 34595
of each of those local school districts shall be bound for and 34596
assume the district's equitable share of the outstanding 34597
indebtedness of the service center. The superintendent's order is 34598
final and is not appealable. 34599

Immediately upon the abolishment of the service center 34600
governing board pursuant to this section, the superintendent shall 34601
appoint a qualified individual to administer the dissolution of 34602
the service center and to implement the terms of the 34603
superintendent's dissolution order. Prior to distributing assets 34604
to any local school district, but after paying in full other debts 34605
and obligations of the service center, the superintendent of 34606
public instruction may assess against the remaining assets of the 34607
service center the amount of the costs incurred by the department 34608
of education in performing the superintendent's duties under this 34609
division, including the fees, if any, owed to the individual 34610
appointed to administer the superintendent's dissolution order. 34611
Any excess cost incurred by the department under this division 34612
shall be divided equitably among the local school districts, of 34613
which the territory of the service center is or previously was 34614
made up, and each district's share of that excess cost shall be 34615
bound against the tax duplicate of that district. 34616

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(B) A final audit of the former service center shall be 34618
performed in accordance with procedures established by the auditor 34619
of state. 34620

(C) The public records of an educational service center that 34621
is dissolved under this section shall be transferred in accordance 34622
with this division. Public records maintained by the service 34623
center in connection with services provided by the service center 34624
to local school districts shall be transferred to each of the 34625

respective local school districts. Public records maintained by 34626
the service center in connection with services provided under an 34627
agreement with a city or exempted village school district pursuant 34628
to section 3313.843 of the Revised Code shall be transferred to 34629
each of the respective city or exempted village school districts. 34630
All other public records maintained by the service center at the 34631
time the service center ceases operations shall be transferred to 34632
the Ohio historical society for analysis and disposition by the 34633
society in its capacity as archives administrator for the state 34634
and its political subdivisions pursuant to division (C) of section 34635
149.30 and section 149.31 of the Revised Code. 34636

Sec. 3313.46. (A) In addition to any other law governing the 34637
bidding for contracts by the board of education of any school 34638
district, when any such board determines to build, repair, 34639
enlarge, improve, or demolish any school building, the cost of 34640
which will exceed ~~twenty-five~~ fifty thousand dollars, except in 34641
cases of urgent necessity, or for the security and protection of 34642
school property, and except as otherwise provided in division (D) 34643
of section 713.23 and in section 125.04 of the Revised Code, all 34644
of the following shall apply: 34645

(1) The board shall cause to be prepared the plans, 34646
specifications, and related information as required in divisions 34647
(A), (B), and (D) of section 153.01 of the Revised Code unless the 34648
board determines that other information is sufficient to inform 34649
any bidders of the board's requirements. However, if the board 34650
determines that such other information is sufficient for bidding a 34651
project, the board shall not engage in the construction of any 34652
such project involving the practice of professional engineering, 34653
professional surveying, or architecture, for which plans, 34654
specifications, and estimates have not been made by, and the 34655
construction thereof inspected by, a licensed professional 34656
engineer, licensed professional surveyor, or registered architect. 34657

(2) The board shall advertise for bids once each week for a period of not less than two consecutive weeks in a newspaper of general circulation in the district before the date specified by the board for receiving bids. The board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the school district, provided that the first notice published in such newspaper meets all of the following requirements:

(a) It is published at least two weeks before the opening of bids.

(b) It includes a statement that the notice is posted on the board of education's internet web site.

(c) It includes the internet address of the board's internet web site.

(d) It includes instructions describing how the notice may be accessed on the board's internet web site.

(3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids.

(4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code.

(5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation.

(6) None but the lowest responsible bid shall be accepted. 34688
The board may reject all the bids, or accept any bid for both 34689
labor and material for such improvement or repair, which is the 34690
lowest in the aggregate. In all other respects, the award of 34691
contracts for improvement or repair, but not for purchases made 34692
under section 3327.08 of the Revised Code, shall be pursuant to 34693
section 153.12 of the Revised Code. 34694

(7) The contract shall be between the board and the bidders. 34695
The board shall pay the contract price for the work pursuant to 34696
sections 153.13 and 153.14 of the Revised Code. The board shall 34697
approve and retain the estimates referred to in section 153.13 of 34698
the Revised Code and make them available to the auditor of state 34699
upon request. 34700

(8) When two or more bids are equal, in the whole, or in any 34701
part thereof, and are lower than any others, either may be 34702
accepted, but in no case shall the work be divided between such 34703
bidders. 34704

(9) When there is reason to believe there is collusion or 34705
combination among the bidders, or any number of them, the bids of 34706
those concerned therein shall be rejected. 34707

(B) Division (A) of this section does not apply to the board 34708
of education of any school district in any of the following 34709
situations: 34710

(1) The acquisition of educational materials used in 34711
teaching. 34712

(2) If the board determines and declares by resolution 34713
adopted by two-thirds of all its members that any item is 34714
available and can be acquired only from a single source. 34715

(3) If the board declares by resolution adopted by two-thirds 34716
of all its members that division (A) of this section does not 34717
apply to any installation, modification, or remodeling involved in 34718

any energy conservation measure undertaken through an installment 34719
payment contract under section 3313.372 of the Revised Code or 34720
undertaken pursuant to division (G) of section 133.06 of the 34721
Revised Code. 34722

(4) The acquisition of computer software for instructional 34723
purposes and computer hardware for instructional purposes pursuant 34724
to division (B)(4) of section 3313.37 of the Revised Code. 34725

(C) No resolution adopted pursuant to division (B)(2) or (3) 34726
of this section shall have any effect on whether sections 153.12 34727
to 153.14 and 153.54 of the Revised Code apply to the board of 34728
education of any school district with regard to any item. 34729

Sec. 3313.461. If the board of education of any school 34730
district determines to contract for the purchase of maintenance 34731
services for its buildings or grounds or for its school buses or 34732
other transportation equipment, the cost of which services will 34733
exceed fifty thousand dollars, the board shall make such purchase 34734
only after selecting the contractor through a competitive bidding 34735
process in accordance with divisions (A)(2) to (9) of section 34736
3313.46 of the Revised Code, except that any provisions of Chapter 34737
153. of the Revised Code prescribed in those divisions shall not 34738
apply to a purchase made under this section. 34739

Sec. 3313.53. (A) As used in this section: 34740

(1) "Licensed individual" means an individual who holds a 34741
valid educator license, certificate, or permit issued by the state 34742
board of education under section 3319.22, 3319.26, or 3319.27 ~~34743
3319.302, or 3319.304~~ of the Revised Code. 34744

(2) "Nonlicensed individual" means an individual who does not 34745
hold a valid educator license, certificate, or permit issued by 34746
the state board of education under section 3319.22, 3319.26, or 34747
3319.27 ~~3319.302, or 3319.304~~ of the Revised Code. 34748

(B) The board of education of any city, exempted village, or local school district may establish and maintain in connection with the public school systems:

(1) Manual training, industrial arts, domestic science, and commercial departments;

(2) Agricultural, industrial, vocational, and trades schools.

Such board may pay from the public school funds, as other school expenses are paid, the expenses of establishing and maintaining such departments and schools and of directing, supervising, and coaching the pupil-activity programs in music, language, arts, speech, government, athletics, and any others directly related to the curriculum.

(C) The board of education of any city, exempted village, or local school district may employ a nonlicensed individual to direct, supervise, or coach a pupil-activity program as long as that individual holds a valid pupil-activity program permit issued by the state board of education under division (A) of section 3319.303 of the Revised Code.

(D)(1) Except as provided in division (D)(2) of this section, a nonlicensed individual who holds a valid pupil-activity program permit may be employed under division (C) of this section only after the school district's board of education adopts a resolution stating that it has offered such position to those employees of the district who are licensed individuals and no such employee qualified to fill the position has accepted it, and has then advertised the position as available to any licensed individual who is qualified to fill it and who is not employed by the board, and no such person has applied for and accepted the position.

(2) A board of education may renew the contract of any nonlicensed individual, currently employed by the board under division (C) of this section for one or more years, without first

offering the position held by that individual to employees of the 34780
district who are licensed individuals or advertising the position 34781
as available to any qualified licensed individuals who are not 34782
currently employed by the board as otherwise required under 34783
division (D)(1) of this section. 34784

(E) A nonlicensed individual employed under this section is a 34785
nonteaching employee and is not an educational assistant as 34786
defined in section 3319.088 of the Revised Code. A nonlicensed 34787
individual may direct, supervise, or coach a pupil-activity 34788
program under this section as long as that pupil-activity program 34789
does not include any class or course required or offered for 34790
credit toward a pupil's promotion to the next grade or for 34791
graduation, or any activity conducted as a part of or required for 34792
such a class or course. A nonlicensed individual employed under 34793
this section may perform only the duties of the director, 34794
supervisor, or coach of the pupil-activity program for which the 34795
nonlicensed individual is employed. 34796

(F) The board shall fix the compensation of each nonlicensed 34797
individual employed under this section, which shall be the same 34798
amount as the position was or would be offered to the district's 34799
licensed employees, and execute a written contract with the 34800
nonlicensed individual for a term not to exceed one year. The 34801
contract shall specify the compensation, duration, and other terms 34802
of employment, and the compensation shall not be reduced unless 34803
such reduction is a part of a uniform plan affecting the entire 34804
district. 34805

If the state board suspends, revokes, or limits the 34806
pupil-activity program permit of a nonlicensed individual, the 34807
school district board may terminate or suspend the employment 34808
contract of that individual. Otherwise, no contract issued under 34809
this section shall be terminated or suspended except pursuant to 34810
the procedure established by division (C) of section 3319.081 of 34811

the Revised Code. 34812

Sec. 3313.536. (A) The board of education of each city, 34813
exempted village, and local school district and the governing 34814
authority of each chartered nonpublic school shall adopt a 34815
comprehensive school safety plan for each school building under 34816
the board's or governing authority's control. The board or 34817
governing authority shall examine the environmental conditions and 34818
operations of each building to determine potential hazards to 34819
student and staff safety and shall propose operating changes to 34820
promote the prevention of potentially dangerous problems and 34821
circumstances. In developing the plan for each building, the board 34822
or governing authority shall involve community law enforcement and 34823
safety officials, parents of students who are assigned to the 34824
building, and teachers and nonteaching employees who are assigned 34825
to the building. The board or governing authority shall consider 34826
incorporating remediation strategies into the plan for any 34827
building where documented safety problems have occurred. 34828

The board or governing authority shall incorporate into the 34829
plan both of the following: 34830

(1) A protocol for addressing serious threats to the safety 34831
of school property, students, employees, or administrators; 34832

(2) A protocol for responding to any emergency events that do 34833
occur and that compromise the safety of school property, students, 34834
employees, or administrators. 34835

Each protocol shall include procedures deemed appropriate by 34836
the board or governing authority for responding to threats and 34837
emergency events, respectively, including such things as 34838
notification of appropriate law enforcement personnel, calling 34839
upon specified emergency response personnel for assistance, and 34840
informing parents of affected students. Prior to the opening day 34841
of each school year, the board or governing authority shall inform 34842

each student enrolled in the school and the student's parent of 34843
the parental notification procedures included in the protocol. 34844

(B) The board or governing authority shall update the safety 34845
plan at least once every three years and whenever a major 34846
modification to the building requires changes in the procedures 34847
outlined in the plan. 34848

(C) The board or governing authority shall file a copy of the 34849
current safety plan and building blueprint with each law 34850
enforcement agency that has jurisdiction over the school building 34851
and, upon request, the fire department that serves the political 34852
subdivision in which the school building is located. The board or 34853
governing authority also shall file a copy of the current safety 34854
plan and a floor plan of the building, but not a building 34855
blueprint, with the attorney general, who shall post that 34856
information on the Ohio law enforcement gateway or its successor. 34857

Copies of safety plans, building blueprints, and floor plans 34858
shall be filed as described in this division not later than the 34859
ninety-first day after ~~the effective date of this amendment~~ March 34860
30, 2007. If a board or governing authority revises a safety plan, 34861
building blueprint, or floor plan after the initial filing, the 34862
board or governing authority shall file copies of the revised 34863
safety plan, building blueprint, or floor plan in the manner 34864
described in this division not later than the ninety-first day 34865
after the revision is adopted. 34866

Copies of the safety plan and building blueprint are not a 34867
public record pursuant to section 149.433 of the Revised Code. 34868

Notwithstanding section 149.433 of the Revised Code, a 34869
building floor plan filed with the attorney general pursuant to 34870
this division is not a public record to the extent it is a record 34871
kept by the attorney general. This paragraph does not affect the 34872
status of a floor plan kept as a record by another public office. 34873

The board or governing authority, each law enforcement agency 34874
and fire department to which copies of the safety plan and 34875
building blueprint are provided, and the attorney general shall 34876
keep the copies in a secure place. 34877

(D) The board or governing authority shall grant access to 34878
each school building under its control to law enforcement 34879
personnel to enable the personnel to hold training sessions for 34880
responding to threats and emergency events affecting the building, 34881
provided that the access occurs outside of student instructional 34882
hours and an employee of the board or governing authority is 34883
present in the building during the training sessions. 34884

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 34885
of the Revised Code, divisions (A) to (E) of this section do not 34886
apply to any cooperative education school district established 34887
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 34888
Code. 34889

(A) The board of education of each city and exempted village 34890
school district, the governing board of each educational service 34891
center, and the board of each cooperative education school 34892
district established pursuant to section 3311.521 of the Revised 34893
Code shall prescribe a curriculum for all schools under their 34894
control. Except as provided in division (E) of this section, in 34895
any such curriculum there shall be included the study of the 34896
following subjects: 34897

(1) The language arts, including reading, writing, spelling, 34898
oral and written English, and literature; 34899

(2) Geography, the history of the United States and of Ohio, 34900
and national, state, and local government in the United States, 34901
including a balanced presentation of the relevant contributions to 34902
society of men and women of African, Mexican, Puerto Rican, and 34903
American Indian descent as well as other ethnic and racial groups 34904

in Ohio and the United States;	34905
(3) Mathematics;	34906
(4) Natural science, including instruction in the conservation of natural resources;	34907 34908
(5) Health education, which shall include instruction in:	34909
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;	34910 34911 34912
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	34913 34914
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	34915 34916 34917
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.	34918 34919 34920 34921 34922
(6) Physical education;	34923
(7) The fine arts, including music;	34924
(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.	34925 34926 34927 34928 34929
(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. <u>A board may waive this requirement for academically accelerated students who, in</u>	34930 34931 34932 34933 34934

accordance with procedures adopted by the board, are able to 34935
demonstrate mastery of essential concepts and skills of the eighth 34936
grade American history course of study. 34937

(C) Except as provided in division (E) of this section, every 34938
high school shall include in the requirements for graduation from 34939
any curriculum one unit of American history and government, 34940
including a study of the constitutions of the United States and of 34941
Ohio. 34942

(D) Except as provided in division (E) of this section, basic 34943
instruction in geography, United States history, the government of 34944
the United States, the government of the state of Ohio, local 34945
government in Ohio, the Declaration of Independence, the United 34946
States Constitution, and the Constitution of the state of Ohio 34947
shall be required before pupils may participate in courses 34948
involving the study of social problems, economics, foreign 34949
affairs, United Nations, world government, socialism and 34950
communism. 34951

(E) For each cooperative education school district 34952
established pursuant to section 3311.521 of the Revised Code and 34953
each city, exempted village, and local school district that has 34954
territory within such a cooperative district, the curriculum 34955
adopted pursuant to divisions (A) to (D) of this section shall 34956
only include the study of the subjects that apply to the grades 34957
operated by each such school district. The curriculums for such 34958
schools, when combined, shall provide to each student of these 34959
districts all of the subjects required under divisions (A) to (D) 34960
of this section. 34961

(F) The board of education of any cooperative education 34962
school district established pursuant to divisions (A) to (C) of 34963
section 3311.52 of the Revised Code shall prescribe a curriculum 34964
for the subject areas and grade levels offered in any school under 34965
its control. 34966

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

(1) Any survey or questionnaire, prior to its administration to the child;

(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;	34997
(3) Mathematics, three units;	34998
(4) Physical education, one-half unit;	34999
(5) Science, two units until September 15, 2003, and three	35000
units thereafter, which at all times shall include both of the	35001
following:	35002
(a) Biological sciences, one unit;	35003
(b) Physical sciences, one unit.	35004
(6) Social studies, three units, which shall include both of	35005
the following:	35006
(a) American history, one-half unit;	35007
(b) American government, one-half unit.	35008
(7) Elective units, seven units until September 15, 2003, and	35009
six units thereafter.	35010
Each student's electives shall include at least one unit, or	35011
two half units, chosen from among the areas of	35012
business/technology, fine arts, and/or foreign language.	35013
(C) Beginning with students who enter ninth grade for the	35014
first time on or after July 1, 2010, except as provided in	35015
divisions (D) to (F) of this section, the requirements for	35016
graduation from every public and chartered nonpublic high school	35017
shall include twenty units that are designed to prepare students	35018
for the workforce and college. The units shall be distributed as	35019
follows:	35020
(1) English language arts, four units;	35021
(2) Health, one-half unit;	35022
(3) Mathematics, four units, which shall include one unit of	35023
algebra II or the equivalent of algebra II;	35024

(4) Physical education, one-half unit;	35025
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	35026 35027 35028 35029
(a) Physical sciences, one unit;	35030
(b) Life sciences, one unit;	35031
(c) Advanced study in one or more of the following sciences, one unit:	35032 35033
(i) Chemistry, physics, or other physical science;	35034
(ii) Advanced biology or other life science;	35035
(iii) Astronomy, physical geology, or other earth or space science.	35036 35037
(6) Social studies, three units, which shall include both of the following:	35038 35039
(a) American history, one-half unit;	35040
(b) American government, one-half unit.	35041
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under section 3301.079 of the Revised Code, into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	35042 35043 35044 35045 35046 35047 35048 35049 35050 35051 35052 35053

(7) Five units consisting of one or any combination of 35054
foreign language, fine arts, business, career-technical education, 35055
family and consumer sciences, technology, agricultural education, 35056
or English language arts, mathematics, science, or social studies 35057
courses not otherwise required under division (C) of this section. 35058

Ohioans must be prepared to apply increased knowledge and 35059
skills in the workplace and to adapt their knowledge and skills 35060
quickly to meet the rapidly changing conditions of the 35061
twenty-first century. National studies indicate that all high 35062
school graduates need the same academic foundation, regardless of 35063
the opportunities they pursue after graduation. The goal of Ohio's 35064
system of elementary and secondary education is to prepare all 35065
students for and seamlessly connect all students to success in 35066
life beyond high school graduation, regardless of whether the next 35067
step is entering the workforce, beginning an apprenticeship, 35068
engaging in post-secondary training, serving in the military, or 35069
pursuing a college degree. 35070

The Ohio core curriculum is the standard expectation for all 35071
students entering ninth grade for the first time at a public or 35072
chartered nonpublic high school on or after July 1, 2010. A 35073
student may satisfy this expectation through a variety of methods, 35074
including, but not limited to, integrated, applied, 35075
career-technical, and traditional coursework. 35076

Whereas teacher quality is essential for student success in 35077
completing the Ohio core curriculum, the general assembly shall 35078
appropriate funds for strategic initiatives designed to strengthen 35079
schools' capacities to hire and retain highly qualified teachers 35080
in the subject areas required by the curriculum. Such initiatives 35081
are expected to require an investment of \$120,000,000 over five 35082
years. 35083

Stronger coordination between high schools and institutions 35084
of higher education is necessary to prepare students for more 35085

challenging academic endeavors and to lessen the need for academic 35086
remediation in college, thereby reducing the costs of higher 35087
education for Ohio's students, families, and the state. The state 35088
board of education, the Ohio board of regents, and the partnership 35089
for continued learning shall develop policies to ensure that only 35090
in rare instances will students who complete the Ohio core 35091
curriculum require academic remediation after high school. 35092

School districts, community schools, and chartered nonpublic 35093
schools shall integrate technology into learning experiences 35094
whenever practicable across the curriculum in order to maximize 35095
efficiency, enhance learning, and prepare students for success in 35096
the technology-driven twenty-first century. Districts and schools 35097
may use distance and web-based course delivery as a method of 35098
providing or augmenting all instruction required under this 35099
division, including laboratory experience in science. Districts 35100
and schools shall whenever practicable utilize technology access 35101
and electronic learning opportunities provided by the eTech Ohio 35102
commission, the Ohio learning network, education technology 35103
centers, public television stations, and other public and private 35104
providers. 35105

(D) Except as provided in division (E) of this section, a 35106
student who enters ninth grade on or after July 1, 2010, and 35107
before July 1, 2014, may qualify for graduation from a public or 35108
chartered nonpublic high school even though the student has not 35109
completed the Ohio core curriculum prescribed in division (C) of 35110
this section if all of the following conditions are satisfied: 35111

(1) After the student has attended high school for two years, 35112
as determined by the school, the student and the student's parent, 35113
guardian, or custodian sign and file with the school a written 35114
statement asserting the parent's, guardian's, or custodian's 35115
consent to the student's graduating without completing the Ohio 35116
core curriculum and acknowledging that one consequence of not 35117

completing the Ohio core curriculum is ineligibility to enroll in 35118
most state universities in Ohio without further coursework. 35119

(2) The student and parent, guardian, or custodian fulfill 35120
any procedural requirements the school stipulates to ensure the 35121
student's and parent's, guardian's, or custodian's informed 35122
consent and to facilitate orderly filing of statements under 35123
division (D)(1) of this section. 35124

(3) The student and the student's parent, guardian, or 35125
custodian and a representative of the student's high school 35126
jointly develop an individual career plan for the student that 35127
specifies the student matriculating to a two-year degree program, 35128
acquiring a business and industry credential, or entering an 35129
apprenticeship. 35130

(4) The student's high school provides counseling and support 35131
for the student related to the plan developed under division 35132
(D)(3) of this section during the remainder of the student's high 35133
school experience. 35134

(5) The student successfully completes, at a minimum, the 35135
curriculum prescribed in division (B) of this section. 35136

The partnership for continued learning, in collaboration with 35137
the department of education and the Ohio board of regents, shall 35138
analyze student performance data to determine if there are 35139
mitigating factors that warrant extending the exception permitted 35140
by division (D) of this section to high school classes beyond 35141
those entering ninth grade before July 1, 2014. The partnership 35142
shall submit its findings and any recommendations not later than 35143
August 1, 2014, to the speaker and minority leader of the house of 35144
representatives, the president and minority leader of the senate, 35145
the chairpersons and ranking minority members of the standing 35146
committees of the house of representatives and the senate that 35147
consider education legislation, the state board of education, and 35148

the superintendent of public instruction. 35149

(E) Each school district and chartered nonpublic school 35150
retains the authority to require an even more rigorous minimum 35151
curriculum for high school graduation than specified in division 35152
(B) or (C) of this section. A school district board of education, 35153
through the adoption of a resolution, or the governing authority 35154
of a chartered nonpublic school may stipulate any of the 35155
following: 35156

(1) A minimum high school curriculum that requires more than 35157
twenty units of academic credit to graduate; 35158

(2) An exception to the district's or school's minimum high 35159
school curriculum that is comparable to the exception provided in 35160
division (D) of this section but with additional requirements, 35161
which may include a requirement that the student successfully 35162
complete more than the minimum curriculum prescribed in division 35163
(B) of this section; 35164

(3) That no exception comparable to that provided in division 35165
(D) of this section is available. 35166

(F) A student enrolled in a dropout prevention and recovery 35167
program, which program has received a waiver from the department 35168
of education, may qualify for graduation from high school by 35169
successfully completing a competency-based instructional program 35170
administered by the dropout prevention and recovery program in 35171
lieu of completing the Ohio core curriculum prescribed in division 35172
(C) of this section. The department shall grant a waiver to a 35173
dropout prevention and recovery program, within sixty days after 35174
the program applies for the waiver, if the program meets all of 35175
the following conditions: 35176

(1) The program serves only students not younger than sixteen 35177
years of age and not older than twenty-one years of age. 35178

(2) The program enrolls students who, at the time of their 35179

initial enrollment, either, or both, are at least one grade level 35180
behind their cohort age groups or experience crises that 35181
significantly interfere with their academic progress such that 35182
they are prevented from continuing their traditional programs. 35183

(3) The program requires students to attain at least the 35184
applicable score designated for each of the tests prescribed under 35185
division (B) of section 3301.0710 of the Revised Code. 35186

(4) The program develops an individual career plan for the 35187
student that specifies the student's matriculating to a two-year 35188
degree program, acquiring a business and industry credential, or 35189
entering an apprenticeship. 35190

(5) The program provides counseling and support for the 35191
student related to the plan developed under division (F)(4) of 35192
this section during the remainder of the student's high school 35193
experience. 35194

(6) The program requires the student and the student's 35195
parent, guardian, or custodian to sign and file, in accordance 35196
with procedural requirements stipulated by the program, a written 35197
statement asserting the parent's, guardian's, or custodian's 35198
consent to the student's graduating without completing the Ohio 35199
core curriculum and acknowledging that one consequence of not 35200
completing the Ohio core curriculum is ineligibility to enroll in 35201
most state universities in Ohio without further coursework. 35202

(7) Prior to receiving the waiver, the program has submitted 35203
to the department an instructional plan that demonstrates how the 35204
academic content standards adopted by the state board of education 35205
under section 3301.079 of the Revised Code will be taught and 35206
assessed. 35207

If the department does not act either to grant the waiver or 35208
to reject the program application for the waiver within sixty days 35209
as required under this section, the waiver shall be considered to 35210

be granted. 35211

(G) Every high school may permit students below the ninth 35212
grade to take advanced work ~~for~~. If a high school so permits, it 35213
shall award high school credit. ~~A high school for successful~~ 35214
completion of the advanced work and shall count such advanced work 35215
toward the graduation requirements of division (B) or (C) of this 35216
section if the advanced work was both: 35217

(1) Taught by a person who possesses a license or certificate 35218
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 35219
Code that is valid for teaching high school; 35220

(2) Designated by the board of education of the city, local, 35221
or exempted village school district, the board of the cooperative 35222
education school district, or the governing authority of the 35223
chartered nonpublic school as meeting the high school curriculum 35224
requirements. 35225

Each high school shall record on the student's high school 35226
transcript all high school credit awarded under division (G) of 35227
this section. In addition, if the student completed a seventh- or 35228
eighth-grade fine arts course described in division (K) of this 35229
section and the course qualified for high school credit under that 35230
division, the high school shall record that course on the 35231
student's high school transcript. 35232

(H) The department shall make its individual academic career 35233
plan available through its Ohio career information system web site 35234
for districts and schools to use as a tool for communicating with 35235
and providing guidance to students and families in selecting high 35236
school courses. 35237

(I) Units earned in English language arts, mathematics, 35238
science, and social studies that are delivered through integrated 35239
academic and career-technical instruction are eligible to meet the 35240
graduation requirements of division (B) or (C) of this section. 35241

(J) The state board of education, in consultation with the Ohio board of regents and the partnership for continued learning, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district, community school, and chartered nonpublic school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight may elect to count that course toward the five units of electives required for graduation under division (C)(7) of this section, if the course satisfied the requirements of division (G) of this

section. In that case, the high school shall award the student 35274
high school credit for the course and count the course toward the 35275
five units required under division (C)(7) of this section. If the 35276
course in grade seven or eight did not satisfy the requirements of 35277
division (G) of this section, the high school shall not award the 35278
student high school credit for the course but shall count the 35279
course toward the two semesters or the equivalent of fine arts 35280
required by this division. 35281

(L) Notwithstanding anything to the contrary in this section, 35282
the board of education of each school district and the governing 35283
authority of each chartered nonpublic school may adopt a policy to 35284
excuse from the high school physical education requirement each 35285
student who, during high school, has participated in 35286
interscholastic athletics, marching band, or cheerleading for at 35287
least two full seasons. If the board or authority adopts such a 35288
policy, the board or authority shall not require the student to 35289
complete any physical education course as a condition to graduate. 35290
However, the student shall be required to complete one-half unit, 35291
consisting of at least sixty hours of instruction, in another 35292
course of study. 35293

Sec. 3313.64. (A) As used in this section and in section 35294
3313.65 of the Revised Code: 35295

(1)(a) Except as provided in division (A)(1)(b) of this 35296
section, "parent" means either parent, unless the parents are 35297
separated or divorced or their marriage has been dissolved or 35298
annulled, in which case "parent" means the parent who is the 35299
residential parent and legal custodian of the child. When a child 35300
is in the legal custody of a government agency or a person other 35301
than the child's natural or adoptive parent, "parent" means the 35302
parent with residual parental rights, privileges, and 35303
responsibilities. When a child is in the permanent custody of a 35304

government agency or a person other than the child's natural or 35305
adoptive parent, "parent" means the parent who was divested of 35306
parental rights and responsibilities for the care of the child and 35307
the right to have the child live with the parent and be the legal 35308
custodian of the child and all residual parental rights, 35309
privileges, and responsibilities. 35310

(b) When a child is the subject of a power of attorney 35311
executed under sections 3109.51 to 3109.62 of the Revised Code, 35312
"parent" means the grandparent designated as attorney in fact 35313
under the power of attorney. When a child is the subject of a 35314
caretaker authorization affidavit executed under sections 3109.64 35315
to 3109.73 of the Revised Code, "parent" means the grandparent 35316
that executed the affidavit. 35317

(2) "Legal custody," "permanent custody," and "residual 35318
parental rights, privileges, and responsibilities" have the same 35319
meanings as in section 2151.011 of the Revised Code. 35320

(3) "School district" or "district" means a city, local, or 35321
exempted village school district and excludes any school operated 35322
in an institution maintained by the department of youth services. 35323

(4) Except as used in division (C)(2) of this section, "home" 35324
means a home, institution, foster home, group home, or other 35325
residential facility in this state that receives and cares for 35326
children, to which any of the following applies: 35327

(a) The home is licensed, certified, or approved for such 35328
purpose by the state or is maintained by the department of youth 35329
services. 35330

(b) The home is operated by a person who is licensed, 35331
certified, or approved by the state to operate the home for such 35332
purpose. 35333

(c) The home accepted the child through a placement by a 35334
person licensed, certified, or approved to place a child in such a 35335

home by the state.	35336
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	35337 35338
(5) "Agency" means all of the following:	35339
(a) A public children services agency;	35340
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	35341 35342 35343 35344 35345 35346
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.	35347 35348 35349 35350
(6) A child is placed for adoption if either of the following occurs:	35351 35352
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	35353 35354 35355 35356
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	35357 35358 35359
(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	35360 35361
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	35362 35363
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the	35364 35365

congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 35366
35367

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 35368
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(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 35373
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(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 35375
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 35379
35380
35381

(b) The child resides in a home. 35382

(c) The child requires special education. 35383

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 35384
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(a) The placement for adoption has been terminated. 35390

(b) Another school district is required to admit the child under division (B)(1) of this section. 35391
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Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education 35393
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35395

program outside of the district or its schools in compliance with 35396
Chapter 3323. of the Revised Code. 35397

(C) A district shall not charge tuition for children admitted 35398
under division (B)(1) or (3) of this section. If the district 35399
admits a child under division (B)(2) of this section, tuition 35400
shall be paid to the district that admits the child as ~~follows~~ 35401
provided in divisions (C)(1) to (3) of this section, unless 35402
division (C)(4) of this section applies to the child: 35403

(1) If the child receives special education in accordance 35404
with Chapter 3323. of the Revised Code, the school district of 35405
residence, as defined in section 3323.01 of the Revised Code, 35406
shall pay tuition for the child in accordance with section 35407
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 35408
regardless of who has custody of the child or whether the child 35409
resides in a home. 35410

(2) For a child that does not receive special education in 35411
accordance with Chapter 3323. of the Revised Code, except as 35412
otherwise provided in division (C)(2)(d) of this section, if the 35413
child is in the permanent or legal custody of a government agency 35414
or person other than the child's parent, tuition shall be paid by: 35415

(a) The district in which the child's parent resided at the 35416
time the court removed the child from home or at the time the 35417
court vested legal or permanent custody of the child in the person 35418
or government agency, whichever occurred first; 35419

(b) If the parent's residence at the time the court removed 35420
the child from home or placed the child in the legal or permanent 35421
custody of the person or government agency is unknown, tuition 35422
shall be paid by the district in which the child resided at the 35423
time the child was removed from home or placed in legal or 35424
permanent custody, whichever occurred first; 35425

(c) If a school district cannot be established under division 35426

(C)(2)(a) or (b) of this section, tuition shall be paid by the 35427
district determined as required by section 2151.362 of the Revised 35428
Code by the court at the time it vests custody of the child in the 35429
person or government agency; 35430

(d) If at the time the court removed the child from home or 35431
vested legal or permanent custody of the child in the person or 35432
government agency, whichever occurred first, one parent was in a 35433
residential or correctional facility or a juvenile residential 35434
placement and the other parent, if living and not in such a 35435
facility or placement, was not known to reside in this state, 35436
tuition shall be paid by the district determined under division 35437
(D) of section 3313.65 of the Revised Code as the district 35438
required to pay any tuition while the parent was in such facility 35439
or placement; 35440

(e) If the department of education has determined, pursuant 35441
to division (A)(2) of section 2151.362 of the Revised Code, that a 35442
school district other than the one named in the court's initial 35443
order, or in a prior determination of the department, is 35444
responsible to bear the cost of educating the child, the district 35445
so determined shall be responsible for that cost. 35446

(3) If the child is not in the permanent or legal custody of 35447
a government agency or person other than the child's parent and 35448
the child resides in a home, tuition shall be paid by one of the 35449
following: 35450

(a) The school district in which the child's parent resides; 35451

(b) If the child's parent is not a resident of this state, 35452
the home in which the child resides. 35453

(4) Division (C)(4) of this section applies to any child who 35454
is admitted to a school district under division (B)(2) of this 35455
section, resides in a home that is not a foster home or a home 35456
maintained by the department of youth services, receives 35457

educational services at the home in which the child resides 35458
pursuant to a contract between the home and the school district 35459
providing those services, and does not receive special education. 35460

In the case of a child to which division (C)(4) of this 35461
section applies, the total educational cost to be paid for the 35462
child shall be determined by a formula approved by the department 35463
of education, which formula shall be designed to calculate a per 35464
diem cost for the educational services provided to the child for 35465
each day the child is served and shall reflect the total actual 35466
cost incurred in providing those services. The department shall 35467
certify the total educational cost to be paid for the child to 35468
both the school district providing the educational services and, 35469
if different, the school district that is responsible to pay 35470
tuition for the child. The department shall deduct the certified 35471
amount from the state basic aid funds payable under Chapters 3306. 35472
and 3317. of the Revised Code to the district responsible to pay 35473
tuition and shall pay that amount to the district providing the 35474
educational services to the child. 35475

(D) Tuition required to be paid under divisions (C)(2) and 35476
(3)(a) of this section shall be computed in accordance with 35477
section 3317.08 of the Revised Code. Tuition required to be paid 35478
under division (C)(3)(b) of this section shall be computed in 35479
accordance with section 3317.081 of the Revised Code. If a home 35480
fails to pay the tuition required by division (C)(3)(b) of this 35481
section, the board of education providing the education may 35482
recover in a civil action the tuition and the expenses incurred in 35483
prosecuting the action, including court costs and reasonable 35484
attorney's fees. If the prosecuting attorney or city director of 35485
law represents the board in such action, costs and reasonable 35486
attorney's fees awarded by the court, based upon the prosecuting 35487
attorney's, director's, or one of their designee's time spent 35488
preparing and presenting the case, shall be deposited in the 35489

county or city general fund. 35490

(E) A board of education may enroll a child free of any 35491
tuition obligation for a period not to exceed sixty days, on the 35492
sworn statement of an adult resident of the district that the 35493
resident has initiated legal proceedings for custody of the child. 35494

(F) In the case of any individual entitled to attend school 35495
under this division, no tuition shall be charged by the school 35496
district of attendance and no other school district shall be 35497
required to pay tuition for the individual's attendance. 35498
Notwithstanding division (B), (C), or (E) of this section: 35499

(1) All persons at least eighteen but under twenty-two years 35500
of age who live apart from their parents, support themselves by 35501
their own labor, and have not successfully completed the high 35502
school curriculum or the individualized education program 35503
developed for the person by the high school pursuant to section 35504
3323.08 of the Revised Code, are entitled to attend school in the 35505
district in which they reside. 35506

(2) Any child under eighteen years of age who is married is 35507
entitled to attend school in the child's district of residence. 35508

(3) A child is entitled to attend school in the district in 35509
which either of the child's parents is employed if the child has a 35510
medical condition that may require emergency medical attention. 35511
The parent of a child entitled to attend school under division 35512
(F)(3) of this section shall submit to the board of education of 35513
the district in which the parent is employed a statement from the 35514
child's physician certifying that the child's medical condition 35515
may require emergency medical attention. The statement shall be 35516
supported by such other evidence as the board may require. 35517

(4) Any child residing with a person other than the child's 35518
parent is entitled, for a period not to exceed twelve months, to 35519
attend school in the district in which that person resides if the 35520

child's parent files an affidavit with the superintendent of the 35521
district in which the person with whom the child is living resides 35522
stating all of the following: 35523

(a) That the parent is serving outside of the state in the 35524
armed services of the United States; 35525

(b) That the parent intends to reside in the district upon 35526
returning to this state; 35527

(c) The name and address of the person with whom the child is 35528
living while the parent is outside the state. 35529

(5) Any child under the age of twenty-two years who, after 35530
the death of a parent, resides in a school district other than the 35531
district in which the child attended school at the time of the 35532
parent's death is entitled to continue to attend school in the 35533
district in which the child attended school at the time of the 35534
parent's death for the remainder of the school year, subject to 35535
approval of that district board. 35536

(6) A child under the age of twenty-two years who resides 35537
with a parent who is having a new house built in a school district 35538
outside the district where the parent is residing is entitled to 35539
attend school for a period of time in the district where the new 35540
house is being built. In order to be entitled to such attendance, 35541
the parent shall provide the district superintendent with the 35542
following: 35543

(a) A sworn statement explaining the situation, revealing the 35544
location of the house being built, and stating the parent's 35545
intention to reside there upon its completion; 35546

(b) A statement from the builder confirming that a new house 35547
is being built for the parent and that the house is at the 35548
location indicated in the parent's statement. 35549

(7) A child under the age of twenty-two years residing with a 35550

parent who has a contract to purchase a house in a school district 35551
outside the district where the parent is residing and who is 35552
waiting upon the date of closing of the mortgage loan for the 35553
purchase of such house is entitled to attend school for a period 35554
of time in the district where the house is being purchased. In 35555
order to be entitled to such attendance, the parent shall provide 35556
the district superintendent with the following: 35557

(a) A sworn statement explaining the situation, revealing the 35558
location of the house being purchased, and stating the parent's 35559
intent to reside there; 35560

(b) A statement from a real estate broker or bank officer 35561
confirming that the parent has a contract to purchase the house, 35562
that the parent is waiting upon the date of closing of the 35563
mortgage loan, and that the house is at the location indicated in 35564
the parent's statement. 35565

The district superintendent shall establish a period of time 35566
not to exceed ninety days during which the child entitled to 35567
attend school under division (F)(6) or (7) of this section may 35568
attend without tuition obligation. A student attending a school 35569
under division (F)(6) or (7) of this section shall be eligible to 35570
participate in interscholastic athletics under the auspices of 35571
that school, provided the board of education of the school 35572
district where the student's parent resides, by a formal action, 35573
releases the student to participate in interscholastic athletics 35574
at the school where the student is attending, and provided the 35575
student receives any authorization required by a public agency or 35576
private organization of which the school district is a member 35577
exercising authority over interscholastic sports. 35578

(8) A child whose parent is a full-time employee of a city, 35579
local, or exempted village school district, or of an educational 35580
service center, may be admitted to the schools of the district 35581
where the child's parent is employed, or in the case of a child 35582

whose parent is employed by an educational service center, in the 35583
district that serves the location where the parent's job is 35584
primarily located, provided the district board of education 35585
establishes such an admission policy by resolution adopted by a 35586
majority of its members. Any such policy shall take effect on the 35587
first day of the school year and the effective date of any 35588
amendment or repeal may not be prior to the first day of the 35589
subsequent school year. The policy shall be uniformly applied to 35590
all such children and shall provide for the admission of any such 35591
child upon request of the parent. No child may be admitted under 35592
this policy after the first day of classes of any school year. 35593

(9) A child who is with the child's parent under the care of 35594
a shelter for victims of domestic violence, as defined in section 35595
3113.33 of the Revised Code, is entitled to attend school free in 35596
the district in which the child is with the child's parent, and no 35597
other school district shall be required to pay tuition for the 35598
child's attendance in that school district. 35599

The enrollment of a child in a school district under this 35600
division shall not be denied due to a delay in the school 35601
district's receipt of any records required under section 3313.672 35602
of the Revised Code or any other records required for enrollment. 35603
Any days of attendance and any credits earned by a child while 35604
enrolled in a school district under this division shall be 35605
transferred to and accepted by any school district in which the 35606
child subsequently enrolls. The state board of education shall 35607
adopt rules to ensure compliance with this division. 35608

(10) Any child under the age of twenty-two years whose parent 35609
has moved out of the school district after the commencement of 35610
classes in the child's senior year of high school is entitled, 35611
subject to the approval of that district board, to attend school 35612
in the district in which the child attended school at the time of 35613
the parental move for the remainder of the school year and for one 35614

additional semester or equivalent term. A district board may also 35615
adopt a policy specifying extenuating circumstances under which a 35616
student may continue to attend school under division (F)(10) of 35617
this section for an additional period of time in order to 35618
successfully complete the high school curriculum for the 35619
individualized education program developed for the student by the 35620
high school pursuant to section 3323.08 of the Revised Code. 35621

(11) As used in this division, "grandparent" means a parent 35622
of a parent of a child. A child under the age of twenty-two years 35623
who is in the custody of the child's parent, resides with a 35624
grandparent, and does not require special education is entitled to 35625
attend the schools of the district in which the child's 35626
grandparent resides, provided that, prior to such attendance in 35627
any school year, the board of education of the school district in 35628
which the child's grandparent resides and the board of education 35629
of the school district in which the child's parent resides enter 35630
into a written agreement specifying that good cause exists for 35631
such attendance, describing the nature of this good cause, and 35632
consenting to such attendance. 35633

In lieu of a consent form signed by a parent, a board of 35634
education may request the grandparent of a child attending school 35635
in the district in which the grandparent resides pursuant to 35636
division (F)(11) of this section to complete any consent form 35637
required by the district, including any authorization required by 35638
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 35639
Code. Upon request, the grandparent shall complete any consent 35640
form required by the district. A school district shall not incur 35641
any liability solely because of its receipt of a consent form from 35642
a grandparent in lieu of a parent. 35643

Division (F)(11) of this section does not create, and shall 35644
not be construed as creating, a new cause of action or substantive 35645
legal right against a school district, a member of a board of 35646

education, or an employee of a school district. This section does 35647
not affect, and shall not be construed as affecting, any 35648
immunities from defenses to tort liability created or recognized 35649
by Chapter 2744. of the Revised Code for a school district, 35650
member, or employee. 35651

(12) A child under the age of twenty-two years is entitled to 35652
attend school in a school district other than the district in 35653
which the child is entitled to attend school under division (B), 35654
(C), or (E) of this section provided that, prior to such 35655
attendance in any school year, both of the following occur: 35656

(a) The superintendent of the district in which the child is 35657
entitled to attend school under division (B), (C), or (E) of this 35658
section contacts the superintendent of another district for 35659
purposes of this division; 35660

(b) The superintendents of both districts enter into a 35661
written agreement that consents to the attendance and specifies 35662
that the purpose of such attendance is to protect the student's 35663
physical or mental well-being or to deal with other extenuating 35664
circumstances deemed appropriate by the superintendents. 35665

While an agreement is in effect under this division for a 35666
student who is not receiving special education under Chapter 3323. 35667
of the Revised Code and notwithstanding Chapter 3327. of the 35668
Revised Code, the board of education of neither school district 35669
involved in the agreement is required to provide transportation 35670
for the student to and from the school where the student attends. 35671

A student attending a school of a district pursuant to this 35672
division shall be allowed to participate in all student 35673
activities, including interscholastic athletics, at the school 35674
where the student is attending on the same basis as any student 35675
who has always attended the schools of that district while of 35676
compulsory school age. 35677

(13) All school districts shall comply with the 35678
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 35679
seq., for the education of homeless children. Each city, local, 35680
and exempted village school district shall comply with the 35681
requirements of that act governing the provision of a free, 35682
appropriate public education, including public preschool, to each 35683
homeless child. 35684

When a child loses permanent housing and becomes a homeless 35685
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 35686
such a homeless person changes temporary living arrangements, the 35687
child's parent or guardian shall have the option of enrolling the 35688
child in either of the following: 35689

(a) The child's school of origin, as defined in 42 U.S.C.A. 35690
11432(g)(3)(C); 35691

(b) The school that is operated by the school district in 35692
which the shelter where the child currently resides is located and 35693
that serves the geographic area in which the shelter is located. 35694

(14) A child under the age of twenty-two years who resides 35695
with a person other than the child's parent is entitled to attend 35696
school in the school district in which that person resides if both 35697
of the following apply: 35698

(a) That person has been appointed, through a military power 35699
of attorney executed under section 574(a) of the "National Defense 35700
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 35701
U.S.C. 1044b, or through a comparable document necessary to 35702
complete a family care plan, as the parent's agent for the care, 35703
custody, and control of the child while the parent is on active 35704
duty as a member of the national guard or a reserve unit of the 35705
armed forces of the United States or because the parent is a 35706
member of the armed forces of the United States and is on a duty 35707
assignment away from the parent's residence. 35708

(b) The military power of attorney or comparable document 35709
includes at least the authority to enroll the child in school. 35710

The entitlement to attend school in the district in which the 35711
parent's agent under the military power of attorney or comparable 35712
document resides applies until the end of the school year in which 35713
the military power of attorney or comparable document expires. 35714

(G) A board of education, after approving admission, may 35715
waive tuition for students who will temporarily reside in the 35716
district and who are either of the following: 35717

(1) Residents or domiciliaries of a foreign nation who 35718
request admission as foreign exchange students; 35719

(2) Residents or domiciliaries of the United States but not 35720
of Ohio who request admission as participants in an exchange 35721
program operated by a student exchange organization. 35722

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 35723
3327.04, and 3327.06 of the Revised Code, a child may attend 35724
school or participate in a special education program in a school 35725
district other than in the district where the child is entitled to 35726
attend school under division (B) of this section. 35727

(I)(1) Notwithstanding anything to the contrary in this 35728
section or section 3313.65 of the Revised Code, a child under 35729
twenty-two years of age may attend school in the school district 35730
in which the child, at the end of the first full week of October 35731
of the school year, was entitled to attend school as otherwise 35732
provided under this section or section 3313.65 of the Revised 35733
Code, if at that time the child was enrolled in the schools of the 35734
district but since that time the child or the child's parent has 35735
relocated to a new address located outside of that school district 35736
and within the same county as the child's or parent's address 35737
immediately prior to the relocation. The child may continue to 35738
attend school in the district, and at the school to which the 35739

child was assigned at the end of the first full week of October of 35740
the current school year, for the balance of the school year. 35741
Division (I)(1) of this section applies only if both of the 35742
following conditions are satisfied: 35743

(a) The board of education of the school district in which 35744
the child was entitled to attend school at the end of the first 35745
full week in October and of the district to which the child or 35746
child's parent has relocated each has adopted a policy to enroll 35747
children described in division (I)(1) of this section. 35748

(b) The child's parent provides written notification of the 35749
relocation outside of the school district to the superintendent of 35750
each of the two school districts. 35751

(2) At the beginning of the school year following the school 35752
year in which the child or the child's parent relocated outside of 35753
the school district as described in division (I)(1) of this 35754
section, the child is not entitled to attend school in the school 35755
district under that division. 35756

(3) Any person or entity owing tuition to the school district 35757
on behalf of the child at the end of the first full week in 35758
October, as provided in division (C) of this section, shall 35759
continue to owe such tuition to the district for the child's 35760
attendance under division (I)(1) of this section for the lesser of 35761
the balance of the school year or the balance of the time that the 35762
child attends school in the district under division (I)(1) of this 35763
section. 35764

(4) A pupil who may attend school in the district under 35765
division (I)(1) of this section shall be entitled to 35766
transportation services pursuant to an agreement between the 35767
district and the district in which the child or child's parent has 35768
relocated unless the districts have not entered into such 35769
agreement, in which case the child shall be entitled to 35770

transportation services in the same manner as a pupil attending 35771
school in the district under interdistrict open enrollment as 35772
described in division (H) of section 3313.981 of the Revised Code, 35773
regardless of whether the district has adopted an open enrollment 35774
policy as described in division (B)(1)(b) or (c) of section 35775
3313.98 of the Revised Code. 35776

(J) This division does not apply to a child receiving special 35777
education. 35778

A school district required to pay tuition pursuant to 35779
division (C)(2) or (3) of this section or section 3313.65 of the 35780
Revised Code shall have an amount deducted under division (F) of 35781
section 3317.023 of the Revised Code equal to its own tuition rate 35782
for the same period of attendance. A school district entitled to 35783
receive tuition pursuant to division (C)(2) or (3) of this section 35784
or section 3313.65 of the Revised Code shall have an amount 35785
credited under division (F) of section 3317.023 of the Revised 35786
Code equal to its own tuition rate for the same period of 35787
attendance. If the tuition rate credited to the district of 35788
attendance exceeds the rate deducted from the district required to 35789
pay tuition, the department of education shall pay the district of 35790
attendance the difference from amounts deducted from all 35791
districts' payments under division (F) of section 3317.023 of the 35792
Revised Code but not credited to other school districts under such 35793
division and from appropriations made for such purpose. The 35794
treasurer of each school district shall, by the fifteenth day of 35795
January and July, furnish the superintendent of public instruction 35796
a report of the names of each child who attended the district's 35797
schools under divisions (C)(2) and (3) of this section or section 35798
3313.65 of the Revised Code during the preceding six calendar 35799
months, the duration of the attendance of those children, the 35800
school district responsible for tuition on behalf of the child, 35801
and any other information that the superintendent requires. 35802

Upon receipt of the report the superintendent, pursuant to 35803
division (F) of section 3317.023 of the Revised Code, shall deduct 35804
each district's tuition obligations under divisions (C)(2) and (3) 35805
of this section or section 3313.65 of the Revised Code and pay to 35806
the district of attendance that amount plus any amount required to 35807
be paid by the state. 35808

(K) In the event of a disagreement, the superintendent of 35809
public instruction shall determine the school district in which 35810
the parent resides. 35811

(L) Nothing in this section requires or authorizes, or shall 35812
be construed to require or authorize, the admission to a public 35813
school in this state of a pupil who has been permanently excluded 35814
from public school attendance by the superintendent of public 35815
instruction pursuant to sections 3301.121 and 3313.662 of the 35816
Revised Code. 35817

(M) In accordance with division (B)(1) of this section, a 35818
child whose parent is a member of the national guard or a reserve 35819
unit of the armed forces of the United States and is called to 35820
active duty, or a child whose parent is a member of the armed 35821
forces of the United States and is ordered to a temporary duty 35822
assignment outside of the district, may continue to attend school 35823
in the district in which the child's parent lived before being 35824
called to active duty or ordered to a temporary duty assignment 35825
outside of the district, as long as the child's parent continues 35826
to be a resident of that district, and regardless of where the 35827
child lives as a result of the parent's active duty status or 35828
temporary duty assignment. However, the district is not 35829
responsible for providing transportation for the child if the 35830
child lives outside of the district as a result of the parent's 35831
active duty status or temporary duty assignment. 35832

Sec. 3313.642. (A) Except as provided in division (B) of this 35833

section and notwithstanding the provisions of sections 3313.48 and 35834
3313.64 of the Revised Code, the board of education of a city, 35835
exempted village, or local school district shall not be required 35836
to furnish, free of charge, to the pupils attending the public 35837
schools any materials used in a course of instruction with the 35838
exception of the necessary textbooks or electronic textbooks 35839
required to be furnished without charge pursuant to section 35840
3329.06 of the Revised Code. The board may, however, make 35841
provision by appropriations transferred from the general fund of 35842
the district or otherwise for furnishing free of charge any 35843
materials used in a course of instruction to such pupils as it 35844
determines are in serious financial need of such materials. 35845

(B) No board of education of a school district ~~that receives~~ 35846
~~funds under section 3317.029 of the Revised Code~~ shall charge a 35847
fee to a ~~recipient of aid under Chapter 5107. or 5115. of the~~ 35848
~~Revised Code~~ pupil who is eligible for a free lunch under the 35849
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 35850
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 35851
42 U.S.C. 1771, as amended, for any materials needed to enable the 35852
~~recipient~~ pupil to participate fully in a course of instruction. 35853
The prohibition in this division against charging a fee does not 35854
apply to any fee charged for any materials needed to enable a 35855
~~recipient~~ pupil to participate fully in extracurricular activities 35856
or in any pupil enrichment program that is not a course of 35857
instruction. 35858

(C) Boards of education may adopt rules and regulations 35859
prescribing a schedule of fees for materials used in a course of 35860
instruction and prescribing a schedule of charges which may be 35861
imposed upon pupils for the loss, damage, or destruction of school 35862
apparatus, equipment, musical instruments, library material, 35863
textbooks, or electronic textbooks required to be furnished 35864
without charge, and for damage to school buildings, and may 35865

enforce the payment of such fees and charges by withholding the 35866
grades and credits of the pupils concerned. 35867

Sec. 3313.6410. This section applies to any school that is 35868
operated by a school district and in which the enrolled students 35869
work primarily on assignments in nonclassroom-based learning 35870
opportunities provided via an internet- or other computer-based 35871
instructional method. 35872

(A) Any school to which this section applies shall withdraw 35873
from the school any student who, for two consecutive school years, 35874
has failed to participate in the spring administration of any test 35875
prescribed under section 3301.0710 or 3301.0712 of the Revised 35876
Code for the student's grade level and was not excused from the 35877
test pursuant to division (C)(1) or (3) of section 3301.0711 of 35878
the Revised Code, regardless of whether a waiver was granted for 35879
the student under division (E) of section 3317.03 of the Revised 35880
Code. The school shall report any such student's data verification 35881
code, as assigned pursuant to section 3301.0714 of the Revised 35882
Code, to the department of education to be added to the list 35883
maintained by the department under section 3314.26 of the Revised 35884
Code. 35885

(B) No school to which this section applies shall receive any 35886
state funds under Chapter 3317. of the Revised Code for any 35887
enrolled student whose data verification code appears on the list 35888
maintained by the department under section 3314.26 of the Revised 35889
Code. Notwithstanding any provision of the Revised Code to the 35890
contrary, the parent of any such student shall pay tuition to the 35891
school district that operates the school in an amount equal to the 35892
state funds the district otherwise would receive for that student, 35893
as determined by the department. A school to which this section 35894
applies may withdraw any student for whom the parent does not pay 35895
tuition as required by this division. 35896

Sec. 3313.65. (A) As used in this section and section 3313.64 35897
of the Revised Code: 35898

(1) A person is "in a residential facility" if the person is 35899
a resident or a resident patient of an institution, home, or other 35900
residential facility that is: 35901

(a) Licensed as a nursing home, residential care facility, or 35902
home for the aging by the director of health under section 3721.02 35903
of the Revised Code ~~or licensed as a community alternative home by~~ 35904
~~the director of health under section 3724.03 of the Revised Code;~~ 35905

(b) Licensed as an adult care facility by the director of 35906
health under Chapter 3722. of the Revised Code; 35907

(c) Maintained as a county home or district home by the board 35908
of county commissioners or a joint board of county commissioners 35909
under Chapter 5155. of the Revised Code; 35910

(d) Operated or administered by a board of alcohol, drug 35911
addiction, and mental health services under section 340.03 or 35912
340.06 of the Revised Code, or provides residential care pursuant 35913
to contracts made under section 340.03 or 340.033 of the Revised 35914
Code; 35915

(e) Maintained as a state institution for the mentally ill 35916
under Chapter 5119. of the Revised Code; 35917

(f) Licensed by the department of mental health under section 35918
5119.20 or 5119.22 of the Revised Code; 35919

(g) Licensed as a residential facility by the department of 35920
mental retardation and developmental disabilities under section 35921
5123.19 of the Revised Code; 35922

(h) Operated by the veteran's administration or another 35923
agency of the United States government; 35924

(i) The Ohio soldiers' and sailors' home. 35925

(2) A person is "in a correctional facility" if any of the following apply:	35926 35927
(a) The person is an Ohio resident and is:	35928
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	35929 35930
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	35931 35932
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	35933 35934 35935 35936 35937 35938 35939 35940 35941 35942 35943
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	35944 35945 35946 35947
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.	35948 35949 35950 35951 35952 35953
(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	35954 35955

(5) "Post-release control sanction" has the same meaning as 35956
in section 2967.01 of the Revised Code. 35957

(B) If the circumstances described in division (C) of this 35958
section apply, the determination of what school district must 35959
admit a child to its schools and what district, if any, is liable 35960
for tuition shall be made in accordance with this section, rather 35961
than section 3313.64 of the Revised Code. 35962

(C) A child who does not reside in the school district in 35963
which the child's parent resides and for whom a tuition obligation 35964
previously has not been established under division (C)(2) of 35965
section 3313.64 of the Revised Code shall be admitted to the 35966
schools of the district in which the child resides if at least one 35967
of the child's parents is in a residential or correctional 35968
facility or a juvenile residential placement and the other parent, 35969
if living and not in such a facility or placement, is not known to 35970
reside in this state. 35971

(D) Regardless of who has custody or care of the child, 35972
whether the child resides in a home, or whether the child receives 35973
special education, if a district admits a child under division (C) 35974
of this section, tuition shall be paid to that district as 35975
follows: 35976

(1) If the child's parent is in a juvenile residential 35977
placement, by the district in which the child's parent resided at 35978
the time the parent became subject to the jurisdiction of the 35979
juvenile court; 35980

(2) If the child's parent is in a correctional facility, by 35981
the district in which the child's parent resided at the time the 35982
sentence was imposed; 35983

(3) If the child's parent is in a residential facility, by 35984
the district in which the parent resided at the time the parent 35985
was admitted to the residential facility, except that if the 35986

parent was transferred from another residential facility, tuition 35987
shall be paid by the district in which the parent resided at the 35988
time the parent was admitted to the facility from which the parent 35989
first was transferred; 35990

(4) In the event of a disagreement as to which school 35991
district is liable for tuition under division (C)(1), (2), or (3) 35992
of this section, the superintendent of public instruction shall 35993
determine which district shall pay tuition. 35994

(E) If a child covered by division (D) of this section 35995
receives special education in accordance with Chapter 3323. of the 35996
Revised Code, the tuition shall be paid in accordance with section 35997
3323.13 or 3323.14 of the Revised Code. Tuition for children who 35998
do not receive special education shall be paid in accordance with 35999
division (J) of section 3313.64 of the Revised Code. 36000

Sec. 3313.719. The board of education of each city, local, 36001
exempted village, and joint vocational school district and the 36002
governing authority of each chartered nonpublic school shall 36003
establish a written policy with respect to protecting students 36004
with peanut or other food allergies. The policy shall be developed 36005
in consultation with parents, school nurses and other school 36006
employees, school volunteers, students, and community members. 36007

Sec. 3313.843. (A) Notwithstanding division (D) of section 36008
3311.52 of the Revised Code, this section does not apply to either 36009
of the following: 36010

(1) Any cooperative education school district; 36011

(2) Any city or exempted village school district with a total 36012
student count of thirteen thousand or more determined pursuant to 36013
section 3317.03 of the Revised Code that has not entered into one 36014
or more agreements pursuant to this section prior to July 1, 1993, 36015
unless the district's total student count did not exceed thirteen 36016

thousand at the time it entered into an initial agreement under 36017
this section. 36018

(B) The board of education of a city or exempted village 36019
school district and the governing board of an educational service 36020
center may enter into an agreement, through adoption of identical 36021
resolutions, under which the educational service center governing 36022
board will provide services to the city or exempted village school 36023
district. 36024

Services provided under the agreement shall be specified in 36025
the agreement, and may include any one or a combination of the 36026
following: supervisory teachers; in-service and continuing 36027
education programs for city or exempted village school district 36028
personnel; curriculum services as provided to the local school 36029
districts under the supervision of the service center governing 36030
board; research and development programs; academic instruction for 36031
which the governing board employs teachers pursuant to section 36032
3319.02 of the Revised Code; and assistance in the provision of 36033
special accommodations and classes for students with disabilities. 36034
Services included in the agreement shall be provided to the city 36035
or exempted village district in the same manner they are provided 36036
to local school districts under the governing board's supervision, 36037
unless otherwise specified in the agreement. The city or exempted 36038
village board of education shall reimburse the educational service 36039
center governing board pursuant to section 3317.11 of the Revised 36040
Code. 36041

(C) If an educational service center received funding under 36042
division (B) of former section 3317.11 or division (F) of section 36043
3317.11 of the Revised Code for an agreement under this section 36044
involving a city school district whose total student count was 36045
less than thirteen thousand, the service center may continue to 36046
receive funding under that division for such an agreement in any 36047
subsequent year if the city district's total student count exceeds 36048

thirteen thousand. However, only the first thirteen thousand 36049
pupils in the formula ADM of such district shall be included in 36050
determining the amount of the per pupil subsidy the service center 36051
shall receive under division (F) of section 3317.11 of the Revised 36052
Code. 36053

(D) ~~Any~~ If an educational service center that has received 36054
funding under division (F) of section 3317.11 of the Revised Code, 36055
or under division (B) of former section 3317.11 of the Revised 36056
Code as it existed prior to September 26, 2003, for services 36057
provided to a city or exempted village school district pursuant to 36058
an agreement entered into under this section is dissolved or is 36059
scheduled to be dissolved under section 3311.0510 of the Revised 36060
Code, the city or exempted village school district that entered 36061
into that agreement with the service center may enter into a new 36062
agreement under this section with another service center for the 36063
same or similar services. In that case, the other service center 36064
shall receive funding under division (F) of section 3317.11 of the 36065
Revised Code for services to that district for any subsequent year 36066
that the new agreement is in force. An agreement entered into 36067
under this division shall be effective on the first day of July 36068
following the date both the service center governing board and the 36069
city or exempted village school district board approved the 36070
agreement, unless the agreement is so approved after the initial 36071
service center is dissolved, in which case the agreement shall be 36072
effective on the date that both boards have approved the 36073
agreement. 36074

(E) Except for an agreement under division (D) of this 36075
section that is approved by the boards of the district and the new 36076
service center after the initial service center is dissolved, any 36077
agreement entered into pursuant to this section shall be valid 36078
only if a copy is filed with the department of education by the 36079
first day of the school year for which the agreement is in effect. 36080

An agreement under division (D) of this section that is approved 36081
by the boards of the district and the new service center after the 36082
initial service center is dissolved shall be valid only if a copy 36083
is filed with the department within ten days after both boards 36084
have approved the agreement. 36085

Sec. 3313.86. The board of education of each city, exempted 36086
village, local, and joint vocational school district and the 36087
governing authority of each chartered nonpublic school 36088
periodically shall review its policies and procedures to ensure 36089
the safety of students, employees, and other persons using a 36090
school building from any known hazards in the building or on 36091
building grounds that, in the judgment of the board or governing 36092
authority, pose an immediate risk to health or safety. The board 36093
or governing authority shall further ensure that its policies and 36094
procedures comply with all federal laws and regulations regarding 36095
health and safety applicable to school buildings. 36096

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 36097
the superintendent of public instruction shall appoint 36098
representatives of the department of education, including 36099
employees who work with the education management information 36100
system and employees of the office of community schools 36101
established by section 3314.11 of the Revised Code, to a committee 36102
to develop report card models for community schools. The director 36103
of the legislative office of education oversight shall also 36104
appoint representatives to the committee. The committee shall 36105
design model report cards appropriate for the various types of 36106
community schools approved to operate in the state. Sufficient 36107
models shall be developed to reflect the variety of grade levels 36108
served and the missions of the state's community schools. All 36109
models shall include both financial and academic data. The initial 36110
models shall be developed by March 31, 2000. 36111

(B) The department of education shall issue an annual report card for each community school. The report card shall report the academic and financial performance of the school utilizing one of the models developed under division (A) of this section. The report card shall include all information applicable to school buildings under division (A) of section 3302.03 of the Revised Code and section 3302.032 of the Revised Code.

(C) Upon receipt of a copy of a contract between a sponsor and a community school entered into under this chapter, the department of education shall notify the community school of the specific model report card that will be used for that school.

(D) Report cards shall be distributed to the parents of all students in the community school, to the members of the board of education of the school district in which the community school is located, and to any person who requests one from the department.

(E) No report card shall be issued for any community school under this section until the school has been open for instruction for two full school years.

Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code; 36142
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(c) A big eight school district. 36145

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 36146
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(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 36148
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(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 36152
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code. 36155
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(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 36160
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(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities. 36164
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(B) Any person or group of individuals may initially propose 36173
under this division the conversion of all or a portion of a public 36174
school or a building operated by an educational service center to 36175
a community school. The proposal shall be made to the board of 36176
education of the city, local, ~~or~~ exempted village, or joint 36177
vocational school district in which the public school is proposed 36178
to be converted or, in the case of the conversion of a building 36179
operated by an educational service center, to the governing board 36180
of the service center. Upon receipt of a proposal, a board may 36181
enter into a preliminary agreement with the person or group 36182
proposing the conversion of the public school or service center 36183
building, indicating the intention of the board to support the 36184
conversion to a community school. A proposing person or group that 36185
has a preliminary agreement under this division may proceed to 36186
finalize plans for the school, establish a governing authority for 36187
the school, and negotiate a contract with the board. Provided the 36188
proposing person or group adheres to the preliminary agreement and 36189
all provisions of this chapter, the board shall negotiate in good 36190
faith to enter into a contract in accordance with section 3314.03 36191
of the Revised Code and division (C) of this section. 36192

(C)(1) Any person or group of individuals may propose under 36194
this division the establishment of a new start-up school to be 36195
located in a challenged school district. The proposal may be made 36196
to any of the following entities: 36197

(a) The board of education of the district in which the 36198
school is proposed to be located; 36199

(b) The board of education of any joint vocational school 36200
district with territory in the county in which is located the 36201
majority of the territory of the district in which the school is 36202
proposed to be located; 36203

(c) The board of education of any other city, local, or 36204

exempted village school district having territory in the same 36205
county where the district in which the school is proposed to be 36206
located has the major portion of its territory; 36207

(d) The governing board of any educational service center, as 36208
long as the proposed school will be located in a county within the 36209
territory of the service center or in a county contiguous to such 36210
county; 36211

(e) A sponsoring authority designated by the board of 36212
trustees of any of the thirteen state universities listed in 36213
section 3345.011 of the Revised Code or the board of trustees 36214
itself as long as a mission of the proposed school to be specified 36215
in the contract under division (A)(2) of section 3314.03 of the 36216
Revised Code and as approved by the department of education under 36217
division (B)(2) of section 3314.015 of the Revised Code will be 36218
the practical demonstration of teaching methods, educational 36219
technology, or other teaching practices that are included in the 36220
curriculum of the university's teacher preparation program 36221
approved by the state board of education; 36222

(f) Any qualified tax-exempt entity under section 501(c)(3) 36223
of the Internal Revenue Code as long as all of the following 36224
conditions are satisfied: 36225

(i) The entity has been in operation for at least five years 36226
prior to applying to be a community school sponsor. 36227

(ii) The entity has assets of at least five hundred thousand 36228
dollars and a demonstrated record of financial responsibility. 36229

(iii) The department of education has determined that the 36230
entity is an education-oriented entity under division (B)(3) of 36231
section 3314.015 of the Revised Code and the entity has a 36232
demonstrated record of successful implementation of educational 36233
programs. 36234

(iv) The entity is not a community school. 36235

Any entity described in division (C)(1) of this section may 36236
enter into a preliminary agreement pursuant to division (C)(2) of 36237
this section with the proposing person or group. 36238

(2) A preliminary agreement indicates the intention of an 36239
entity described in division (C)(1) of this section to sponsor the 36240
community school. A proposing person or group that has such a 36241
preliminary agreement may proceed to finalize plans for the 36242
school, establish a governing authority as described in division 36243
(E) of this section for the school, and negotiate a contract with 36244
the entity. Provided the proposing person or group adheres to the 36245
preliminary agreement and all provisions of this chapter, the 36246
entity shall negotiate in good faith to enter into a contract in 36247
accordance with section 3314.03 of the Revised Code. 36248

(3) A new start-up school that is established in a school 36249
district while that district is either in a state of academic 36250
emergency or in a state of academic watch under section 3302.03 of 36251
the Revised Code may continue in existence once the school 36252
district is no longer in a state of academic emergency or academic 36253
watch, provided there is a valid contract between the school and a 36254
sponsor. 36255

(4) A copy of every preliminary agreement entered into under 36256
this division shall be filed with the superintendent of public 36257
instruction. 36258

(D) A majority vote of the board of a sponsoring entity and a 36259
majority vote of the members of the governing authority of a 36260
community school shall be required to adopt a contract and convert 36261
the public school or educational service center building to a 36262
community school or establish the new start-up school. Beginning 36263
September 29, 2005, adoption of the contract shall occur not later 36264
than the fifteenth day of March, and signing of the contract shall 36265
occur not later than the fifteenth day of May, prior to the school 36266
year in which the school will open. The governing authority shall 36267

notify the department of education when the contract has been 36268
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 36269
3314.017 of the Revised Code, an unlimited number of community 36270
schools may be established in any school district provided that a 36271
contract is entered into for each community school pursuant to 36272
this chapter. 36273

(E)(1) As used in this division, "immediate relatives" are 36274
limited to spouses, children, parents, grandparents, siblings, and 36275
in-laws. 36276

Each new start-up community school established under this 36277
chapter shall be under the direction of a governing authority 36278
which shall consist of a board of not less than five individuals. 36279

No person shall serve on the governing authority or operate 36280
the community school under contract with the governing authority 36281
so long as the person owes the state any money or is in a dispute 36282
over whether the person owes the state any money concerning the 36283
operation of a community school that has closed. 36284

(2) No person shall serve on the governing authorities of 36285
more than two start-up community schools at the same time. 36286

(3) No present or former member, or immediate relative of a 36287
present or former member, of the governing authority of any 36288
community school established under this chapter shall be an owner, 36289
employee, or consultant of any nonprofit or for-profit operator of 36290
a community school, unless at least one year has elapsed since the 36291
conclusion of the person's membership. 36292

(F)(1) A new start-up school that is established prior to 36293
August 15, 2003, in an urban school district that is not also a 36294
big-eight school district may continue to operate after that date 36295
and the contract between the school's governing authority and the 36296
school's sponsor may be renewed, as provided under this chapter, 36297
after that date, but no additional new start-up schools may be 36298

established in such a district unless the district is a challenged 36299
school district as defined in this section as it exists on and 36300
after that date. 36301

(2) A community school that was established prior to June 29, 36302
1999, and is located in a county contiguous to the pilot project 36303
area and in a school district that is not a challenged school 36304
district may continue to operate after that date, provided the 36305
school complies with all provisions of this chapter. The contract 36306
between the school's governing authority and the school's sponsor 36307
may be renewed, but no additional start-up community school may be 36308
established in that district unless the district is a challenged 36309
school district. 36310

(3) Any educational service center that, on June 30, 2007, 36311
sponsors a community school that is not located in a county within 36312
the territory of the service center or in a county contiguous to 36313
such county may continue to sponsor that community school on and 36314
after June 30, 2007, and may renew its contract with the school. 36315
However, the educational service center shall not enter into a 36316
contract with any additional community school unless the school is 36317
located in a county within the territory of the service center or 36318
in a county contiguous to such county. 36319

Sec. 3314.028. Notwithstanding any provision of this chapter 36320
to the contrary, beginning in the 2009-2010 school year, a 36321
community school that meets the following conditions may operate 36322
from the facility in which the school was located in the 2008-2009 36323
school year and shall not be required to locate to another school 36324
district: 36325

(A) The school was located in the facility for at least the 36326
three school years prior to the 2009-2010 school year. 36327

(B) The school's sponsor is a school district that is 36328
adjacent to the school district in which the school is located. 36329

(C) The school's education program emphasizes serving students identified as gifted under Chapter 3324. of the Revised Code. 36330
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(D) The school has been rated in need of continuous improvement or higher under section 3302.03 of the Revised Code for the previous three school years. 36333
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. 36336
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 36339
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(1) That the school shall be established as either of the following: 36342
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 36344
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(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003; 36346
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(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 36348
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests; 36352
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(4) Performance standards by which the success of the school will be evaluated by the sponsor; 36355
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 36357
36358

(6)(a) Dismissal procedures;	36359
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	36360 36361 36362 36363 36364 36365
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	36366 36367
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits. <u>Audits</u> shall be conducted in accordance with section 117.10 of the Revised Code.	36368 36369 36370 36371 36372 36373
(9) The facilities to be used and their locations;	36374
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	36375 36376 36377 36378 36379 36380
(11) That the school will comply with the following requirements:	36381 36382
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	36383 36384 36385
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	36386 36387 36388

(c) The school will be nonsectarian in its programs, 36389
admission policies, employment practices, and all other 36390
operations, and will not be operated by a sectarian school or 36391
religious institution. 36392

(d) The school will comply with sections 9.90, 9.91, 109.65, 36393
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 36394
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 36395
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 36396
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 36397
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 36398
3313.719, 3313.80, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 36399
3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 36400
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 36401
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 36402
of the Revised Code as if it were a school district and will 36403
comply with section 3301.0714 of the Revised Code in the manner 36404
specified in section 3314.17 of the Revised Code. 36405

(e) The school shall comply with Chapter 102. and section 36406
2921.42 of the Revised Code. 36407

(f) The school will comply with sections 3313.61, 3313.611, 36408
and 3313.614 of the Revised Code, except that for students who 36409
enter ninth grade for the first time before July 1, 2010, the 36410
requirement in sections 3313.61 and 3313.611 of the Revised Code 36411
that a person must successfully complete the curriculum in any 36412
high school prior to receiving a high school diploma may be met by 36413
completing the curriculum adopted by the governing authority of 36414
the community school rather than the curriculum specified in Title 36415
XXXVIII of the Revised Code or any rules of the state board of 36416
education. Beginning with students who enter ninth grade for the 36417
first time on or after July 1, 2010, the requirement in sections 36418
3313.61 and 3313.611 of the Revised Code that a person must 36419
successfully complete the curriculum of a high school prior to 36420

receiving a high school diploma shall be met by completing the 36421
Ohio core curriculum prescribed in division (C) of section 36422
3313.603 of the Revised Code, unless the person qualifies under 36423
division (D) or (F) of that section. Each school shall comply with 36424
the plan for awarding high school credit based on demonstration of 36425
subject area competency, adopted by the state board of education 36426
under division (J) of section 3313.603 of the Revised Code. 36427

(g) The school governing authority will submit within four 36428
months after the end of each school year a report of its 36429
activities and progress in meeting the goals and standards of 36430
divisions (A)(3) and (4) of this section and its financial status 36431
to the sponsor and the parents of all students enrolled in the 36432
school. 36433

(h) The school, unless it is an internet- or computer-based 36434
community school, will comply with section 3313.801 of the Revised 36435
Code as if it were a school district. 36436

(12) Arrangements for providing health and other benefits to 36437
employees; 36438

(13) The length of the contract, which shall begin at the 36439
beginning of an academic year. No contract shall exceed five years 36440
unless such contract has been renewed pursuant to division (E) of 36441
this section. 36442

(14) The governing authority of the school, which shall be 36443
responsible for carrying out the provisions of the contract; 36444

(15) A financial plan detailing an estimated school budget 36445
for each year of the period of the contract and specifying the 36446
total estimated per pupil expenditure amount for each such year. 36447
The plan shall specify for each year the base formula amount that 36448
will be used for purposes of funding calculations under section 36449
3314.08 of the Revised Code. This base formula amount for any year 36450
shall not exceed the formula amount defined under section 3317.02 36451

of the Revised Code. The plan may also specify for any year a 36452
percentage figure to be used for reducing the per pupil amount of 36453
the subsidy calculated pursuant to section 3317.029 of the Revised 36454
Code the school is to receive that year under section 3314.08 of 36455
the Revised Code. 36456

(16) Requirements and procedures regarding the disposition of 36457
employees of the school in the event the contract is terminated or 36458
not renewed pursuant to section 3314.07 of the Revised Code; 36459

(17) Whether the school is to be created by converting all or 36460
part of an existing public school or educational service center 36461
building or is to be a new start-up school, and if it is a 36462
converted public school or service center building, specification 36463
of any duties or responsibilities of an employer that the board of 36464
education or service center governing board that operated the 36465
school or building before conversion is delegating to the 36466
governing authority of the community school with respect to all or 36467
any specified group of employees provided the delegation is not 36468
prohibited by a collective bargaining agreement applicable to such 36469
employees; 36470

(18) Provisions establishing procedures for resolving 36471
disputes or differences of opinion between the sponsor and the 36472
governing authority of the community school; 36473

(19) A provision requiring the governing authority to adopt a 36474
policy regarding the admission of students who reside outside the 36475
district in which the school is located. That policy shall comply 36476
with the admissions procedures specified in sections 3314.06 and 36477
3314.061 of the Revised Code and, at the sole discretion of the 36478
authority, shall do one of the following: 36479

(a) Prohibit the enrollment of students who reside outside 36480
the district in which the school is located; 36481

(b) Permit the enrollment of students who reside in districts 36482

adjacent to the district in which the school is located; 36483

(c) Permit the enrollment of students who reside in any other 36484
district in the state. 36485

(20) A provision recognizing the authority of the department 36486
of education to take over the sponsorship of the school in 36487
accordance with the provisions of division (C) of section 3314.015 36488
of the Revised Code; 36489

(21) A provision recognizing the sponsor's authority to 36490
assume the operation of a school under the conditions specified in 36491
division (B) of section 3314.073 of the Revised Code; 36492

(22) A provision recognizing both of the following: 36493

(a) The authority of public health and safety officials to 36494
inspect the facilities of the school and to order the facilities 36495
closed if those officials find that the facilities are not in 36496
compliance with health and safety laws and regulations; 36497

(b) The authority of the department of education as the 36498
community school oversight body to suspend the operation of the 36499
school under section 3314.072 of the Revised Code if the 36500
department has evidence of conditions or violations of law at the 36501
school that pose an imminent danger to the health and safety of 36502
the school's students and employees and the sponsor refuses to 36503
take such action; 36504

(23) A description of the learning opportunities that will be 36505
offered to students including both classroom-based and 36506
non-classroom-based learning opportunities that is in compliance 36507
with criteria for student participation established by the 36508
department under division (L)(2) of section 3314.08 of the Revised 36509
Code; 36510

(24) The school will comply with sections 3302.04 and 36511
3302.041 of the Revised Code, except that any action required to 36512

be taken by a school district pursuant to those sections shall be 36513
taken by the sponsor of the school. However, the sponsor shall not 36514
be required to take any action described in division (F) of 36515
section 3302.04 of the Revised Code. 36516

(25) Beginning in the 2006-2007 school year, the school will 36517
open for operation not later than the thirtieth day of September 36518
each school year, unless the mission of the school as specified 36519
under division (A)(2) of this section is solely to serve dropouts. 36520
In its initial year of operation, if the school fails to open by 36521
the thirtieth day of September, or within one year after the 36522
adoption of the contract pursuant to division (D) of section 36523
3314.02 of the Revised Code if the mission of the school is solely 36524
to serve dropouts, the contract shall be void. 36525

(B) The community school shall also submit to the sponsor a 36526
comprehensive plan for the school. The plan shall specify the 36527
following: 36528

(1) The process by which the governing authority of the 36529
school will be selected in the future; 36530

(2) The management and administration of the school; 36531

(3) If the community school is a currently existing public 36532
school or educational service center building, alternative 36533
arrangements for current public school students who choose not to 36534
attend the converted school and for teachers who choose not to 36535
teach in the school or building after conversion; 36536

(4) The instructional program and educational philosophy of 36537
the school; 36538

(5) Internal financial controls. 36539

(C) A contract entered into under section 3314.02 of the 36540
Revised Code between a sponsor and the governing authority of a 36541
community school may provide for the community school governing 36542

authority to make payments to the sponsor, which is hereby 36543
authorized to receive such payments as set forth in the contract 36544
between the governing authority and the sponsor. The total amount 36545
of such payments for oversight and monitoring of the school shall 36546
not exceed three per cent of the total amount of payments for 36547
operating expenses that the school receives from the state. 36548

(D) The contract shall specify the duties of the sponsor 36549
which shall be in accordance with the written agreement entered 36550
into with the department of education under division (B) of 36551
section 3314.015 of the Revised Code and shall include the 36552
following: 36553

(1) Monitor the community school's compliance with all laws 36554
applicable to the school and with the terms of the contract; 36555

(2) Monitor and evaluate the academic and fiscal performance 36556
and the organization and operation of the community school on at 36557
least an annual basis; 36558

(3) Report on an annual basis the results of the evaluation 36559
conducted under division (D)(2) of this section to the department 36560
of education and to the parents of students enrolled in the 36561
community school; 36562

(4) Provide technical assistance to the community school in 36563
complying with laws applicable to the school and terms of the 36564
contract; 36565

(5) Take steps to intervene in the school's operation to 36566
correct problems in the school's overall performance, declare the 36567
school to be on probationary status pursuant to section 3314.073 36568
of the Revised Code, suspend the operation of the school pursuant 36569
to section 3314.072 of the Revised Code, or terminate the contract 36570
of the school pursuant to section 3314.07 of the Revised Code as 36571
determined necessary by the sponsor; 36572

(6) Have in place a plan of action to be undertaken in the 36573

event the community school experiences financial difficulties or 36574
closes prior to the end of a school year. 36575

(E) Upon the expiration of a contract entered into under this 36576
section, the sponsor of a community school may, with the approval 36577
of the governing authority of the school, renew that contract for 36578
a period of time determined by the sponsor, but not ending earlier 36579
than the end of any school year, if the sponsor finds that the 36580
school's compliance with applicable laws and terms of the contract 36581
and the school's progress in meeting the academic goals prescribed 36582
in the contract have been satisfactory. Any contract that is 36583
renewed under this division remains subject to the provisions of 36584
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 36585

(F) If a community school fails to open for operation within 36586
one year after the contract entered into under this section is 36587
adopted pursuant to division (D) of section 3314.02 of the Revised 36588
Code or permanently closes prior to the expiration of the 36589
contract, the contract shall be void and the school shall not 36590
enter into a contract with any other sponsor. A school shall not 36591
be considered permanently closed because the operations of the 36592
school have been suspended pursuant to section 3314.072 of the 36593
Revised Code. Any contract that becomes void under this division 36594
shall not count toward any statewide limit on the number of such 36595
contracts prescribed by section 3314.013 of the Revised Code. 36596

Sec. 3314.08. (A) As used in this section: 36597

(1) "Base formula amount" means the amount specified as such 36598
in a community school's financial plan for a school year pursuant 36599
to division (A)(15) of section 3314.03 of the Revised Code. 36600

(2) "IEP" has the same meaning as in section 3323.01 of the 36601
Revised Code. 36602

(3) "Applicable special education weight" means the multiple 36603

specified in section 3317.013 of the Revised Code for a disability 36604
described in that section. 36605

(4) "Applicable vocational education weight" means: 36606

(a) For a student enrolled in vocational education programs 36607
or classes described in division (A) of section 3317.014 of the 36608
Revised Code, the multiple specified in that division; 36609

(b) For a student enrolled in vocational education programs 36610
or classes described in division (B) of section 3317.014 of the 36611
Revised Code, the multiple specified in that division. 36612

(5) "Entitled to attend school" means entitled to attend 36613
school in a district under section 3313.64 or 3313.65 of the 36614
Revised Code. 36615

(6) A community school student is "included in the poverty 36616
student count" of a school district if the student is entitled to 36617
attend school in the district and the student's family receives 36618
assistance under the Ohio works first program. 36619

(7) "Poverty-based assistance reduction factor" means the 36620
percentage figure, if any, for reducing the per pupil amount of 36621
poverty-based assistance a community school is entitled to receive 36622
pursuant to divisions (D)(5) to (9) of this section in any year, 36623
as specified in the school's financial plan for the year pursuant 36624
to division (A)(15) of section 3314.03 of the Revised Code. 36625

(8) "All-day kindergarten" has the same meaning as in section 36626
3317.029 of the Revised Code. 36627

(9) "State education aid" has the same meaning as in section 36628
5751.20 of the Revised Code. 36629

(B) The state board of education shall adopt rules requiring 36630
both of the following: 36631

(1) The board of education of each city, exempted village, 36632
and local school district to annually report the number of 36633

students entitled to attend school in the district who are 36634
enrolled in grades one through twelve in a community school 36635
established under this chapter, the number of students entitled to 36636
attend school in the district who are enrolled in kindergarten in 36637
a community school, the number of those kindergartners who are 36638
enrolled in all-day kindergarten in their community school, and 36639
for each child, the community school in which the child is 36640
enrolled. 36641

(2) The governing authority of each community school 36642
established under this chapter to annually report all of the 36643
following: 36644

(a) The number of students enrolled in grades one through 36645
twelve and the number of students enrolled in kindergarten in the 36646
school who are not receiving special education and related 36647
services pursuant to an IEP; 36648

(b) The number of enrolled students in grades one through 36649
twelve and the number of enrolled students in kindergarten, who 36650
are receiving special education and related services pursuant to 36651
an IEP; 36652

(c) The number of students reported under division (B)(2)(b) 36653
of this section receiving special education and related services 36654
pursuant to an IEP for a disability described in each of divisions 36655
(A) to (F) of section 3317.013 of the Revised Code; 36656

(d) The full-time equivalent number of students reported 36657
under divisions (B)(2)(a) and (b) of this section who are enrolled 36658
in vocational education programs or classes described in each of 36659
divisions (A) and (B) of section 3317.014 of the Revised Code that 36660
are provided by the community school; 36661

(e) Twenty per cent of the number of students reported under 36662
divisions (B)(2)(a) and (b) of this section who are not reported 36663
under division (B)(2)(d) of this section but who are enrolled in 36664

vocational education programs or classes described in each of 36665
divisions (A) and (B) of section 3317.014 of the Revised Code at a 36666
joint vocational school district under a contract between the 36667
community school and the joint vocational school district and are 36668
entitled to attend school in a city, local, or exempted village 36669
school district whose territory is part of the territory of the 36670
joint vocational district; 36671

(f) The number of enrolled preschool children with 36672
disabilities receiving special education services in a 36673
state-funded unit; 36674

(g) The community school's base formula amount; 36675

(h) For each student, the city, exempted village, or local 36676
school district in which the student is entitled to attend school; 36677

(i) Any poverty-based assistance reduction factor that 36678
applies to a school year. 36679

(C) From the state education aid calculated for a city, 36680
exempted village, or local school district and, if necessary, from 36681
the payment made to the district under sections 321.24 and 323.156 36682
of the Revised Code, the department of education shall annually 36683
subtract the sum of the amounts described in divisions (C)(1) to 36684
(9) of this section. However, when deducting payments on behalf of 36685
students enrolled in internet- or computer-based community 36686
schools, the department shall deduct only those amounts described 36687
in divisions (C)(1) and (2) of this section. Furthermore, the 36688
aggregate amount deducted under this division shall not exceed the 36689
sum of the district's state education aid and its payment under 36690
sections 321.24 and 323.156 of the Revised Code. 36691

(1) An amount equal to the sum of the amounts obtained when, 36693
for each community school where the district's students are 36694
enrolled, the number of the district's students reported under 36695

divisions (B)(2)(a), (b), and (e) of this section who are enrolled 36696
in grades one through twelve, and one-half the number of students 36697
reported under those divisions who are enrolled in kindergarten, 36698
in that community school is multiplied by the sum of the base 36699
formula amount of that community school plus the per pupil amount 36700
of the base funding supplements specified in divisions (C)(1) to 36701
(4) of section 3317.012 of the Revised Code. 36702

(2) The sum of the amounts calculated under divisions 36703
(C)(2)(a) and (b) of this section: 36704

(a) For each of the district's students reported under 36705
division (B)(2)(c) of this section as enrolled in a community 36706
school in grades one through twelve and receiving special 36707
education and related services pursuant to an IEP for a disability 36708
described in section 3317.013 of the Revised Code, the product of 36709
the applicable special education weight times the community 36710
school's base formula amount; 36711

(b) For each of the district's students reported under 36712
division (B)(2)(c) of this section as enrolled in kindergarten in 36713
a community school and receiving special education and related 36714
services pursuant to an IEP for a disability described in section 36715
3317.013 of the Revised Code, one-half of the amount calculated as 36716
prescribed in division (C)(2)(a) of this section. 36717

(3) For each of the district's students reported under 36718
division (B)(2)(d) of this section for whom payment is made under 36719
division (D)(4) of this section, the amount of that payment; 36720

(4) An amount equal to the sum of the amounts obtained when, 36721
for each community school where the district's students are 36722
enrolled, the number of the district's students enrolled in that 36723
community school who are included in the district's poverty 36724
student count is multiplied by the per pupil amount of 36725
poverty-based assistance the school district receives that year 36726

pursuant to division (C) of section 3317.029 of the Revised Code, 36727
as adjusted by any poverty-based assistance reduction factor of 36728
that community school. The per pupil amount of that aid for the 36729
district shall be calculated by the department. 36730

(5) An amount equal to the sum of the amounts obtained when, 36731
for each community school where the district's students are 36732
enrolled, the district's per pupil amount of aid received under 36733
division (E) of section 3317.029 of the Revised Code, as adjusted 36734
by any poverty-based assistance reduction factor of the community 36735
school, is multiplied by the sum of the following: 36736

(a) The number of the district's students reported under 36737
division (B)(2)(a) of this section who are enrolled in grades one 36738
to three in that community school and who are not receiving 36739
special education and related services pursuant to an IEP; 36740

(b) One-half of the district's students who are enrolled in 36741
all-day or any other kindergarten class in that community school 36742
and who are not receiving special education and related services 36743
pursuant to an IEP; 36744

(c) One-half of the district's students who are enrolled in 36745
all-day kindergarten in that community school and who are not 36746
receiving special education and related services pursuant to an 36747
IEP. 36748

The district's per pupil amount of aid under division (E) of 36749
section 3317.029 of the Revised Code is the quotient of the amount 36750
the district received under that division divided by the 36751
district's kindergarten through third grade ADM, as defined in 36752
that section. 36753

(6) An amount equal to the sum of the amounts obtained when, 36754
for each community school where the district's students are 36755
enrolled, the district's per pupil amount received under division 36756
(F) of section 3317.029 of the Revised Code, as adjusted by any 36757

poverty-based assistance reduction factor of that community 36758
school, is multiplied by the number of the district's students 36759
enrolled in the community school who are identified as 36760
limited-English proficient. 36761

(7) An amount equal to the sum of the amounts obtained when, 36762
for each community school where the district's students are 36763
enrolled, the district's per pupil amount received under division 36764
(G) of section 3317.029 of the Revised Code, as adjusted by any 36765
poverty-based assistance reduction factor of that community 36766
school, is multiplied by the sum of the following: 36767

(a) The number of the district's students enrolled in grades 36768
one through twelve in that community school; 36769

(b) One-half of the number of the district's students 36770
enrolled in kindergarten in that community school. 36771

The district's per pupil amount under division (G) of section 36772
3317.029 of the Revised Code is the district's amount per teacher 36773
calculated under division (G)(1) or (2) of that section divided by 36774
17. 36775

(8) An amount equal to the sum of the amounts obtained when, 36776
for each community school where the district's students are 36777
enrolled, the district's per pupil amount received under divisions 36778
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 36779
by any poverty-based assistance reduction factor of that community 36780
school, is multiplied by the sum of the following: 36781

(a) The number of the district's students enrolled in grades 36782
one through twelve in that community school; 36783

(b) One-half of the number of the district's students 36784
enrolled in kindergarten in that community school. 36785

The district's per pupil amount under divisions (H) and (I) 36786
of section 3317.029 of the Revised Code is the amount calculated 36787

under each division divided by the district's formula ADM, as 36788
defined in section 3317.02 of the Revised Code. 36789

(9) An amount equal to the per pupil state parity aid funding 36790
calculated for the school district under either division (C) or 36791
(D) of section 3317.0217 of the Revised Code multiplied by the sum 36792
of the number of students in grades one through twelve, and 36793
one-half of the number of students in kindergarten, who are 36794
entitled to attend school in the district and are enrolled in a 36795
community school as reported under division (B)(1) of this 36796
section. 36797

(D) The department shall annually pay to a community school 36798
established under this chapter the sum of the amounts described in 36799
divisions (D)(1) to (10) of this section. However, the department 36800
shall calculate and pay to each internet- or computer-based 36801
community school only the amounts described in divisions (D)(1) to 36802
(3) of this section. Furthermore, the sum of the payments to all 36803
community schools under divisions (D)(1), (2), and (4) to (10) of 36804
this section for the students entitled to attend school in any 36805
particular school district shall not exceed the sum of that 36806
district's state education aid and its payment under sections 36807
321.24 and 323.156 of the Revised Code. If the sum of the payments 36808
calculated under those divisions for the students entitled to 36809
attend school in a particular school district exceeds the sum of 36810
that district's state education aid and its payment under sections 36811
321.24 and 323.156 of the Revised Code, the department shall 36812
calculate and apply a proration factor to the payments to all 36813
community schools under those divisions for the students entitled 36814
to attend school in that district. 36815

(1) Subject to section 3314.085 of the Revised Code, an 36816
amount equal to the sum of the amounts obtained when the number of 36817
students enrolled in grades one through twelve, plus one-half of 36818
the kindergarten students in the school, reported under divisions 36819

(B)(2)(a), (b), and (e) of this section who are not receiving 36820
special education and related services pursuant to an IEP for a 36821
disability described in section 3317.013 of the Revised Code is 36822
multiplied by the sum of the community school's base formula 36823
amount plus the per pupil amount of the base funding supplements 36824
specified in divisions (C)(1) to (4) of section 3317.012 of the 36825
Revised Code. 36826

(2) Prior to fiscal year 2007, the greater of the amount 36827
calculated under division (D)(2)(a) or (b) of this section, and in 36828
fiscal year 2007 and thereafter, the amount calculated under 36829
division (D)(2)(b) of this section: 36830

(a) The aggregate amount that the department paid to the 36831
community school in fiscal year 1999 for students receiving 36832
special education and related services pursuant to IEPs, excluding 36833
federal funds and state disadvantaged pupil impact aid funds; 36834

(b) The sum of the amounts calculated under divisions 36835
(D)(2)(b)(i) and (ii) of this section: 36836

(i) For each student reported under division (B)(2)(c) of 36837
this section as enrolled in the school in grades one through 36838
twelve and receiving special education and related services 36839
pursuant to an IEP for a disability described in section 3317.013 36840
of the Revised Code, the following amount: 36841

(the school's base formula amount plus 36842
the per pupil amount of the base funding supplements specified in 36843
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 36844
+ (the applicable special education weight X the 36845
community school's base formula amount); 36846

(ii) For each student reported under division (B)(2)(c) of 36847
this section as enrolled in kindergarten and receiving special 36848
education and related services pursuant to an IEP for a disability 36849
described in section 3317.013 of the Revised Code, one-half of the 36850

amount calculated under the formula prescribed in division 36851
(D)(2)(b)(i) of this section. 36852

(3) An amount received from federal funds to provide special 36853
education and related services to students in the community 36854
school, as determined by the superintendent of public instruction. 36855

(4) For each student reported under division (B)(2)(d) of 36856
this section as enrolled in vocational education programs or 36857
classes that are described in section 3317.014 of the Revised 36858
Code, are provided by the community school, and are comparable as 36859
determined by the superintendent of public instruction to school 36860
district vocational education programs and classes eligible for 36861
state weighted funding under section 3317.014 of the Revised Code, 36862
an amount equal to the applicable vocational education weight 36863
times the community school's base formula amount times the 36864
percentage of time the student spends in the vocational education 36865
programs or classes. 36866

(5) An amount equal to the sum of the amounts obtained when, 36867
for each school district where the community school's students are 36868
entitled to attend school, the number of that district's students 36869
enrolled in the community school who are included in the 36870
district's poverty student count is multiplied by the per pupil 36871
amount of poverty-based assistance that school district receives 36872
that year pursuant to division (C) of section 3317.029 of the 36873
Revised Code, as adjusted by any poverty-based assistance 36874
reduction factor of the community school. The per pupil amount of 36875
aid shall be determined as described in division (C)(4) of this 36876
section. 36877

(6) An amount equal to the sum of the amounts obtained when, 36878
for each school district where the community school's students are 36879
entitled to attend school, the district's per pupil amount of aid 36880
received under division (E) of section 3317.029 of the Revised 36881
Code, as adjusted by any poverty-based assistance reduction factor 36882

of the community school, is multiplied by the sum of the 36883
following: 36884

(a) The number of the district's students reported under 36885
division (B)(2)(a) of this section who are enrolled in grades one 36886
to three in that community school and who are not receiving 36887
special education and related services pursuant to an IEP; 36888

(b) One-half of the district's students who are enrolled in 36889
all-day or any other kindergarten class in that community school 36890
and who are not receiving special education and related services 36891
pursuant to an IEP; 36892

(c) One-half of the district's students who are enrolled in 36893
all-day kindergarten in that community school and who are not 36894
receiving special education and related services pursuant to an 36895
IEP. 36896

The district's per pupil amount of aid under division (E) of 36897
section 3317.029 of the Revised Code shall be determined as 36898
described in division (C)(5) of this section. 36899

(7) An amount equal to the sum of the amounts obtained when, 36900
for each school district where the community school's students are 36901
entitled to attend school, the number of that district's students 36902
enrolled in the community school who are identified as 36903
limited-English proficient is multiplied by the district's per 36904
pupil amount received under division (F) of section 3317.029 of 36905
the Revised Code, as adjusted by any poverty-based assistance 36906
reduction factor of the community school. 36907

(8) An amount equal to the sum of the amounts obtained when, 36908
for each school district where the community school's students are 36909
entitled to attend school, the district's per pupil amount 36910
received under division (G) of section 3317.029 of the Revised 36911
Code, as adjusted by any poverty-based assistance reduction factor 36912
of the community school, is multiplied by the sum of the 36913

following: 36914

(a) The number of the district's students enrolled in grades 36915
one through twelve in that community school; 36916

(b) One-half of the number of the district's students 36917
enrolled in kindergarten in that community school. 36918

The district's per pupil amount under division (G) of section 36919
3317.029 of the Revised Code shall be determined as described in 36920
division (C)(7) of this section. 36921

(9) An amount equal to the sum of the amounts obtained when, 36922
for each school district where the community school's students are 36923
entitled to attend school, the district's per pupil amount 36924
received under divisions (H) and (I) of section 3317.029 of the 36925
Revised Code, as adjusted by any poverty-based assistance 36926
reduction factor of the community school, is multiplied by the sum 36927
of the following: 36928

(a) The number of the district's students enrolled in grades 36929
one through twelve in that community school; 36930

(b) One-half of the number of the district's students 36931
enrolled in kindergarten in that community school. 36932

The district's per pupil amount under divisions (H) and (I) 36933
of section 3317.029 of the Revised Code shall be determined as 36934
described in division (C)(8) of this section. 36935

(10) An amount equal to the sum of the amounts obtained when, 36936
for each school district where the community school's students are 36937
entitled to attend school, the district's per pupil amount of 36938
state parity aid funding calculated under either division (C) or 36939
(D) of section 3317.0217 of the Revised Code is multiplied by the 36940
sum of the number of that district's students enrolled in grades 36941
one through twelve, and one-half of the number of that district's 36942
students enrolled in kindergarten, in the community school as 36943

reported under division (B)(2)(a) and (b) of this section. 36944

(E)(1) If a community school's costs for a fiscal year for a 36945
student receiving special education and related services pursuant 36946
to an IEP for a disability described in divisions (B) to (F) of 36947
section 3317.013 of the Revised Code exceed the threshold 36948
catastrophic cost for serving the student as specified in division 36949
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 36950
submit to the superintendent of public instruction documentation, 36951
as prescribed by the superintendent, of all its costs for that 36952
student. Upon submission of documentation for a student of the 36953
type and in the manner prescribed, the department shall pay to the 36954
community school an amount equal to the school's costs for the 36955
student in excess of the threshold catastrophic costs. 36956

(2) The community school shall only report under division 36957
(E)(1) of this section, and the department shall only pay for, the 36958
costs of educational expenses and the related services provided to 36959
the student in accordance with the student's individualized 36960
education program. Any legal fees, court costs, or other costs 36961
associated with any cause of action relating to the student may 36962
not be included in the amount. 36963

(F) A community school may apply to the department of 36964
education for preschool children with disabilities or gifted unit 36965
funding the school would receive if it were a school district. 36966
Upon request of its governing authority, a community school that 36967
received unit funding as a school district-operated school before 36968
it became a community school shall retain any units awarded to it 36969
as a school district-operated school provided the school continues 36970
to meet eligibility standards for the unit. 36971

A community school shall be considered a school district and 36972
its governing authority shall be considered a board of education 36973
for the purpose of applying to any state or federal agency for 36974
grants that a school district may receive under federal or state 36975

law or any appropriations act of the general assembly. The 36976
governing authority of a community school may apply to any private 36977
entity for additional funds. 36978

(G) A board of education sponsoring a community school may 36979
utilize local funds to make enhancement grants to the school or 36980
may agree, either as part of the contract or separately, to 36981
provide any specific services to the community school at no cost 36982
to the school. 36983

(H) A community school may not levy taxes or issue bonds 36984
secured by tax revenues. 36985

(I) No community school shall charge tuition for the 36986
enrollment of any student. 36987

(J)(1)(a) A community school may borrow money to pay any 36988
necessary and actual expenses of the school in anticipation of the 36989
receipt of any portion of the payments to be received by the 36990
school pursuant to division (D) of this section. The school may 36991
issue notes to evidence such borrowing. The proceeds of the notes 36992
shall be used only for the purposes for which the anticipated 36993
receipts may be lawfully expended by the school. 36994

(b) A school may also borrow money for a term not to exceed 36995
fifteen years for the purpose of acquiring facilities. 36996

(2) Except for any amount guaranteed under section 3318.50 of 36997
the Revised Code, the state is not liable for debt incurred by the 36998
governing authority of a community school. 36999

(K) For purposes of determining the number of students for 37000
which divisions (D)(5) and (6) of this section applies in any 37001
school year, a community school may submit to the department of 37002
job and family services, no later than the first day of March, a 37003
list of the students enrolled in the school. For each student on 37004
the list, the community school shall indicate the student's name, 37005
address, and date of birth and the school district where the 37006

student is entitled to attend school. Upon receipt of a list under 37007
this division, the department of job and family services shall 37008
determine, for each school district where one or more students on 37009
the list is entitled to attend school, the number of students 37010
residing in that school district who were included in the 37011
department's report under section 3317.10 of the Revised Code. The 37012
department shall make this determination on the basis of 37013
information readily available to it. Upon making this 37014
determination and no later than ninety days after submission of 37015
the list by the community school, the department shall report to 37016
the state department of education the number of students on the 37017
list who reside in each school district who were included in the 37018
department's report under section 3317.10 of the Revised Code. In 37019
complying with this division, the department of job and family 37020
services shall not report to the state department of education any 37021
personally identifiable information on any student. 37022

(L) The department of education shall adjust the amounts 37023
subtracted and paid under divisions (C) and (D) of this section to 37024
reflect any enrollment of students in community schools for less 37025
than the equivalent of a full school year. The state board of 37026
education within ninety days after April 8, 2003, shall adopt in 37027
accordance with Chapter 119. of the Revised Code rules governing 37028
the payments to community schools under this section and section 37029
3314.13 of the Revised Code including initial payments in a school 37030
year and adjustments and reductions made in subsequent periodic 37031
payments to community schools and corresponding deductions from 37032
school district accounts as provided under divisions (C) and (D) 37033
of this section and section 3314.13 of the Revised Code. For 37034
purposes of this section and section 3314.13 of the Revised Code: 37035

(1) A student shall be considered enrolled in the community 37036
school for any portion of the school year the student is 37037
participating at a college under Chapter 3365. of the Revised 37038

Code. 37039

(2) A student shall be considered to be enrolled in a 37040
community school during a school year for the period of time 37041
beginning on the later of the date on which the school both has 37042
received documentation of the student's enrollment from a parent 37043
and the student has commenced participation in learning 37044
opportunities as defined in the contract with the sponsor, or 37045
thirty days prior to the date on which the student is entered into 37046
the education management information system established under 37047
section 3301.0714 of the Revised Code. For purposes of applying 37048
this division and ~~division~~ divisions (L)(3) and (4) of this 37049
section to a community school student, "learning opportunities" 37050
shall be defined in the contract, which shall describe both 37051
classroom-based and non-classroom-based learning opportunities and 37052
shall be in compliance with criteria and documentation 37053
requirements for student participation which shall be established 37054
by the department. Any student's instruction time in 37055
non-classroom-based learning opportunities shall be certified by 37056
an employee of the community school. A student's enrollment shall 37057
be considered to cease on the date on which any of the following 37058
occur: 37059

(a) The community school receives documentation from a parent 37060
terminating enrollment of the student. 37061

(b) The community school is provided documentation of a 37062
student's enrollment in another public or private school. 37063

(c) The community school ceases to offer learning 37064
opportunities to the student pursuant to the terms of the contract 37065
with the sponsor or the operation of any provision of this 37066
chapter. 37067

(3) The department shall determine each community school 37068
student's percentage of full-time equivalency based on the 37069

percentage of learning opportunities offered by the community 37070
school to that student, reported either as number of hours or 37071
number of days, is of the total learning opportunities offered by 37072
the community school to a student who attends for the school's 37073
entire school year. However, no internet- or computer-based 37074
community school shall be credited for any time a student spends 37075
participating in learning opportunities beyond ten hours within 37076
any period of twenty-four consecutive hours. Whether it reports 37077
hours or days of learning opportunities, each community school 37078
shall offer not less than nine hundred twenty hours of learning 37079
opportunities during the school year. 37080

(4) With respect to the calculation of full-time equivalency 37081
under division (L)(3) of this section, the department shall waive 37082
the number of hours or days of learning opportunities not offered 37083
to a student because the community school was closed during the 37084
school year due to disease epidemic, hazardous weather conditions, 37085
inoperability of school buses or other equipment necessary to the 37086
school's operation, damage to a school building, or other 37087
temporary circumstances due to utility failure rendering the 37088
school building unfit for school use, so long as the school was 37089
actually open for instruction with students in attendance during 37090
that school year for not less than the minimum number of hours 37091
required by this chapter. The department shall treat the school as 37092
if it were open for instruction with students in attendance during 37093
the hours or days waived under this division. 37094

(M) The department of education shall reduce the amounts paid 37095
under division (D) of this section to reflect payments made to 37096
colleges under division (B) of section 3365.07 of the Revised Code 37097
or through alternative funding agreements entered into under rules 37098
adopted under section 3365.12 of the Revised Code. 37099

(N)(1) No student shall be considered enrolled in any 37100
internet- or computer-based community school or, if applicable to 37101

the student, in any community school that is required to provide 37102
the student with a computer pursuant to division (C) of section 37103
3314.22 of the Revised Code, unless both of the following 37104
conditions are satisfied: 37105

(a) The student possesses or has been provided with all 37106
required hardware and software materials and all such materials 37107
are operational so that the student is capable of fully 37108
participating in the learning opportunities specified in the 37109
contract between the school and the school's sponsor as required 37110
by division (A)(23) of section 3314.03 of the Revised Code; 37111

(b) The school is in compliance with division (A) of section 37112
3314.22 of the Revised Code, relative to such student. 37113

(2) In accordance with policies adopted jointly by the 37114
superintendent of public instruction and the auditor of state, the 37115
department shall reduce the amounts otherwise payable under 37116
division (D) of this section to any community school that includes 37117
in its program the provision of computer hardware and software 37118
materials to any student, if such hardware and software materials 37119
have not been delivered, installed, and activated for each such 37120
student in a timely manner or other educational materials or 37121
services have not been provided according to the contract between 37122
the individual community school and its sponsor. 37123

The superintendent of public instruction and the auditor of 37124
state shall jointly establish a method for auditing any community 37125
school to which this division pertains to ensure compliance with 37126
this section. 37127

The superintendent, auditor of state, and the governor shall 37128
jointly make recommendations to the general assembly for 37129
legislative changes that may be required to assure fiscal and 37130
academic accountability for such schools. 37131

(O)(1) If the department determines that a review of a 37132

community school's enrollment is necessary, such review shall be 37133
completed and written notice of the findings shall be provided to 37134
the governing authority of the community school and its sponsor 37135
within ninety days of the end of the community school's fiscal 37136
year, unless extended for a period not to exceed thirty additional 37137
days for one of the following reasons: 37138

(a) The department and the community school mutually agree to 37139
the extension. 37140

(b) Delays in data submission caused by either a community 37141
school or its sponsor. 37142

(2) If the review results in a finding that additional 37143
funding is owed to the school, such payment shall be made within 37144
thirty days of the written notice. If the review results in a 37145
finding that the community school owes moneys to the state, the 37146
following procedure shall apply: 37147

(a) Within ten business days of the receipt of the notice of 37148
findings, the community school may appeal the department's 37149
determination to the state board of education or its designee. 37150

(b) The board or its designee shall conduct an informal 37151
hearing on the matter within thirty days of receipt of such an 37152
appeal and shall issue a decision within fifteen days of the 37153
conclusion of the hearing. 37154

(c) If the board has enlisted a designee to conduct the 37155
hearing, the designee shall certify its decision to the board. The 37156
board may accept the decision of the designee or may reject the 37157
decision of the designee and issue its own decision on the matter. 37158

(d) Any decision made by the board under this division is 37159
final. 37160

(3) If it is decided that the community school owes moneys to 37161
the state, the department shall deduct such amount from the 37162

school's future payments in accordance with guidelines issued by 37163
the superintendent of public instruction. 37164

~~(Q)~~(P) The department shall not subtract from a school 37165
district's state aid account under division (C) of this section 37166
and shall not pay to a community school under division (D) of this 37167
section any amount for any of the following: 37168

(1) Any student who has graduated from the twelfth grade of a 37169
public or nonpublic high school; 37170

(2) Any student who is not a resident of the state; 37171

(3) Any student who was enrolled in the community school 37172
during the previous school year when tests were administered under 37173
section 3301.0711 of the Revised Code but did not take one or more 37174
of the tests required by that section and was not excused pursuant 37175
to division (C)(1) or (3) of that section, unless the 37176
superintendent of public instruction grants the student a waiver 37177
from the requirement to take the test and a parent is not paying 37178
tuition for the student pursuant to section 3314.26 of the Revised 37179
Code. The superintendent may grant a waiver only for good cause in 37180
accordance with rules adopted by the state board of education. 37181

(4) Any student who has attained the age of twenty-two years, 37182
except for veterans of the armed services whose attendance was 37183
interrupted before completing the recognized twelve-year course of 37184
the public schools by reason of induction or enlistment in the 37185
armed forces and who apply for enrollment in a community school 37186
not later than four years after termination of war or their 37187
honorable discharge. If, however, any such veteran elects to 37188
enroll in special courses organized for veterans for whom tuition 37189
is paid under federal law, or otherwise, the department shall not 37190
subtract from a school district's state aid account under division 37191
(C) of this section and shall not pay to a community school under 37192
division (D) of this section any amount for that veteran. 37193

Sec. 3314.19. The sponsor of each community school annually 37194
shall provide the following assurances in writing to the 37195
department of education not later than ten business days prior to 37196
the opening of the school: 37197

(A) That a current copy of the contract between the sponsor 37198
and the governing authority of the school entered into under 37199
section 3314.03 of the Revised Code has been filed with the state 37200
office of community schools established under section 3314.11 of 37201
the Revised Code and that any subsequent modifications to that 37202
contract will be filed with the office; 37203

(B) That the school has submitted to the sponsor a plan for 37204
providing special education and related services to students with 37205
disabilities and has demonstrated the capacity to provide those 37206
services in accordance with Chapter 3323. of the Revised Code and 37207
federal law; 37208

(C) That the school has a plan and procedures for 37209
administering the achievement tests and diagnostic assessments 37210
prescribed by sections 3301.0710 and 3301.0715 of the Revised 37211
Code; 37212

(D) That school personnel have the necessary training, 37213
knowledge, and resources to properly use and submit information to 37214
all databases maintained by the department for the collection of 37215
education data, including the education management information 37216
system established under section 3301.0714 of the Revised Code in 37217
accordance with methods and timelines established under section 37218
3314.17 of the Revised Code; 37219

(E) That all required information about the school has been 37220
submitted to the Ohio education directory system or any successor 37221
system; 37222

(F) That the school will enroll at least the minimum number 37223

of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided; 37224
37225
37226

(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; 37227
37228
37229
37230

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code; 37231
37232

(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members; 37233
37234
37235
37236

(J) That the school holds all of the following: 37237

(1) Proof of property ownership or a lease for the facilities used by the school; 37238
37239

(2) A certificate of occupancy; 37240

(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk; 37241
37242
37243
37244

(4) A satisfactory health and safety inspection; 37245

(5) A satisfactory fire inspection; 37246

(6) A valid food permit, if applicable. 37247

(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided; 37248
37249
37250

(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in 37251
37252

compliance with division (A)(25) of section 3314.03 of the Revised Code; 37253
37254

(M) That the school has met all of the sponsor's requirements 37255
for opening and any other requirements of the sponsor. 37256

Sec. 3314.26. (A) Each internet- or computer-based community 37257
school shall withdraw from the school any student who, for two 37258
consecutive school years, has failed to participate in the spring 37259
administration of any test prescribed under section 3301.0710 or 37260
3301.0712 of the Revised Code for the student's grade level and 37261
was not excused from the test pursuant to division (C)(1) or (3) 37262
of section 3301.0711 of the Revised Code, regardless of whether a 37263
waiver was granted for the student under division ~~(Q)~~(P)(3) of 37264
section 3314.08 of the Revised Code. The school shall report any 37265
such student's data verification code, as assigned pursuant to 37266
section 3301.0714 of the Revised Code, to the department of 37267
education. The department shall maintain a list of all data 37268
verification codes reported under this division and section 37269
3313.6410 of the Revised Code and provide that list to each 37270
internet- or computer-based community school and to each school to 37271
which section 3313.6410 of the Revised Code applies. 37272

(B) No internet- or computer-based community school shall 37273
receive any state funds under this chapter for any enrolled 37274
student whose data verification code appears on the list 37275
maintained by the department under division (A) of this section. 37276

Notwithstanding any provision of the Revised Code to the 37277
contrary, the parent of any such student shall pay tuition to the 37278
internet- or computer-based community school in an amount equal to 37279
the state funds the school otherwise would receive for that 37280
student, as determined by the department. An internet- or 37281
computer-based community school may withdraw any student for whom 37282
the parent does not pay tuition as required by this division. 37283

Sec. 3314.35. (A)(1) Except as provided in division (A)(2) of 37284
this section, this section applies to any community school that 37285
meets one of the following criteria after July 1, 2008: 37286

(a) The school does not offer a grade level higher than three 37287
and has been declared to be in a state of academic emergency under 37288
section 3302.03 of the Revised Code for four consecutive school 37289
years. 37290

(b) The school satisfies all of the following conditions: 37291

(i) The school offers any of grade levels four to eight but 37292
does not offer a grade level higher than nine. 37293

(ii) The school has been declared to be in a state of 37294
academic emergency under section 3302.03 of the Revised Code for 37295
three consecutive school years. 37296

(iii) For two of those school years, the school showed less 37297
than one standard year of academic growth in either reading or 37298
mathematics, as determined by the department of education in 37299
accordance with rules adopted under division (A) of section 37300
3302.021 of the Revised Code. 37301

(c) The school satisfies all of the following conditions: 37302

(i) The school offers any of grade levels ten to twelve. 37303

(ii) The school has been declared to be in a state of 37304
academic emergency under section 3302.03 of the Revised Code for 37305
three consecutive school years. 37306

(iii) For two of those school years, the school showed less 37307
than two standard years of academic growth in either reading or 37308
mathematics, as determined by the department in accordance with 37309
rules adopted under division (A) of section 3302.021 of the 37310
Revised Code. 37311

(2) This section does not apply to ~~any~~ either of the 37312

following: 37313

(a) Any community school in which a majority of the students 37314
are enrolled in a dropout prevention and recovery program that is 37315
operated by the school and that has been granted a waiver under 37316
section 3314.36 of the Revised Code; 37317

(b) Any community school in which a majority of the enrolled 37318
students are children with disabilities receiving special 37319
education and related services in accordance with Chapter 3323. of 37320
the Revised Code. 37321

(B) Any community school to which this section applies shall 37322
permanently close at the conclusion of the school year in which 37323
the school first becomes subject to this section. The sponsor and 37324
governing authority of the school shall comply with all procedures 37325
for closing a community school adopted by the department under 37326
division (E) of section 3314.015 of the Revised Code. The 37327
governing authority of the school shall not enter into a contract 37328
with any other sponsor under section 3314.03 of the Revised Code 37329
after the school closes. 37330

(C) Not later than July 1, 2008, the department shall 37331
determine the feasibility of using the value-added progress 37332
dimension, as defined in section 3302.01 of the Revised Code, as a 37333
factor in evaluating the academic performance of community schools 37334
described in division (A)(1)(c)(i) of this section. 37335
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 37336
if the department determines that using the value-added progress 37337
dimension to evaluate community schools described in division 37338
(A)(1)(c)(i) of this section is not feasible, a community school 37339
described in that division shall be required to permanently close 37340
under this section only if it has been declared to be in a state 37341
of academic emergency under section 3302.03 of the Revised Code 37342
for four consecutive school years. 37343

Sec. 3314.44. (A) If a community school established under 37344
this chapter closes for any reason, the chief administrative 37345
officer of the school at the time the school closes shall in good 37346
faith take all reasonable steps necessary to collect and assemble 37347
in an orderly manner the educational records of each student who 37348
is or has been enrolled in the school so that those records may be 37349
transmitted in accordance with this division. The chief 37350
administrative officer shall transmit the records within seven 37351
business days of the school closing to the student's school 37352
district of residence. 37353

(B) No person required to collect, assemble, and transmit 37354
student records under division (A) of this section shall fail to 37355
comply with that division. 37356

(C) Whoever violates division (B) of this section is guilty 37357
of a misdemeanor in the third degree. 37358

Sec. 3315.37. The board of education of a school district may 37359
establish a teacher education loan program and may expend school 37360
funds for the program. The program shall be for the purpose of 37361
making loans to students who are residents of the school district 37362
or graduates of schools in the school district, who are enrolled 37363
in teacher preparation programs at institutions approved by the 37364
~~state board~~ chancellor of the Ohio board of regents pursuant to 37365
section ~~3319.23~~ 3333.048 of the Revised Code, and who indicate an 37366
intent to teach in the school district providing the loan. The 37367
district board may forgive the obligation to repay any or all of 37368
the principal and interest on the loan if the borrower teaches in 37369
that school district. 37370

The district board shall adopt rules establishing eligibility 37371
criteria, application procedures, procedures for review of 37372
applications, loan amounts, interest, repayment schedules, 37373

conditions under which principal and interest obligations incurred 37374
under the program will be forgiven, and any other matter 37375
incidental to the operation of the program. 37376

The board may contract with a private, nonprofit foundation, 37377
one or more institutions of higher education, or other educational 37378
agencies to administer the program. 37379

The receipt of a loan under this section does not affect a 37380
student's eligibility for assistance, or the amount of such 37381
assistance, granted under section 3315.33, 3333.12, 3333.122, 37382
3333.22, 3333.26, ~~3333.27~~, 5910.04, or 5919.34 of the Revised 37383
Code, but the board's rules may provide for taking such assistance 37384
into consideration when determining a student's eligibility for a 37385
loan under this section. 37386

Sec. 3317.01. As used in this section and section 3317.011 of 37387
the Revised Code, "school district," unless otherwise specified, 37388
means any city, local, exempted village, joint vocational, or 37389
cooperative education school district and any educational service 37390
center. 37391

This chapter shall be administered by the state board of 37392
education. The superintendent of public instruction shall 37393
calculate the amounts payable to each school district and shall 37394
certify the amounts payable to each eligible district to the 37395
treasurer of the district as provided by this chapter. As soon as 37396
possible after such amounts are calculated, the superintendent 37397
shall certify to the treasurer of each school district the 37398
district's adjusted charge-off increase, as defined in section 37399
5705.211 of the Revised Code. No moneys shall be distributed 37400
pursuant to this chapter without the approval of the controlling 37401
board. 37402

The state board of education shall, in accordance with 37403
appropriations made by the general assembly, meet the financial 37404

obligations of this chapter. 37405

Annually, the department of education shall calculate and 37406
report to each school district the district's total state and 37407
local funds for providing an adequate basic education to the 37408
district's nondisabled students, utilizing the determination in 37409
section 3317.012 of the Revised Code. In addition, the department 37410
shall calculate and report separately for each school district the 37411
district's total state and local funds for providing an adequate 37412
education for its students with disabilities, utilizing the 37413
determinations in both sections 3317.012 and 3317.013 of the 37414
Revised Code. 37415

Not later than the thirty-first day of August of each fiscal 37416
year, the department of education shall provide to each school 37417
district and county MR/DD board a preliminary estimate of the 37418
amount of funding that the department calculates the district will 37419
receive under each of divisions (C)(1) and (4) of section 3317.022 37420
of the Revised Code. No later than the first day of December of 37421
each fiscal year, the department shall update that preliminary 37422
estimate. 37423

Moneys distributed pursuant to this chapter shall be 37424
calculated and paid on a fiscal year basis, beginning with the 37425
first day of July and extending through the thirtieth day of June. 37426
The moneys appropriated for each fiscal year shall be distributed 37427
at least monthly to each school district unless otherwise provided 37428
for. The state board shall submit a yearly distribution plan to 37429
the controlling board at its first meeting in July. The state 37430
board shall submit any proposed midyear revision of the plan to 37431
the controlling board in January. Any year-end revision of the 37432
plan shall be submitted to the controlling board in June. If 37433
moneys appropriated for each fiscal year are distributed other 37434
than monthly, such distribution shall be on the same basis for 37435
each school district. 37436

The total amounts paid each month shall constitute, as nearly 37437
as possible, one-twelfth of the total amount payable for the 37438
entire year. 37439

Until fiscal year 2007, payments made during the first six 37440
months of the fiscal year may be based on an estimate of the 37441
amounts payable for the entire year. Payments made in the last six 37442
months shall be based on the final calculation of the amounts 37443
payable to each school district for that fiscal year. Payments 37444
made in the last six months may be adjusted, if necessary, to 37445
correct the amounts distributed in the first six months, and to 37446
reflect enrollment increases when such are at least three per 37447
cent. 37448

Beginning in fiscal year 2007, payments shall be calculated 37449
to reflect the biannual reporting of average daily membership. In 37450
fiscal year 2007 and in each fiscal year thereafter, annualized 37451
periodic payments for each school district shall be based on the 37452
district's final student counts verified by the superintendent of 37453
public instruction based on reports under section 3317.03 of the 37454
Revised Code, as adjusted, if so ordered, under division (K) of 37455
that section, as follows: 37456

the sum of one-half of the number of students verified 37457
and adjusted for the first full week in October 37458
plus one-half of the average of the numbers 37459
verified and adjusted for the first full week 37460
in October and for the first full week in February 37461

Except as otherwise provided, payments under this chapter 37462
shall be made only to those school districts in which: 37463

(A) The school district, except for any educational service 37464
center and any joint vocational or cooperative education school 37465
district, levies for current operating expenses at least twenty 37466
mills. Levies for joint vocational or cooperative education school 37467
districts or county school financing districts, limited to or to 37468

the extent apportioned to current expenses, shall be included in 37469
this qualification requirement. School district income tax levies 37470
under Chapter 5748. of the Revised Code, limited to or to the 37471
extent apportioned to current operating expenses, shall be 37472
included in this qualification requirement to the extent 37473
determined by the tax commissioner under division (D) of section 37474
3317.021 of the Revised Code. 37475

(B) The school year next preceding the fiscal year for which 37476
such payments are authorized meets the requirement of section 37477
3313.48 or 3313.481 of the Revised Code, with regard to the 37478
minimum number of days or hours school must be open for 37479
instruction with pupils in attendance, for individualized 37480
parent-teacher conference and reporting periods, and for 37481
professional meetings of teachers. This requirement shall be 37482
waived by the superintendent of public instruction if it had been 37483
necessary for a school to be closed because of disease epidemic, 37484
hazardous weather conditions, inoperability of school buses or 37485
other equipment necessary to the school's operation, damage to a 37486
school building, or other temporary circumstances due to utility 37487
failure rendering the school building unfit for school use, 37488
provided that for those school districts operating pursuant to 37489
section 3313.48 of the Revised Code the number of days the school 37490
was actually open for instruction with pupils in attendance and 37491
for individualized parent-teacher conference and reporting periods 37492
is not less than one hundred seventy-five, or for those school 37493
districts operating on a trimester plan the number of days the 37494
school was actually open for instruction with pupils in attendance 37495
not less than seventy-nine days in any trimester, for those school 37496
districts operating on a quarterly plan the number of days the 37497
school was actually open for instruction with pupils in attendance 37498
not less than fifty-nine days in any quarter, or for those school 37499
districts operating on a pentamester plan the number of days the 37500
school was actually open for instruction with pupils in attendance 37501

not less than forty-four days in any pentamester. 37502

A school district shall not be considered to have failed to 37503
comply with this division or section 3313.481 of the Revised Code 37504
because schools were open for instruction but either twelfth grade 37505
students were excused from attendance for up to three days or only 37506
a portion of the kindergarten students were in attendance for up 37507
to three days in order to allow for the gradual orientation to 37508
school of such students. 37509

The superintendent of public instruction shall waive the 37510
requirements of this section with reference to the minimum number 37511
of days or hours school must be in session with pupils in 37512
attendance for the school year succeeding the school year in which 37513
a board of education initiates a plan of operation pursuant to 37514
section 3313.481 of the Revised Code. The minimum requirements of 37515
this section shall again be applicable to such a district 37516
beginning with the school year commencing the second July 37517
succeeding the initiation of one such plan, and for each school 37518
year thereafter. 37519

A school district shall not be considered to have failed to 37520
comply with this division or section 3313.48 or 3313.481 of the 37521
Revised Code because schools were open for instruction but the 37522
length of the regularly scheduled school day, for any number of 37523
days during the school year, was reduced by not more than two 37524
hours due to hazardous weather conditions. 37525

(C) The school district has on file, and is paying in 37526
accordance with, a teachers' salary schedule which complies with 37527
section 3317.13 of the Revised Code. 37528

A board of education or governing board of an educational 37529
service center which has not conformed with other law and the 37530
rules pursuant thereto, shall not participate in the distribution 37531
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 37532

3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 37533
and sufficient reason established to the satisfaction of the state 37534
board of education and the state controlling board. 37535

All funds allocated to school districts under this chapter, 37536
except those specifically allocated for other purposes, shall be 37537
used to pay current operating expenses only. 37538

Sec. 3317.013. Except for a preschool child with a disability 37539
for whom a scholarship has been awarded under section 3310.41 of 37540
the Revised Code, this section does not apply to preschool 37541
children with disabilities. 37542

Analysis of special education cost data has resulted in a 37543
finding that the average special education additional cost per 37544
pupil, including the costs of related services, can be expressed 37545
as a multiple of the base cost per pupil calculated under section 37546
3317.012 of the Revised Code. The multiples for the following 37547
categories of special education programs, as these programs are 37548
defined for purposes of Chapter 3323. of the Revised Code, and 37549
adjusted as provided in this section, are as follows: 37550

(A) A multiple of 0.2892 for students whose primary or only 37551
identified disability is a speech and language disability, as this 37552
term is defined pursuant to Chapter 3323. of the Revised Code; 37553
37554

(B) A multiple of 0.3691 for students identified as specific 37555
learning disabled or developmentally disabled, as these terms are 37556
defined pursuant to Chapter 3323. of the Revised Code, or as 37557
having an other health impairment-minor; 37558

(C) A multiple of 1.7695 for students identified as hearing 37559
disabled, vision impaired, or severe behavior disabled, as these 37560
terms are defined pursuant to Chapter 3323. of the Revised Code; 37561

(D) A multiple of 2.3646 for students identified as 37562

orthopedically disabled, as this term is defined pursuant to 37563
Chapter 3323. of the Revised Code or as having an other health 37564
impairment-major; 37565

(E) A multiple of 3.1129 for students identified as having 37566
multiple disabilities, as this term is defined pursuant to Chapter 37567
3323. of the Revised Code; 37568

(F) A multiple of 4.7342 for students identified as autistic, 37569
having traumatic brain injuries, or as both visually and hearing 37570
impaired, as these terms are defined pursuant to Chapter 3323. of 37571
the Revised Code. 37572

In fiscal years 2008 ~~and~~, 2009, 2010, and 2011, the multiples 37573
specified in divisions (A) to (F) of this section shall be 37574
adjusted by multiplying them by 0.90. 37575

Not later than the thirtieth day of December in 2007, 2008, 37576
and 2009, the department of education shall submit to the office 37577
of budget and management a report that specifies for each city, 37578
local, exempted village, and joint vocational school district the 37579
fiscal year allocation of the state and local shares of special 37580
education and related services additional weighted funding and 37581
federal special education funds passed through to the district. 37582

Sec. 3317.02. As used in this chapter: 37583

(A) Unless otherwise specified, "school district" means city, 37584
local, and exempted village school districts. 37585

(B) ~~"Formula~~ Except for fiscal years 2010 and 2011, "formula 37586
amount" means the base cost for the fiscal year specified in 37587
division (B)(4) of section 3317.012 of the Revised Code. "Formula 37588
amount," for fiscal year 2010, is \$5,746 and, for fiscal year 37589
2011, is \$5,775. 37590

(C) "FTE basis" means a count of students based on full-time 37591
equivalency, in accordance with rules adopted by the department of 37592

education pursuant to section 3317.03 of the Revised Code. In 37593
adopting its rules under this division, the department shall 37594
provide for counting any student in category one, two, three, 37595
four, five, or six special education ADM or in category one or two 37596
vocational education ADM in the same proportion the student is 37597
counted in formula ADM. 37598

(D) "Formula ADM" means, for a city, local, or exempted 37599
village school district, the final number verified by the 37600
superintendent of public instruction, based on the number reported 37601
pursuant to division (A) of section 3317.03 of the Revised Code, 37602
as adjusted, if so ordered, under division (K) of that section. 37603
"Formula ADM" means, for a joint vocational school district, the 37604
final number verified by the superintendent of public instruction, 37605
based on the number reported pursuant to division (D) of section 37606
3317.03 of the Revised Code, as adjusted, if so ordered, under 37607
division (K) of that section. Beginning in fiscal year 2007, for 37608
payments in which formula ADM is a factor, the formula ADM for 37609
each school district for the fiscal year is the sum of one-half of 37610
the number verified and adjusted for October of that fiscal year 37611
plus one-half of the average of the numbers verified and adjusted 37612
for October and February of that fiscal year. 37613
37614

(E) "Three-year average formula ADM" means the average of 37615
formula ADMs for the preceding three fiscal years. 37616

(F)(1) "Category one special education ADM" means the average 37617
daily membership of children with disabilities receiving special 37618
education services for the disability specified in division (A) of 37619
section 3317.013 of the Revised Code and reported under division 37620
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 37621
Beginning in fiscal year 2007, the district's category one special 37622
education ADM for a fiscal year is the sum of one-half of the 37623
number reported for October of that fiscal year plus one-half of 37624

the average of the numbers reported for October and February of 37625
that fiscal year. 37626

(2) "Category two special education ADM" means the average 37627
daily membership of children with disabilities receiving special 37628
education services for those disabilities specified in division 37629
(B) of section 3317.013 of the Revised Code and reported under 37630
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 37631
Code. Beginning in fiscal year 2007, the district's category two 37632
special education ADM for a fiscal year is the sum of one-half of 37633
the number reported for October of that fiscal year plus one-half 37634
of the average of the numbers reported for October and February of 37635
that fiscal year. 37636

(3) "Category three special education ADM" means the average 37637
daily membership of students receiving special education services 37638
for those disabilities specified in division (C) of section 37639
3317.013 of the Revised Code, and reported under division (B)(7) 37640
or (D)(2)(d) of section 3317.03 of the Revised Code. Beginning in 37641
fiscal year 2007, the district's category three special education 37642
ADM for a fiscal year is the sum of one-half of the number 37643
reported for October of that fiscal year plus one-half of the 37644
average of the numbers reported for October and February of that 37645
fiscal year. 37646

(4) "Category four special education ADM" means the average 37647
daily membership of students receiving special education services 37648
for those disabilities specified in division (D) of section 37649
3317.013 of the Revised Code and reported under division (B)(8) or 37650
(D)(2)(e) of section 3317.03 of the Revised Code. Beginning in 37651
fiscal year 2007, the district's category four special education 37652
ADM for a fiscal year is the sum of one-half of the number 37653
reported for October of that fiscal year plus one-half of the 37654
average of the numbers reported for October and February of that 37655
fiscal year. 37656

(5) "Category five special education ADM" means the average 37657
daily membership of students receiving special education services 37658
for the disabilities specified in division (E) of section 3317.013 37659
of the Revised Code and reported under division (B)(9) or 37660
(D)(2)(f) of section 3317.03 of the Revised Code. Beginning in 37661
fiscal year 2007, the district's category five special education 37662
ADM for a fiscal year is the sum of one-half of the number 37663
reported for October of that fiscal year plus one-half of the 37664
average of the numbers reported for October and February of that 37665
fiscal year. 37666

(6) "Category six special education ADM" means the average 37667
daily membership of students receiving special education services 37668
for the disabilities specified in division (F) of section 3317.013 37669
of the Revised Code and reported under division (B)(10) or 37670
(D)(2)(g) of section 3317.03 of the Revised Code. Beginning in 37671
fiscal year 2007, the district's category six special education 37672
ADM for a fiscal year is the sum of one-half of the number 37673
reported for October of that fiscal year plus one-half of the 37674
average of the numbers reported for October and February of that 37675
fiscal year. 37676

(7) "Category one vocational education ADM" means the average 37677
daily membership of students receiving vocational education 37678
services described in division (A) of section 3317.014 of the 37679
Revised Code and reported under division (B)(11) or (D)(2)(h) of 37680
section 3317.03 of the Revised Code. Beginning in fiscal year 37681
2007, the district's category one vocational education ADM for a 37682
fiscal year is the sum of one-half of the number reported for 37683
October of that fiscal year plus one-half of the average of the 37684
numbers reported for October and February of that fiscal year. 37685

(8) "Category two vocational education ADM" means the average 37686
daily membership of students receiving vocational education 37687
services described in division (B) of section 3317.014 of the 37688

Revised Code and reported under division (B)(12) or (D)(2)(i) of 37689
section 3317.03 of the Revised Code. Beginning in fiscal year 37690
2007, the district's category two vocational education ADM for a 37691
fiscal year is the sum of one-half of the number reported for 37692
October of that fiscal year plus one-half of the average of the 37693
numbers reported for October and February of that fiscal year. 37694

(G) "Preschool child with a disability" means a child with a 37695
disability, as defined in section 3323.01 of the Revised Code, who 37696
is at least age three but is not of compulsory school age, as 37697
defined in section 3321.01 of the Revised Code, and who is not 37698
currently enrolled in kindergarten. 37699

(H) "County MR/DD board" means a county board of mental 37700
retardation and developmental disabilities. 37701

(I) "Recognized valuation" means the amount calculated for a 37702
school district pursuant to section 3317.015 of the Revised Code. 37703

(J) "Transportation ADM" means the number of children 37704
reported under division (B)(13) of section 3317.03 of the Revised 37705
Code. 37706

(K) "Average efficient transportation use cost per student" 37707
means a statistical representation of transportation costs as 37708
calculated under division (D)(2) of section 3317.022 of the 37709
Revised Code. 37710

(L) "Taxes charged and payable" means the taxes charged and 37711
payable against real and public utility property after making the 37712
reduction required by section 319.301 of the Revised Code, plus 37713
the taxes levied against tangible personal property. 37714

(M) "Total taxable value" means the sum of the amounts 37715
certified for a city, local, exempted village, or joint vocational 37716
school district under divisions (A)(1) and (2) of section 3317.021 37717
of the Revised Code. 37718

(N) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(O) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(P) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(Q) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(R) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(S) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility

for the mentally retarded. 37749

(T) A child may be identified as having an "other health 37750
impairment-major" if the child's condition meets the definition of 37751
"other health impaired" established in rules adopted by the state 37752
board of education prior to July 1, 2001, and if either of the 37753
following apply: 37754

(1) The child is identified as having a medical condition 37755
that is among those listed by the superintendent of public 37756
instruction as conditions where a substantial majority of cases 37757
fall within the definition of "medically fragile child." The 37758
superintendent of public instruction shall issue an initial list 37759
no later than September 1, 2001. 37760

(2) The child is determined by the superintendent of public 37761
instruction to be a medically fragile child. A school district 37762
superintendent may petition the superintendent of public 37763
instruction for a determination that a child is a medically 37764
fragile child. 37765

(U) A child may be identified as having an "other health 37766
impairment-minor" if the child's condition meets the definition of 37767
"other health impaired" established in rules adopted by the state 37768
board of education prior to July 1, 2001, but the child's 37769
condition does not meet either of the conditions specified in 37770
division (T)(1) or (2) of this section. 37771

(V) "State education aid" has the same meaning as in section 37772
5751.20 of the Revised Code. 37773

(W) "Property exemption value" means zero in fiscal year 37774
2006, and in fiscal year 2007 and each fiscal year thereafter, the 37775
amount certified for a school district under divisions (A)(6) and 37776
(7) of section 3317.021 of the Revised Code. 37777

(X) "Internet- or computer-based community school" has the 37778
same meaning as in section 3314.02 of the Revised Code. 37779

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to ~~(8)~~(7) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under ~~sections 3317.022, 3317.0216, and 3317.0217 or section 3317.16~~ this chapter of the Revised Code.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the 37810
district owned by the United States government and used 37811
exclusively for a public purpose; 37812

(b) The value of real and public utility real property in the 37813
district exempted from taxation under Chapter 725. or 1728. or 37814
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 37815
5709.73, or 5709.78 of the Revised Code. 37816

(5) The total federal adjusted gross income of the residents 37817
of the school district, based on tax returns filed by the 37818
residents of the district, for the most recent year for which this 37819
information is available. 37820

(6) The sum of the school district compensation value as 37821
indicated on the list of exempted property for the preceding tax 37822
year under section 5713.08 of the Revised Code as if such property 37823
had been assessed for taxation that year and the other 37824
compensation value for the school district, minus the amounts 37825
described in divisions (A)(6)(c) to (i) of this section. The 37826
portion of school district compensation value or other 37827
compensation value attributable to an incentive district exemption 37828
may be subtracted only once even if that incentive district 37829
satisfies more than one of the criteria in divisions (A)(6)(c) to 37830
(i) of this section. 37831

(a) "School district compensation value" means the aggregate 37832
value of real property in the school district exempted from 37833
taxation pursuant to an ordinance or resolution adopted under 37834
division (C) of section 5709.40, division (C) of section 5709.73, 37835
or division (B) of section 5709.78 of the Revised Code to the 37836
extent that the exempted value results in the charging of payments 37837
in lieu of taxes required to be paid to the school district under 37838
division (D)(1) or (2) of section 5709.40, division (D) of section 37839
5709.73, or division (C) of section 5709.78 of the Revised Code. 37840

(b) "Other compensation value" means the quotient that 37841
results from dividing (i) the dollar value of compensation 37842
received by the school district during the preceding tax year 37843
pursuant to division (B), (C), or (D) of section 5709.82 of the 37844
Revised Code and the amounts received pursuant to an agreement as 37845
specified in division (D)(2) of section 5709.40, division (D) of 37846
section 5709.73, or division (C) of section 5709.78 of the Revised 37847
Code to the extent those amounts were not previously reported or 37848
included in division (A)(6)(a) of this section, and so that any 37849
such amount is reported only once under division (A)(6)(b) of this 37850
section, in relation to exemptions from taxation granted pursuant 37851
to an ordinance or resolution adopted under division (C) of 37852
section 5709.40, division (C) of section 5709.73, or division (B) 37853
of section 5709.78 of the Revised Code, by (ii) the real property 37854
tax rate in effect for the preceding tax year for 37855
nonresidential/agricultural real property after making the 37856
reductions required by section 319.301 of the Revised Code. 37857

(c) The portion of school district compensation value or 37858
other compensation value that was exempted from taxation pursuant 37859
to such an ordinance or resolution for the preceding tax year, if 37860
the ordinance or resolution is adopted prior to January 1, 2006, 37861
and the legislative authority or board of township trustees or 37862
county commissioners, prior to January 1, 2006, executes a 37863
contract or agreement with a developer, whether for-profit or 37864
not-for-profit, with respect to the development of a project 37865
undertaken or to be undertaken and identified in the ordinance or 37866
resolution, and upon which parcels such project is being, or will 37867
be, undertaken; 37868

(d) The portion of school district compensation value that 37869
was exempted from taxation for the preceding tax year and for 37870
which payments in lieu of taxes for the preceding tax year were 37871
provided to the school district under division (D)(1) of section 37872

5709.40 of the Revised Code. 37873

(e) The portion of school district compensation value that 37874
was exempted from taxation for the preceding tax year pursuant to 37875
such an ordinance or resolution, if and to the extent that, on or 37876
before April 1, 2006, the fiscal officer of the municipal 37877
corporation that adopted the ordinance, or of the township or 37878
county that adopted the resolution, certifies and provides 37879
appropriate supporting documentation to the tax commissioner and 37880
the director of development that, based on hold-harmless 37881
provisions in any agreement between the school district and the 37882
legislative authority of the municipal corporation, board of 37883
township trustees, or board of county commissioners that was 37884
entered into on or before June 1, 2005, the ability or obligation 37885
of the municipal corporation, township, or county to repay bonds, 37886
notes, or other financial obligations issued or entered into prior 37887
to January 1, 2006, will be impaired, including obligations to or 37888
of any other body corporate and politic with whom the legislative 37889
authority of the municipal corporation or board of township 37890
trustees or county commissioners has entered into an agreement 37891
pertaining to the use of service payments derived from the 37892
improvements exempted; 37893

(f) The portion of school district compensation value that 37894
was exempted from taxation for the preceding tax year pursuant to 37895
such an ordinance or resolution, if the ordinance or resolution is 37896
adopted prior to January 1, 2006, in a municipal corporation with 37897
a population that exceeds one hundred thousand, as shown by the 37898
most recent federal decennial census, that includes a major 37899
employment center and that is adjacent to historically distressed 37900
neighborhoods, if the legislative authority of the municipal 37901
corporation that exempted the property prepares an economic 37902
analysis that demonstrates that all taxes generated within the 37903
incentive district accruing to the state by reason of improvements 37904

constructed within the district during its existence exceed the 37905
amount the state pays the school district under section 3317.022 37906
of the Revised Code attributable to such property exemption from 37907
the school district's recognized valuation. The analysis shall be 37908
submitted to and approved by the department of development prior 37909
to January 1, 2006, and the department shall not unreasonably 37910
withhold approval. 37911

(g) The portion of school district compensation value that 37912
was exempted from taxation for the preceding tax year under such 37913
an ordinance or resolution, if the ordinance or resolution is 37914
adopted prior to January 1, 2006, and if service payments have 37915
been pledged to be used for mixed-use riverfront entertainment 37916
development in any county with a population that exceeds six 37917
hundred thousand, as shown by the most recent federal decennial 37918
census; 37919

(h) The portion of school district compensation value that 37920
was exempted from taxation for the preceding tax year under such 37921
an ordinance or resolution, if, prior to January 1, 2006, the 37922
legislative authority of a municipal corporation, board of 37923
township trustees, or board of county commissioners has pledged 37924
service payments for a designated transportation capacity project 37925
approved by the transportation review advisory council under 37926
Chapter 5512. of the Revised Code; 37927

(i) The portion of school district compensation value that 37928
was exempted from taxation for the preceding tax year under such 37929
an ordinance or resolution if the legislative authority of a 37930
municipal corporation, board of township trustees, or board of 37931
county commissioners have, by January 1, 2006, pledged proceeds 37932
for designated transportation improvement projects that involve 37933
federal funds for which the proceeds are used to meet a local 37934
share match requirement for such funding. 37935

As used in division (A)(6) of this section, "project" has the 37936

same meaning as in section 5709.40 of the Revised Code. 37937

(7) The aggregate value of real property in the school 37938
district for which an exemption from taxation is granted by an 37939
ordinance or resolution adopted on or after January 1, 2006, under 37940
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 37941
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 37942
Code, as indicated on the list of exempted property for the 37943
preceding tax year under section 5713.08 of the Revised Code and 37944
as if such property had been assessed for taxation that year, 37945
minus the product determined by multiplying (a) the aggregate 37946
value of the real property in the school district exempted from 37947
taxation for the preceding tax year under any of the chapters or 37948
sections specified in this division, by (b) a fraction, the 37949
numerator of which is the difference between (i) the amount of 37950
anticipated revenue such school district would have received for 37951
the preceding tax year if the real property exempted from taxation 37952
had not been exempted from taxation and (ii) the aggregate amount 37953
of payments in lieu of taxes on the exempt real property for the 37954
preceding tax year and other compensation received for the 37955
preceding tax year by the school district pursuant to any 37956
agreements entered into on or after January 1, 2006, under section 37957
5709.82 of the Revised Code between the school district and the 37958
legislative authority of a political subdivision that acted under 37959
the authority of a chapter or statute specified in this division, 37960
that were entered into in relation to such exemption, and the 37961
denominator of which is the amount of anticipated revenue such 37962
school district would have received in the preceding fiscal year 37963
if the real property exempted from taxation had not been exempted. 37964

~~(8) For each school district receiving payments under 37965
division (B) or (C) of section 3317.0216 of the Revised Code 37966
during the current fiscal year, as included on the most recent 37967
list of such districts sent to the tax commissioner under division 37968~~

~~(F) of that section, the following:~~ 37969

~~(a) The portion of the total amount of taxes charged and payable for current expenses certified under division (A)(3)(a) of this section that is attributable to each new levy approved and charged in the preceding tax year and the respective tax rate of each of those new levies:~~ 37970
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~~(b) The portion of the total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 or 5748.08 of the Revised Code, as certified under division (A)(2) of section 3317.08 of the Revised Code, that is attributable to each new school district income tax first effective in the current taxable year or in the preceding taxable year.~~ 37975
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(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location. 37982
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(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code. 37988
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(D) If on the basis of the information certified under 37999

division (A) of this section, the department determines that any 38000
district fails in any year to meet the qualification requirement 38001
specified in division (A) of section 3317.01 of the Revised Code, 38002
the department shall immediately request the tax commissioner to 38003
determine the extent to which any school district income tax 38004
levied by the district under Chapter 5748. of the Revised Code 38005
shall be included in meeting that requirement. Within five days of 38006
receiving such a request from the department, the tax commissioner 38007
shall make the determination required by this division and report 38008
the quotient obtained under division (D)(3) of this section to the 38009
department and the office of budget and management. This quotient 38010
represents the number of mills that the department shall include 38011
in determining whether the district meets the qualification 38012
requirement of division (A) of section 3317.01 of the Revised 38013
Code. 38014

The tax commissioner shall make the determination required by 38015
this division as follows: 38016

(1) Multiply one mill times the total taxable value of the 38017
district as determined in divisions (A)(1) and (2) of this 38018
section; 38019

(2) Estimate the total amount of tax liability for the 38020
current tax year under taxes levied by Chapter 5748. of the 38021
Revised Code that are apportioned to current operating expenses of 38022
the district, excluding any income tax receipts allocated for the 38023
project cost, debt service, or maintenance set-aside associated 38024
with a state-assisted classroom facilities project as authorized 38025
by section 3318.052 of the Revised Code; 38026

(3) Divide the amount estimated under division (D)(2) of this 38027
section by the product obtained under division (D)(1) of this 38028
section. 38029

(E)(1) On or before June 1, 2006, and the first day of April 38030

of each year thereafter, the director of development shall report 38031
to the department of education, the tax commissioner, and the 38032
director of budget and management the total amounts of payments 38033
received by each city, local, exempted village, or joint 38034
vocational school district for the preceding tax year pursuant to 38035
division (D) of section 5709.40, division (D) of section 5709.73, 38036
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 38037
or (D) of section 5709.82 of the Revised Code in relation to 38038
exemptions from taxation granted pursuant to an ordinance adopted 38039
by the legislative authority of a municipal corporation under 38040
division (C) of section 5709.40 of the Revised Code, or a 38041
resolution adopted by a board of township trustees or board of 38042
county commissioners under division (C) of section 5709.73 or 38043
division (B) of section 5709.78 of the Revised Code, respectively. 38044
On or before April 1, 2006, and the first day of March of each 38045
year thereafter, the treasurer of each city, local, exempted 38046
village, or joint vocational school district that has entered into 38047
such an agreement shall report to the director of development the 38048
total amounts of such payments the district received for the 38049
preceding tax year as provided in this section. The state board of 38050
education, in accordance with sections 3319.31 and 3319.311 of the 38051
Revised Code, may suspend or revoke the license of a treasurer 38052
found to have willfully reported erroneous, inaccurate, or 38053
incomplete data under this division. 38054

(2) On or before April 1, 2007, and the first day of April of 38055
each year thereafter, the director of development shall report to 38056
the department of education, the tax commissioner, and the 38057
director of budget and management the total amounts of payments 38058
received by each city, local, exempted village, or joint 38059
vocational school district for the preceding tax year pursuant to 38060
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 38061
in relation to exemptions from taxation granted pursuant to 38062
ordinances or resolutions adopted on or after January 1, 2006, 38063

under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 38064
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 38065
Revised Code. On or before March 1, 2007, and the first day of 38066
March of each year thereafter, the treasurer of each city, local, 38067
exempted village, or joint vocational school district that has 38068
entered into such an agreement shall report to the director of 38069
development the total amounts of such payments the district 38070
received for the preceding tax year as provided by this section. 38071
The state board of education, in accordance with sections 3319.31 38072
and 3319.311 of the Revised Code, may suspend or revoke the 38073
license of a treasurer found to have willfully reported erroneous, 38074
inaccurate, or incomplete data under this division. 38075

Sec. 3317.022. (A)(1) The department of education shall 38076
compute and distribute state base cost funding to each eligible 38077
school district for the fiscal year, using the information 38078
obtained under section 3317.021 of the Revised Code in the 38079
calendar year in which the fiscal year begins, according to the 38080
following formula: 38081

{[the formula amount X (formula ADM + 38082
preschool scholarship ADM)] + 38083
the sum of the base funding supplements 38084
prescribed in divisions (C)(1) to (4) 38085
of section 3317.012 of the Revised Code} - 38086
[.023 x (the sum of recognized valuation 38087
and property exemption value)] + 38088
the amounts calculated for the district under 38089
sections 3317.029 and 3317.0217 of the Revised Code 38090

If the difference obtained is a negative number, the 38091
district's computation shall be zero. 38092

(2)(a) For each school district for which the tax exempt 38093
value of the district equals or exceeds twenty-five per cent of 38094

the potential value of the district, the department of education 38095
shall calculate the difference between the district's tax exempt 38096
value and twenty-five per cent of the district's potential value. 38097

(b) For each school district to which division (A)(2)(a) of 38098
this section applies, the department shall adjust the recognized 38099
valuation used in the calculation under division (A)(1) of this 38100
section by subtracting from it the amount calculated under 38101
division (A)(2)(a) of this section. 38102

(B) As used in this section: 38103

(1) The "total special education weight" for a district means 38104
the sum of the following amounts: 38105

(a) The district's category one special education ADM 38106
multiplied by the multiple specified in division (A) of section 38107
3317.013 of the Revised Code; 38108

(b) The district's category two special education ADM 38109
multiplied by the multiple specified in division (B) of section 38110
3317.013 of the Revised Code; 38111

(c) The district's category three special education ADM 38112
multiplied by the multiple specified in division (C) of section 38113
3317.013 of the Revised Code; 38114

(d) The district's category four special education ADM 38115
multiplied by the multiple specified in division (D) of section 38116
3317.013 of the Revised Code; 38117

(e) The district's category five special education ADM 38118
multiplied by the multiple specified in division (E) of section 38119
3317.013 of the Revised Code; 38120

(f) The district's category six special education ADM 38121
multiplied by the multiple specified in division (F) of section 38122
3317.013 of the Revised Code. 38123

(2) "State share percentage" means the percentage calculated 38124

for a district as follows:	38125
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.	38126 38127 38128 38129 38130
(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:	38131 38132 38133
(the formula amount X formula ADM) +	38134
the sum of the base funding supplements prescribed in divisions (C)(1) to (4) of section 3317.012 of the Revised Code +	38135 38136 38137
the sum of the amounts calculated for the district under sections 3317.029 and 3317.0217 of the Revised Code	38138 38139
The resultant number is the district's state share percentage.	38140 38141
(3) "Related services" includes:	38142
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	38143 38144 38145 38146 38147 38148 38149 38150 38151
(b) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;	38152 38153 38154
(c) Any related service not specifically covered by other	38155

state funds but specified in federal law, including but not limited to, audiology and school psychological services;	38156 38157
(d) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	38158 38159
(e) Any other related service needed by children with disabilities in accordance with their individualized education programs.	38160 38161 38162
(4) The "total vocational education weight" for a district means the sum of the following amounts:	38163 38164
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	38165 38166 38167
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	38168 38169 38170
(5) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	38171 38172 38173
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	38174 38175 38176 38177
The district's state share percentage X	38178
the formula amount for the year for which	38179
the aid is calculated X the district's	38180
total special education weight	38181
(2) The attributed local share of special education and related services additional weighted costs equals:	38182 38183
(1 - the district's state share percentage) X the district's	38184
total special education weight X the formula amount	38185

(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(ii) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:

(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars in fiscal years 2008 and 2009;

(ii) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars in fiscal years 2008 and 2009.

(c) The district shall only report under division (C)(3)(a) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be

included in the amount. 38217

(4)(a) As used in this division, the "personnel allowance" 38218
means thirty thousand dollars in fiscal years 2008 and 2009. 38219

(b) For the provision of speech language pathology services 38220
to students, including students who do not have individualized 38221
education programs prepared for them under Chapter 3323. of the 38222
Revised Code, and for no other purpose, the department of 38223
education shall pay each school district an amount calculated 38224
under the following formula: 38225

(formula ADM divided by 2000) X 38226

the personnel allowance X 38227

the state share percentage 38228

(5) In any fiscal year, a school district shall spend for 38229
purposes that the department designates as approved for special 38230
education and related services expenses at least the amount 38231
calculated as follows: 38232

(formula amount X the sum of categories 38233

one through six special education ADM) + 38234

(total special education weight X formula amount) 38235

The purposes approved by the department for special education 38236
expenses shall include, but shall not be limited to, 38237
identification of children with disabilities, compliance with 38238
state rules governing the education of children with disabilities 38239
and prescribing the continuum of program options for children with 38240
disabilities, provision of speech language pathology services, and 38241
the portion of the school district's overall administrative and 38242
overhead costs that are attributable to the district's special 38243
education student population. 38244

The scholarships deducted from the school district's account 38245
under section 3310.41 or 3310.55 of the Revised Code shall be 38246
considered to be an approved special education and related 38247

services expense for the purpose of the school district's 38248
compliance with division (C)(5) of this section. 38249

The department shall require school districts to report data 38250
annually to allow for monitoring compliance with division (C)(5) 38251
of this section. The department shall annually report to the 38252
governor and the general assembly the amount of money spent by 38253
each school district for special education and related services. 38254

(6) In any fiscal year, a school district shall spend for the 38255
provision of speech language pathology services not less than the 38256
sum of the amount calculated under division (C)(1) of this section 38257
for the students in the district's category one special education 38258
ADM and the amount calculated under division (C)(4) of this 38259
section. 38260

The scholarships deducted from the school district's account 38261
under section 3310.55 of the Revised Code for students counted in 38262
the district's category one special education ADM shall be 38263
considered to be an approved speech language pathology services 38264
expense for the purpose of the school district's compliance with 38265
division (C)(6) of this section. 38266

(D)(1) As used in this division: 38267

(a) "Daily bus miles per student" equals the number of bus 38268
miles traveled per day, divided by transportation base. 38269

(b) "Transportation base" equals total student count as 38270
defined in section 3301.011 of the Revised Code, minus the number 38271
of students enrolled in units for preschool children with 38272
disabilities, plus the number of nonpublic school students 38273
included in transportation ADM. 38274

(c) "Transported student percentage" equals transportation 38275
ADM divided by transportation base. 38276

(d) "Transportation cost per student" equals total operating 38277

costs for board-owned or contractor-operated school buses divided 38278
by transportation base. 38279

(2) Analysis of student transportation cost data has resulted 38280
in a finding that an average efficient transportation use cost per 38281
student can be calculated by means of a regression formula that 38282
has as its two independent variables the number of daily bus miles 38283
per student and the transported student percentage. For fiscal 38284
year 1998 transportation cost data, the average efficient 38285
transportation use cost per student is expressed as follows: 38286

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 38287$$
$$(116.25573 \times \text{transported student percentage}) 38288$$

The department of education shall annually determine the 38289
average efficient transportation use cost per student in 38290
accordance with the principles stated in division (D)(2) of this 38291
section, updating the intercept and regression coefficients of the 38292
regression formula modeled in this division, based on an annual 38293
statewide analysis of each school district's daily bus miles per 38294
student, transported student percentage, and transportation cost 38295
per student data. The department shall conduct the annual update 38296
using data, including daily bus miles per student, transported 38297
student percentage, and transportation cost per student data, from 38298
the prior fiscal year. The department shall notify the office of 38299
budget and management of such update by the fifteenth day of 38300
February of each year. 38301

(3) In addition to funds paid under divisions (A), (C), and 38302
(E) of this section, each district with a transported student 38303
percentage greater than zero shall receive a payment equal to a 38304
percentage of the product of the district's transportation base 38305
from the prior fiscal year times the annually updated average 38306
efficient transportation use cost per student, times an inflation 38307
factor of two and eight-tenths per cent to account for the 38308
one-year difference between the data used in updating the formula 38309

and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	The greater of 60% or the district's state share percentage	

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:

(per rough mile subsidy X total rough road miles)
X density multiplier

where:

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$

county rough road percentage)/(maximum rough road
percentage - statewide rough road percentage)]]} 38338
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(i) "Maximum rough road percentage" means the highest county
rough road percentage in the state. 38340
38341

(ii) "County rough road percentage" equals the percentage of
the mileage of state, municipal, county, and township roads that
is rated by the department of transportation as type A, B, C, E2,
or F in the county in which the school district is located or, if
the district is located in more than one county, the county to
which it is assigned for purposes of determining its
cost-of-doing-business factor. 38342
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(iii) "Statewide rough road percentage" means the percentage
of the statewide total mileage of state, municipal, county, and
township roads that is rated as type A, B, C, E2, or F by the
department of transportation. 38349
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(b) "Total rough road miles" means a school district's total
bus miles traveled in one year times its county rough road
percentage. 38353
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(c) "Density multiplier" means a figure calculated in
accordance with the following formula: 38356
38357

1 - [(minimum student density - district student
density)/(minimum student density -
statewide student density)] 38358
38359
38360

(i) "Minimum student density" means the lowest district
student density in the state. 38361
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(ii) "District student density" means a school district's
transportation base divided by the number of square miles in the
district. 38363
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(iii) "Statewide student density" means the sum of the
transportation bases for all school districts divided by the sum
of the square miles in all school districts. 38366
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(6) In addition to funds paid under divisions (D)(2) to (5) 38369
of this section, each district shall receive in accordance with 38370
rules adopted by the state board of education a payment for 38371
students transported by means other than board-owned or 38372
contractor-operated buses and whose transportation is not funded 38373
under division (G) of section 3317.024 of the Revised Code. The 38374
rules shall include provisions for school district reporting of 38375
such students. 38376

(E)(1) The department shall compute and distribute state 38377
vocational education additional weighted costs funds to each 38378
school district in accordance with the following formula: 38379

state share percentage X 38380
the formula amount X 38381
total vocational education weight 38382

In any fiscal year, a school district receiving funds under 38383
division (E)(1) of this section shall spend those funds only for 38384
the purposes that the department designates as approved for 38385
vocational education expenses. Vocational educational expenses 38386
approved by the department shall include only expenses connected 38387
to the delivery of career-technical programming to 38388
career-technical students. The department shall require the school 38389
district to report data annually so that the department may 38390
monitor the district's compliance with the requirements regarding 38391
the manner in which funding received under division (E)(1) of this 38392
section may be spent. 38393

(2) The department shall compute for each school district 38394
state funds for vocational education associated services in 38395
accordance with the following formula: 38396

state share percentage X .05 X the formula amount X 38397
the sum of categories one and two vocational education ADM 38398

In any fiscal year, a school district receiving funds under 38399
division (E)(2) of this section, or through a transfer of funds 38400

pursuant to division (L) of section 3317.023 of the Revised Code, 38401
shall spend those funds only for the purposes that the department 38402
designates as approved for vocational education associated 38403
services expenses, which may include such purposes as 38404
apprenticeship coordinators, coordinators for other vocational 38405
education services, vocational evaluation, and other purposes 38406
designated by the department. The department may deny payment 38407
under division (E)(2) of this section to any district that the 38408
department determines is not operating those services or is using 38409
funds paid under division (E)(2) of this section, or through a 38410
transfer of funds pursuant to division (L) of section 3317.023 of 38411
the Revised Code, for other purposes. 38412

(F) The actual local share in any fiscal year for the 38413
combination of special education and related services additional 38414
weighted costs funding calculated under division (C)(1) of this 38415
section, transportation funding calculated under divisions (D)(2) 38416
and (3) of this section, and vocational education and associated 38417
services additional weighted costs funding calculated under 38418
divisions (E)(1) and (2) of this section shall not exceed for any 38419
school district the product of three and three-tenths mills times 38420
the district's recognized valuation. The department annually shall 38421
pay each school district as an excess cost supplement any amount 38422
by which the sum of the district's attributed local shares for 38423
that funding exceeds that product. For purposes of calculating the 38424
excess cost supplement: 38425

(1) The attributed local share for special education and 38426
related services additional weighted costs funding is the amount 38427
specified in division (C)(2) of this section. 38428

(2) The attributed local share of transportation funding 38429
equals the difference of the total amount calculated for the 38430
district using the formula developed under division (D)(2) of this 38431
section minus the actual amount paid to the district after 38432

applying the percentage specified in division (D)(3) of this section. 38433
38434

(3) The attributed local share of vocational education and associated services additional weighted costs funding is the amount determined as follows: 38435
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38437

(1 - state share percentage) X 38438
[(total vocational education weight X
the formula amount) + the payment under
division (E)(2) of this section] 38439
38440
38441

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, except as provided in division (A)(2)(h) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section. 38442
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(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. Beginning in fiscal year 2007, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the first full week in February. If a school under the superintendent's supervision is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school. 38446
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The formula ADM shall consist of the average daily membership 38464
during such week of the sum of the following: 38465

(1) On an FTE basis, the number of students in grades 38466
kindergarten through twelve receiving any educational services 38467
from the district, except that the following categories of 38468
students shall not be included in the determination: 38469

(a) Students enrolled in adult education classes; 38470

(b) Adjacent or other district students enrolled in the 38471
district under an open enrollment policy pursuant to section 38472
3313.98 of the Revised Code; 38473

(c) Students receiving services in the district pursuant to a 38474
compact, cooperative education agreement, or a contract, but who 38475
are entitled to attend school in another district pursuant to 38476
section 3313.64 or 3313.65 of the Revised Code; 38477

(d) Students for whom tuition is payable pursuant to sections 38478
3317.081 and 3323.141 of the Revised Code; 38479

(e) Students receiving services in the district through a 38480
scholarship awarded under either section 3310.41 or sections 38481
3310.51 to 3310.64 of the Revised Code. 38482

(2) On an FTE basis, except as provided in division (A)(2)(h) 38483
of this section, the number of students entitled to attend school 38484
in the district pursuant to section 3313.64 or 3313.65 of the 38485
Revised Code, but receiving educational services in grades 38486
kindergarten through twelve from one or more of the following 38487
entities: 38488

(a) A community school pursuant to Chapter 3314. of the 38489
Revised Code, including any participation in a college pursuant to 38490
Chapter 3365. of the Revised Code while enrolled in such community 38491
school; 38492

(b) An alternative school pursuant to sections 3313.974 to 38493

3313.979 of the Revised Code as described in division (I)(2)(a) or 38494
(b) of this section; 38495

(c) A college pursuant to Chapter 3365. of the Revised Code, 38496
except when the student is enrolled in the college while also 38497
enrolled in a community school pursuant to Chapter 3314. or a 38498
science, technology, engineering, and mathematics school 38499
established under Chapter 3326. of the Revised Code; 38500

(d) An adjacent or other school district under an open 38501
enrollment policy adopted pursuant to section 3313.98 of the 38502
Revised Code; 38503

(e) An educational service center or cooperative education 38504
district; 38505

(f) Another school district under a cooperative education 38506
agreement, compact, or contract; 38507

(g) A chartered nonpublic school with a scholarship paid 38508
under section 3310.08 of the Revised Code; 38509

(h) An alternative public provider or a registered private 38510
provider with a scholarship awarded under either section 3310.41 38511
or sections 3310.51 to 3310.64 of the Revised Code. Each such 38512
scholarship student who is enrolled in kindergarten shall be 38513
counted as one full-time-equivalent student. 38514

As used in this section, "alternative public provider" and 38515
"registered private provider" have the same meanings as in section 38516
3310.41 or 3310.51 of the Revised Code, as applicable. 38517

(i) A science, technology, engineering, and mathematics 38518
school established under Chapter 3326. of the Revised Code, 38519
including any participation in a college pursuant to Chapter 3365. 38520
of the Revised Code while enrolled in the school. 38521

(3) Twenty per cent of the number of students enrolled in a 38522
joint vocational school district or under a vocational education 38523

compact, excluding any students entitled to attend school in the 38524
district under section 3313.64 or 3313.65 of the Revised Code who 38525
are enrolled in another school district through an open enrollment 38526
policy as reported under division (A)(2)(d) of this section and 38527
then enroll in a joint vocational school district or under a 38528
vocational education compact; 38529

(4) The number of children with disabilities, other than 38530
preschool children with disabilities, entitled to attend school in 38531
the district pursuant to section 3313.64 or 3313.65 of the Revised 38532
Code who are placed by the district with a county MR/DD board, 38533
minus the number of such children placed with a county MR/DD board 38534
in fiscal year 1998. If this calculation produces a negative 38535
number, the number reported under division (A)(4) of this section 38536
shall be zero. 38537

(5) Beginning in fiscal year 2007, in the case of the report 38538
submitted for the first full week in February, or the alternative 38539
week if specified by the superintendent of public instruction, the 38540
number of students reported under division (A)(1) or (2) of this 38541
section for the first full week of the preceding October but who 38542
since that week have received high school diplomas. 38543

(B) To enable the department of education to obtain the data 38544
needed to complete the calculation of payments pursuant to this 38545
chapter, in addition to the formula ADM, each superintendent shall 38546
report separately the following student counts for the same week 38547
for which formula ADM is certified: 38548

(1) The total average daily membership in regular day classes 38549
included in the report under division (A)(1) or (2) of this 38550
section for kindergarten, and each of grades one through twelve in 38551
schools under the superintendent's supervision; 38552

(2) The number of all preschool children with disabilities 38553
enrolled as of the first day of December in classes in the 38554

district that are eligible for approval under division (B) of 38555
section 3317.05 of the Revised Code and the number of those 38556
classes, which shall be reported not later than the fifteenth day 38557
of December, in accordance with rules adopted under that section; 38558

(3) The number of children entitled to attend school in the 38559
district pursuant to section 3313.64 or 3313.65 of the Revised 38560
Code who are: 38561

(a) Participating in a pilot project scholarship program 38562
established under sections 3313.974 to 3313.979 of the Revised 38563
Code as described in division (I)(2)(a) or (b) of this section; 38564

(b) Enrolled in a college under Chapter 3365. of the Revised 38565
Code, except when the student is enrolled in the college while 38566
also enrolled in a community school pursuant to Chapter 3314. or a 38567
science, technology, engineering, and mathematics school 38568
established under Chapter 3326. of the Revised Code; 38569

(c) Enrolled in an adjacent or other school district under 38570
section 3313.98 of the Revised Code; 38571

(d) Enrolled in a community school established under Chapter 38572
3314. of the Revised Code that is not an internet- or 38573
computer-based community school as defined in section 3314.02 of 38574
the Revised Code, including any participation in a college 38575
pursuant to Chapter 3365. of the Revised Code while enrolled in 38576
such community school; 38577

(e) Enrolled in an internet- or computer-based community 38578
school, as defined in section 3314.02 of the Revised Code, 38579
including any participation in a college pursuant to Chapter 3365. 38580
of the Revised Code while enrolled in the school; 38581

(f) Enrolled in a chartered nonpublic school with a 38582
scholarship paid under section 3310.08 of the Revised Code; 38583

(g) Enrolled in kindergarten through grade twelve in an 38584

alternative public provider or a registered private provider with 38585
a scholarship awarded under either section 3310.41 or sections 38586
3310.51 to 3310.64 of the Revised Code; 38587

(h) Enrolled as a preschool child with a disability in an 38588
alternative public provider or a registered private provider with 38589
a scholarship awarded under section 3310.41 of the Revised Code; 38590

(i) Participating in a program operated by a county MR/DD 38591
board or a state institution; 38592

(j) Enrolled in a science, technology, engineering, and 38593
mathematics school established under Chapter 3326. of the Revised 38594
Code, including any participation in a college pursuant to Chapter 38595
3365. of the Revised Code while enrolled in the school. 38596

(4) The number of pupils enrolled in joint vocational 38597
schools; 38598

(5) The combined average daily membership of children with 38599
disabilities reported under division (A)(1) or (2) of this section 38600
receiving special education services for the category one 38601
disability described in division (A) of section 3317.013 of the 38602
Revised Code, including children attending a special education 38603
program operated by an alternative public provider or a registered 38604
private provider with a scholarship awarded under sections 3310.51 38605
to 3310.64 of the Revised Code; 38606

(6) The combined average daily membership of children with 38607
disabilities reported under division (A)(1) or (2) of this section 38608
receiving special education services for category two disabilities 38609
described in division (B) of section 3317.013 of the Revised Code, 38610
including children attending a special education program operated 38611
by an alternative public provider or a registered private provider 38612
with a scholarship awarded under sections 3310.51 to 3310.64 of 38613
the Revised Code; 38614

(7) The combined average daily membership of children with 38615

disabilities reported under division (A)(1) or (2) of this section 38616
receiving special education services for category three 38617
disabilities described in division (C) of section 3317.013 of the 38618
Revised Code, including children attending a special education 38619
program operated by an alternative public provider or a registered 38620
private provider with a scholarship awarded under sections 3310.51 38621
to 3310.64 of the Revised Code; 38622

(8) The combined average daily membership of children with 38623
disabilities reported under division (A)(1) or (2) of this section 38624
receiving special education services for category four 38625
disabilities described in division (D) of section 3317.013 of the 38626
Revised Code, including children attending a special education 38627
program operated by an alternative public provider or a registered 38628
private provider with a scholarship awarded under sections 3310.51 38629
to 3310.64 of the Revised Code; 38630

(9) The combined average daily membership of children with 38631
disabilities reported under division (A)(1) or (2) of this section 38632
receiving special education services for the category five 38633
disabilities described in division (E) of section 3317.013 of the 38634
Revised Code, including children attending a special education 38635
program operated by an alternative public provider or a registered 38636
private provider with a scholarship awarded under sections 3310.51 38637
to 3310.64 of the Revised Code; 38638

(10) The combined average daily membership of children with 38639
disabilities reported under division (A)(1) or (2) and under 38640
division (B)(3)(h) of this section receiving special education 38641
services for category six disabilities described in division (F) 38642
of section 3317.013 of the Revised Code, including children 38643
attending a special education program operated by an alternative 38644
public provider or a registered private provider with a 38645
scholarship awarded under either section 3310.41 or sections 38646
3310.51 to 3310.64 of the Revised Code; 38647

(11) The average daily membership of pupils reported under 38648
division (A)(1) or (2) of this section enrolled in category one 38649
vocational education programs or classes, described in division 38650
(A) of section 3317.014 of the Revised Code, operated by the 38651
school district or by another district, other than a joint 38652
vocational school district, or by an educational service center, 38653
excluding any student reported under division (B)(3)(e) of this 38654
section as enrolled in an internet- or computer-based community 38655
school, notwithstanding division (C) of section 3317.02 of the 38656
Revised Code and division (C)(3) of this section; 38657

(12) The average daily membership of pupils reported under 38658
division (A)(1) or (2) of this section enrolled in category two 38659
vocational education programs or services, described in division 38660
(B) of section 3317.014 of the Revised Code, operated by the 38661
school district or another school district, other than a joint 38662
vocational school district, or by an educational service center, 38663
excluding any student reported under division (B)(3)(e) of this 38664
section as enrolled in an internet- or computer-based community 38665
school, notwithstanding division (C) of section 3317.02 of the 38666
Revised Code and division (C)(3) of this section; 38667

(13) The average number of children transported by the school 38668
district on board-owned or contractor-owned and -operated buses, 38669
reported in accordance with rules adopted by the department of 38670
education; 38671

(14)(a) The number of children, other than preschool children 38672
with disabilities, the district placed with a county MR/DD board 38673
in fiscal year 1998; 38674

(b) The number of children with disabilities, other than 38675
preschool children with disabilities, placed with a county MR/DD 38676
board in the current fiscal year to receive special education 38677
services for the category one disability described in division (A) 38678
of section 3317.013 of the Revised Code; 38679

(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.

(C)(1) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the

purposes of divisions (A), (B), and (D) of this section. 38711

(2) A student enrolled in a community school established 38712
under Chapter 3314. or a science, technology, engineering, and 38713
mathematics school established under Chapter 3326. of the Revised 38714
Code shall be counted in the formula ADM and, if applicable, the 38715
category one, two, three, four, five, or six special education ADM 38716
of the school district in which the student is entitled to attend 38717
school under section 3313.64 or 3313.65 of the Revised Code for 38718
the same proportion of the school year that the student is counted 38719
in the enrollment of the community school or the science, 38720
technology, engineering, and mathematics school for purposes of 38721
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 38722
the number of students reported pursuant to division (B)(3)(d), 38723
(e), or (j) of this section, the department may adjust the formula 38724
ADM of a school district to account for students entitled to 38725
attend school in the district under section 3313.64 or 3313.65 of 38726
the Revised Code who are enrolled in a community school or a 38727
science, technology, engineering, and mathematics school for only 38728
a portion of the school year. 38729

(3) No child shall be counted as more than a total of one 38730
child in the sum of the average daily memberships of a school 38731
district under division (A), divisions (B)(1) to (12), or division 38732
(D) of this section, except as follows: 38733

(a) A child with a disability described in section 3317.013 38734
of the Revised Code may be counted both in formula ADM and in 38735
category one, two, three, four, five, or six special education ADM 38736
and, if applicable, in category one or two vocational education 38737
ADM. As provided in division (C) of section 3317.02 of the Revised 38738
Code, such a child shall be counted in category one, two, three, 38739
four, five, or six special education ADM in the same proportion 38740
that the child is counted in formula ADM. 38741

(b) A child enrolled in vocational education programs or 38742

classes described in section 3317.014 of the Revised Code may be 38743
counted both in formula ADM and category one or two vocational 38744
education ADM and, if applicable, in category one, two, three, 38745
four, five, or six special education ADM. Such a child shall be 38746
counted in category one or two vocational education ADM in the 38747
same proportion as the percentage of time that the child spends in 38748
the vocational education programs or classes. 38749

(4) Based on the information reported under this section, the 38750
department of education shall determine the total student count, 38751
as defined in section 3301.011 of the Revised Code, for each 38752
school district. 38753

(D)(1) The superintendent of each joint vocational school 38754
district shall certify to the superintendent of public instruction 38755
on or before the fifteenth day of October in each year for the 38756
first full school week in October the formula ADM. Beginning in 38757
fiscal year 2007, each superintendent also shall certify to the 38758
state superintendent the formula ADM for the first full week in 38759
February. If a school operated by the joint vocational school 38760
district is closed for one or more days during that week due to 38761
hazardous weather conditions or other circumstances described in 38762
the first paragraph of division (B) of section 3317.01 of the 38763
Revised Code, the superintendent may apply to the superintendent 38764
of public instruction for a waiver, under which the superintendent 38765
of public instruction may exempt the district superintendent from 38766
certifying the formula ADM for that school for that week and 38767
specify an alternate week for certifying the formula ADM of that 38768
school. 38769

The formula ADM, except as otherwise provided in this 38770
division, shall consist of the average daily membership during 38771
such week, on an FTE basis, of the number of students receiving 38772
any educational services from the district, including students 38773
enrolled in a community school established under Chapter 3314. or 38774

a science, technology, engineering, and mathematics school 38775
established under Chapter 3326. of the Revised Code who are 38776
attending the joint vocational district under an agreement between 38777
the district board of education and the governing authority of the 38778
community school or the science, technology, engineering, and 38779
mathematics school and are entitled to attend school in a city, 38780
local, or exempted village school district whose territory is part 38781
of the territory of the joint vocational district. Beginning in 38782
fiscal year 2007, in the case of the report submitted for the 38783
first week in February, or the alternative week if specified by 38784
the superintendent of public instruction, the superintendent of 38785
the joint vocational school district may include the number of 38786
students reported under division (D)(1) of this section for the 38787
first full week of the preceding October but who since that week 38788
have received high school diplomas. 38789

The following categories of students shall not be included in 38791
the determination made under division (D)(1) of this section: 38792

(a) Students enrolled in adult education classes; 38793

(b) Adjacent or other district joint vocational students 38794
enrolled in the district under an open enrollment policy pursuant 38795
to section 3313.98 of the Revised Code; 38796

(c) Students receiving services in the district pursuant to a 38797
compact, cooperative education agreement, or a contract, but who 38798
are entitled to attend school in a city, local, or exempted 38799
village school district whose territory is not part of the 38800
territory of the joint vocational district; 38801

(d) Students for whom tuition is payable pursuant to sections 38802
3317.081 and 3323.141 of the Revised Code. 38803

(2) To enable the department of education to obtain the data 38804
needed to complete the calculation of payments pursuant to this 38805

chapter, in addition to the formula ADM, each superintendent shall 38806
report separately the average daily membership included in the 38807
report under division (D)(1) of this section for each of the 38808
following categories of students for the same week for which 38809
formula ADM is certified: 38810

(a) Students enrolled in each grade included in the joint 38811
vocational district schools; 38812

(b) Children with disabilities receiving special education 38813
services for the category one disability described in division (A) 38814
of section 3317.013 of the Revised Code; 38815

(c) Children with disabilities receiving special education 38816
services for the category two disabilities described in division 38817
(B) of section 3317.013 of the Revised Code; 38818

(d) Children with disabilities receiving special education 38819
services for category three disabilities described in division (C) 38820
of section 3317.013 of the Revised Code; 38821

(e) Children with disabilities receiving special education 38822
services for category four disabilities described in division (D) 38823
of section 3317.013 of the Revised Code; 38824

(f) Children with disabilities receiving special education 38825
services for the category five disabilities described in division 38826
(E) of section 3317.013 of the Revised Code; 38827

(g) Children with disabilities receiving special education 38828
services for category six disabilities described in division (F) 38829
of section 3317.013 of the Revised Code; 38830

(h) Students receiving category one vocational education 38831
services, described in division (A) of section 3317.014 of the 38832
Revised Code; 38833

(i) Students receiving category two vocational education 38834
services, described in division (B) of section 3317.014 of the 38835

Revised Code. 38836

The superintendent of each joint vocational school district 38837
shall also indicate the city, local, or exempted village school 38838
district in which each joint vocational district pupil is entitled 38839
to attend school pursuant to section 3313.64 or 3313.65 of the 38840
Revised Code. 38841

(E) In each school of each city, local, exempted village, 38842
joint vocational, and cooperative education school district there 38843
shall be maintained a record of school membership, which record 38844
shall accurately show, for each day the school is in session, the 38845
actual membership enrolled in regular day classes. For the purpose 38846
of determining average daily membership, the membership figure of 38847
any school shall not include any pupils except those pupils 38848
described by division (A) of this section. The record of 38849
membership for each school shall be maintained in such manner that 38850
no pupil shall be counted as in membership prior to the actual 38851
date of entry in the school and also in such manner that where for 38852
any cause a pupil permanently withdraws from the school that pupil 38853
shall not be counted as in membership from and after the date of 38854
such withdrawal. There shall not be included in the membership of 38855
any school any of the following: 38856

(1) Any pupil who has graduated from the twelfth grade of a 38857
public or nonpublic high school; 38858

(2) Any pupil who is not a resident of the state; 38859

(3) Any pupil who was enrolled in the schools of the district 38860
during the previous school year when tests were administered under 38861
section 3301.0711 of the Revised Code but did not take one or more 38862
of the tests required by that section and was not excused pursuant 38863
to division (C)(1) or (3) of that section; 38864

(4) Any pupil who has attained the age of twenty-two years, 38865
except for veterans of the armed services whose attendance was 38866

interrupted before completing the recognized twelve-year course of 38867
the public schools by reason of induction or enlistment in the 38868
armed forces and who apply for reenrollment in the public school 38869
system of their residence not later than four years after 38870
termination of war or their honorable discharge. 38871

If, however, any veteran described by division (E)(4) of this 38872
section elects to enroll in special courses organized for veterans 38873
for whom tuition is paid under the provisions of federal laws, or 38874
otherwise, that veteran shall not be included in average daily 38875
membership. 38876

Notwithstanding division (E)(3) of this section, the 38877
membership of any school may include a pupil who did not take a 38878
test required by section 3301.0711 of the Revised Code if the 38879
superintendent of public instruction grants a waiver from the 38880
requirement to take the test to the specific pupil and a parent is 38881
not paying tuition for the pupil pursuant to section 3313.6410 of 38882
the Revised Code. The superintendent may grant such a waiver only 38883
for good cause in accordance with rules adopted by the state board 38884
of education. 38885

Except as provided in divisions (B)(2) and (F) of this 38886
section, the average daily membership figure of any local, city, 38887
exempted village, or joint vocational school district shall be 38888
determined by dividing the figure representing the sum of the 38889
number of pupils enrolled during each day the school of attendance 38890
is actually open for instruction during the week for which the 38891
formula ADM is being certified by the total number of days the 38892
school was actually open for instruction during that week. For 38893
purposes of state funding, "enrolled" persons are only those 38894
pupils who are attending school, those who have attended school 38895
during the current school year and are absent for authorized 38896
reasons, and those children with disabilities currently receiving 38897
home instruction. 38898

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February. Division (F)(1) of this section does not apply after fiscal year 2006.

(2) If on the first school day of April the total number of classes or units for preschool children with disabilities that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed

in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code. 38931
38932

(3) If a student attending a community school under Chapter 38933
3314. or a science, technology, engineering, and mathematics 38934
school established under Chapter 3326. of the Revised Code is not 38935
included in the formula ADM certified for the school district in 38936
which the student is entitled to attend school under section 38937
3313.64 or 3313.65 of the Revised Code, the department of 38938
education shall adjust the formula ADM of that school district to 38939
include the student in accordance with division (C)(2) of this 38940
section, and shall recalculate the school district's payments 38941
under this chapter for the entire fiscal year on the basis of that 38942
adjusted formula ADM. This requirement applies regardless of 38943
whether the student was enrolled, as defined in division (E) of 38944
this section, in the community school or the science, technology, 38945
engineering, and mathematics school during the week for which the 38946
formula ADM is being certified. 38947

(4) If a student awarded an educational choice scholarship is 38948
not included in the formula ADM of the school district from which 38949
the department deducts funds for the scholarship under section 38950
3310.08 of the Revised Code, the department shall adjust the 38951
formula ADM of that school district to include the student to the 38952
extent necessary to account for the deduction, and shall 38953
recalculate the school district's payments under this chapter for 38954
the entire fiscal year on the basis of that adjusted formula ADM. 38955
This requirement applies regardless of whether the student was 38956
enrolled, as defined in division (E) of this section, in the 38957
chartered nonpublic school, the school district, or a community 38958
school during the week for which the formula ADM is being 38959
certified. 38960

(5) If a student awarded a scholarship under the special 38961
education scholarship pilot program is not included in the formula 38962

ADM of the school district from which the department deducts funds 38963
for the scholarship under section 3310.55 of the Revised Code, the 38964
department shall adjust the formula ADM of that school district to 38965
include the student to the extent necessary to account for the 38966
deduction, and shall recalculate the school district's payments 38967
under this chapter for the entire fiscal year on the basis of that 38968
adjusted formula ADM. This requirement applies regardless of 38969
whether the student was enrolled, as defined in division (E) of 38970
this section, in an alternative public provider, a registered 38971
private provider, or the school district during the week for which 38972
the formula ADM is being certified. 38973

(G)(1)(a) The superintendent of an institution operating a 38974
special education program pursuant to section 3323.091 of the 38975
Revised Code shall, for the programs under such superintendent's 38976
supervision, certify to the state board of education, in the 38977
manner prescribed by the superintendent of public instruction, 38978
both of the following: 38979

(i) The average daily membership of all children with 38980
disabilities other than preschool children with disabilities 38981
receiving services at the institution for each category of 38982
disability described in divisions (A) to (F) of section 3317.013 38983
of the Revised Code; 38984

(ii) The average daily membership of all preschool children 38985
with disabilities in classes or programs approved annually by the 38986
department of education for unit funding under section 3317.05 of 38987
the Revised Code. 38988

(b) The superintendent of an institution with vocational 38989
education units approved under division (A) of section 3317.05 of 38990
the Revised Code shall, for the units under the superintendent's 38991
supervision, certify to the state board of education the average 38992
daily membership in those units, in the manner prescribed by the 38993
superintendent of public instruction. 38994

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with disabilities by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

(b) If the department determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) of this section, the department shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in sections 3317.052 and 3317.053 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides

instruction for a nonresident pupil whose attendance is 39026
unauthorized attendance as defined in section 3327.06 of the 39027
Revised Code, that pupil's membership shall not be included in 39028
that district's membership figure used in the calculation of that 39029
district's formula ADM or included in the determination of any 39030
unit approved for the district under section 3317.05 of the 39031
Revised Code. The reporting official shall report separately the 39032
average daily membership of all pupils whose attendance in the 39033
district is unauthorized attendance, and the membership of each 39034
such pupil shall be credited to the school district in which the 39035
pupil is entitled to attend school under division (B) of section 39036
3313.64 or section 3313.65 of the Revised Code as determined by 39037
the department of education. 39038

(I)(1) A city, local, exempted village, or joint vocational 39039
school district admitting a scholarship student of a pilot project 39040
district pursuant to division (C) of section 3313.976 of the 39041
Revised Code may count such student in its average daily 39042
membership. 39043

(2) In any year for which funds are appropriated for pilot 39044
project scholarship programs, a school district implementing a 39045
state-sponsored pilot project scholarship program that year 39046
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 39047
count in average daily membership: 39048

(a) All children residing in the district and utilizing a 39049
scholarship to attend kindergarten in any alternative school, as 39050
defined in section 3313.974 of the Revised Code; 39051

(b) All children who were enrolled in the district in the 39052
preceding year who are utilizing a scholarship to attend any such 39053
alternative school. 39054

(J) The superintendent of each cooperative education school 39055
district shall certify to the superintendent of public 39056

instruction, in a manner prescribed by the state board of 39057
education, the applicable average daily memberships for all 39058
students in the cooperative education district, also indicating 39059
the city, local, or exempted village district where each pupil is 39060
entitled to attend school under section 3313.64 or 3313.65 of the 39061
Revised Code. 39062

(K) If the superintendent of public instruction determines 39063
that a component of the formula ADM certified or reported by a 39064
district superintendent, or other reporting entity, is not 39065
correct, the superintendent of public instruction may order that 39066
the formula ADM used for the purposes of payments under any 39067
section of Title XXXVIII of the Revised Code be adjusted in the 39068
amount of the error. 39069

Sec. 3317.063. The superintendent of public instruction, in 39070
accordance with rules adopted by the department of education, 39071
shall annually reimburse each chartered nonpublic school for the 39072
actual mandated service administrative and clerical costs incurred 39073
by such school during the preceding school year in preparing, 39074
maintaining, and filing reports, forms, and records, and in 39075
providing such other administrative and clerical services that are 39076
not an integral part of the teaching process as may be required by 39077
state law or rule or by requirements duly promulgated by city, 39078
exempted village, or local school districts. The mandated service 39079
costs reimbursed pursuant to this section shall include, but are 39080
not limited to, the preparation, filing and maintenance of forms, 39081
reports, or records and other clerical and administrative services 39082
relating to state chartering or approval of the nonpublic school, 39083
pupil attendance, pupil health and health testing, transportation 39084
of pupils, federally funded education programs, pupil appraisal, 39085
pupil progress, educator licensure, unemployment and workers' 39086
compensation, transfer of pupils, and such other education related 39087
data which are now or hereafter shall be required of such 39088

nonpublic school by state law or rule, or by requirements of the 39089
state department of education, other state agencies, or city, 39090
exempted village, or local school districts. 39091

The reimbursement required by this section shall be for 39092
school years beginning on or after July 1, 1981. 39093

Each nonpublic school which seeks reimbursement pursuant to 39094
this section shall submit to the superintendent of public 39095
instruction an application together with such additional reports 39096
and documents as the department of education may require. Such 39097
application, reports, and documents shall contain such information 39098
as the department of education may prescribe in order to carry out 39099
the purposes of this section. No payment shall be made until the 39100
superintendent of public instruction has approved such 39101
application. 39102

Each nonpublic school which applies for reimbursement 39103
pursuant to this section shall maintain a separate account or 39104
system of accounts for the expenses incurred in rendering the 39105
required services for which reimbursement is sought. Such accounts 39106
shall contain such information as is required by the department of 39107
education and shall be maintained in accordance with rules adopted 39108
by the department of education. 39109

Reimbursement payments to a nonpublic school pursuant to this 39110
section shall not exceed an amount for each school year equal to 39111
three hundred twenty-five dollars per pupil enrolled in that 39112
nonpublic school. 39113

The superintendent of public instruction may, from time to 39114
time, examine any and all accounts and records of a nonpublic 39115
school which have been maintained pursuant to this section in 39116
support of an application for reimbursement, for the purpose of 39117
determining the costs to such school of rendering the services for 39118
which reimbursement is sought. If after such audit it is 39119

determined that any school has received funds in excess of the 39120
actual cost of providing such services, said school shall 39121
immediately reimburse the state in such excess amount. 39122

Any payments made to chartered nonpublic schools under this 39123
section may be disbursed without submission to and approval of the 39124
controlling board. 39125

Sec. 3317.08. A board of education may admit to its schools a 39126
child it is not required by section 3313.64 or 3313.65 of the 39127
Revised Code to admit, if tuition is paid for the child. 39128

Unless otherwise provided by law, tuition shall be computed 39129
in accordance with this section. A district's tuition charge for a 39130
school year shall be one of the following: 39131

(A) For any child, except a preschool child with a disability 39132
described in division (B) of this section, the quotient obtained 39133
by dividing the sum of the amounts described in divisions (A)(1) 39134
and (2) of this section by the district's formula ADM. 39135
39136

(1) The district's total taxes charged and payable for 39137
current expenses for the tax year preceding the tax year in which 39138
the school year begins as certified under division (A)(3) of 39139
section 3317.021 of the Revised Code. 39140

(2) The district's total taxes collected for current expenses 39141
under a school district income tax adopted pursuant to section 39142
5748.03 or 5748.08 of the Revised Code that are disbursed to the 39143
district during the fiscal year, excluding any income tax receipts 39144
allocated for the project cost, debt service, or maintenance 39145
set-aside associated with a state-assisted classroom facilities 39146
project as authorized by section 3318.052 of the Revised Code. On 39147
or before the first day of June of each year, the tax commissioner 39148
shall certify the amount to be used in the calculation under this 39149

division for the next fiscal year to the department of education 39150
and the office of budget and management for each city, local, and 39151
exempted village school district that levies a school district 39152
income tax. 39153

(B) For any preschool child with a disability not included in 39154
a unit approved under division (B) of section 3317.05 of the 39155
Revised Code, an amount computed for the school year as follows: 39156

(1) For each type of special education service provided to 39157
the child for whom tuition is being calculated, determine the 39158
amount of the district's operating expenses in providing that type 39159
of service to all preschool children with disabilities not 39160
included in units approved under division (B) of section 3317.05 39161
of the Revised Code; 39162

(2) For each type of special education service for which 39163
operating expenses are determined under division (B)(1) of this 39164
section, determine the amount of such operating expenses that was 39165
paid from any state funds received under this chapter; 39166

(3) For each type of special education service for which 39167
operating expenses are determined under division (B)(1) of this 39168
section, divide the difference between the amount determined under 39169
division (B)(1) of this section and the amount determined under 39170
division (B)(2) of this section by the total number of preschool 39171
children with disabilities not included in units approved under 39172
division (B) of section 3317.05 of the Revised Code who received 39173
that type of service; 39174

(4) Determine the sum of the quotients obtained under 39175
division (B)(3) of this section for all types of special education 39176
services provided to the child for whom tuition is being 39177
calculated. 39178

The state board of education shall adopt rules defining the 39179
types of special education services and specifying the operating 39180

expenses to be used in the computation under this section. 39181

If any child for whom a tuition charge is computed under this 39182
section for any school year is enrolled in a district for only 39183
part of that school year, the amount of the district's tuition 39184
charge for the child for the school year shall be computed in 39185
proportion to the number of school days the child is enrolled in 39186
the district during the school year. 39187

Except as otherwise provided in division (J) of section 39188
3313.64 of the Revised Code, whenever a district admits a child to 39189
its schools for whom tuition computed in accordance with this 39190
section is an obligation of another school district, the amount of 39191
the tuition shall be certified by the treasurer of the board of 39192
education of the district of attendance, to the board of education 39193
of the district required to pay tuition for its approval and 39194
payment. If agreement as to the amount payable or the district 39195
required to pay the tuition cannot be reached, or the board of 39196
education of the district required to pay the tuition refuses to 39197
pay that amount, the board of education of the district of 39198
attendance shall notify the superintendent of public instruction. 39199
The superintendent shall determine the correct amount and the 39200
district required to pay the tuition and shall deduct that amount, 39201
if any, under division (G) of section 3317.023 of the Revised 39202
Code, from the district required to pay the tuition and add that 39203
amount to the amount allocated to the district attended under such 39204
division. The superintendent of public instruction shall send to 39205
the district required to pay the tuition an itemized statement 39206
showing such deductions at the time of such deduction. 39207

When a political subdivision owns and operates an airport, 39208
welfare, or correctional institution or other project or facility 39209
outside its corporate limits, the territory within which the 39210
facility is located is exempt from taxation by the school district 39211
within which such territory is located, and there are school age 39212

children residing within such territory, the political subdivision 39213
owning such tax exempt territory shall pay tuition to the district 39214
in which such children attend school. The tuition for these 39215
children shall be computed as provided for in this section. 39216

Sec. 3318.37. (A)(1) As used in this section: 39217

(a) "Large land area school district" means a school district 39218
with a territory of greater than three hundred square miles in any 39219
percentile as determined under section 3318.011 of the Revised 39220
Code. 39221

(b) "Low wealth school district" means a school district in 39222
the first through seventy-fifth percentiles as determined under 39223
section 3318.011 of the Revised Code. 39224

(c) A "school district with an exceptional need for immediate 39225
classroom facilities assistance" means a low wealth or large land 39226
area school district with an exceptional need for new facilities 39227
in order to protect the health and safety of all or a portion of 39228
its students. 39229

~~(2) No school district reasonably expected to be eligible for 39230
state assistance under sections 3318.01 to 3318.20 of the Revised 39231
Code within three fiscal years after the year of the application 39232
for assistance under this section shall be eligible for assistance 39233
under this section, unless the district's entire classroom 39234
facilities plan consists of only a single building designed to 39235
house grades kindergarten through twelve and the district 39236
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 39237
of this section. 39238~~

~~(3) No school district that participates in the school 39239
building assistance expedited local partnership program under 39240
section 3318.36 of the Revised Code shall receive assistance under 39241
the program established under this section unless the following 39242~~

conditions are satisfied: 39243

(a) The district board adopted a resolution certifying its 39244
intent to participate in the school building assistance expedited 39245
local partnership program under section 3318.36 of the Revised 39246
Code prior to September 14, 2000. 39247

(b) The district was selected by the Ohio school facilities 39248
commission for participation in the school building assistance 39249
expedited local partnership program under section 3318.36 of the 39250
Revised Code in the manner prescribed by the commission under that 39251
section as it existed prior to September 14, 2000. 39252

(B)(1) There is hereby established the exceptional needs 39253
school facilities assistance program. Under the program, the Ohio 39254
school facilities commission may set aside from the moneys 39255
annually appropriated to it for classroom facilities assistance 39256
projects up to twenty-five per cent for assistance to school 39257
districts with exceptional needs for immediate classroom 39258
facilities assistance. 39259

(2)(a) After consulting with education and construction 39260
experts, the commission shall adopt guidelines for identifying 39261
school districts with an exceptional need for immediate classroom 39262
facilities assistance. 39263

(b) The guidelines shall include application forms and 39264
instructions for school districts to use in applying for 39265
assistance under this section. 39266

(3) The commission shall evaluate the classroom facilities, 39267
and the need for replacement classroom facilities from the 39268
applications received under this section. The commission, 39269
utilizing the guidelines adopted under division (B)(2)(a) of this 39270
section, shall prioritize the school districts to be assessed. 39271

Notwithstanding section 3318.02 of the Revised Code, the 39272
commission may conduct on-site evaluation of the school districts 39273

prioritized under this section and approve and award funds until 39274
such time as all funds set aside under division (B)(1) of this 39275
section have been encumbered. However, the commission need not 39276
conduct the evaluation of facilities if the commission determines 39277
that a district's assessment conducted under section 3318.36 of 39278
the Revised Code is sufficient for purposes of this section. 39279

(4) Notwithstanding division (A) of section 3318.05 of the 39280
Revised Code, the school district's portion of the basic project 39281
cost under this section shall be the "required percentage of the 39282
basic project costs," as defined in division (K) of section 39283
3318.01 of the Revised Code. 39284

(5) Except as otherwise specified in this section, any 39285
project undertaken with assistance under this section shall comply 39286
with all provisions of sections 3318.01 to 3318.20 of the Revised 39287
Code. A school district may receive assistance under sections 39288
3318.01 to 3318.20 of the Revised Code for the remainder of the 39289
district's classroom facilities needs as assessed under this 39290
section when the district is eligible for such assistance pursuant 39291
to section 3318.02 of the Revised Code, but any classroom facility 39292
constructed with assistance under this section shall not be 39293
included in a district's project at that time unless the 39294
commission determines the district has experienced the increased 39295
enrollment specified in division (B)(1) of section 3318.04 of the 39296
Revised Code. 39297

(C) No school district shall receive assistance under this 39298
section for a classroom facility that has been included in the 39299
discrete part of the district's classroom facilities needs 39300
identified and addressed in the district's project pursuant to an 39301
agreement entered into under section 3318.36 of the Revised Code, 39302
unless the district's entire classroom facilities plan consists of 39303
only a single building designed to house grades kindergarten 39304
through twelve. 39305

Sec. 3318.44. (A) A joint vocational school district board of education may generate the school district's portion of the basic project cost of its project under sections 3318.40 to 3318.45 of the Revised Code using any combination of the following means if lawfully employed for the acquisition of classroom facilities:

- (1) The issuance of securities in accordance with Chapter 133. and section 3311.20 of the Revised Code;
- (2) Local donated contributions as authorized under section 3318.084 of the Revised Code;
- (3) A levy for permanent improvements under section 3311.21 or 5705.21 of the Revised Code;
- (4) Bonds issued pursuant to division (B) of this section.

(B) By resolution adopted by a majority of all its members, a school district board, in order to pay all or part of the school district's portion of its basic project cost, may apply the proceeds of a tax levied under section 5705.21 of the Revised Code for general permanent improvements if the proceeds of that levy lawfully may be used for general construction, renovation, repair, or maintenance of classroom facilities to ~~leverage pay debt charges on and financing costs related to bonds adequate issued to~~ pay all or part of the school district portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code or to generate an amount equivalent to all or part of the amount required under section 3318.43 of the Revised Code to be used for maintenance of classroom facilities acquired under the project. Bonds issued under this division shall be Chapter 133. securities, and may be issued as general obligation securities, but the issuance of the bonds shall not be subject to a vote of the electors of the school district as long as the tax proceeds earmarked for payment of the ~~service debt~~ charges on the bonds may lawfully be used for that

purpose. Such bonds shall not be included in the calculation of 39337
net indebtedness under section 133.06 of the Revised Code if the 39338
resolution authorizing their issuance includes covenants to 39339
appropriate annually, from lawfully available proceeds of a 39340
property tax levied under section 5705.21 of the Revised Code, and 39341
to continue to levy that tax in amounts necessary to pay the debt 39342
charges on and financing costs related to the bonds as they become 39343
due. No property tax levied under section 5705.21 of the Revised 39344
Code that is pledged, or that the school district has covenanted 39345
to levy, collect, and appropriate annually to pay the debt charges 39346
on and financing costs related to the bonds under this section may 39347
be repealed while those bonds are outstanding. If such a tax is 39348
reduced by electors of the district or by the board of education 39349
while the bonds are outstanding, the board of education shall 39350
continue to levy and collect the tax under the authority of the 39351
original election authorizing the tax at a rate in each year that 39352
the board reasonably estimates will produce an amount in that year 39353
equal to the debt charges on the bonds in that year. 39354

No state moneys shall be released for a project to which this 39355
division applies until the proceeds of any bonds issued under this 39356
division that are dedicated for payment of the school district's 39357
portion of the basic project cost are first deposited into the 39358
school district's project construction fund. 39359

(C) A school district board of education may adopt a 39360
resolution proposing that any of the following questions be 39361
combined with a question specified in section 3318.45 of the 39362
Revised Code: 39363

(1) A bond issue question under section 133.18 of the Revised 39364
Code; 39365

(2) A tax levy question under section 3311.21 of the Revised 39366
Code; 39367

(3) A tax levy question under section 5705.21 of the Revised Code. 39368
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Any question described in divisions (C)(1) to (3) of this section that is combined with a question proposed under section 3318.45 of the Revised Code shall be for the purpose of either paying for any permanent improvement, as defined in section 133.01 of the Revised Code, or generating operating revenue specifically for the facilities acquired under the school district's project under Chapter 3318. of the Revised Code or for both to the extent such purposes are permitted by the sections of law under which each is proposed. 39370
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(D) The board of education of a joint vocational school district that receives assistance under this section may enter into an agreement for joint issuance of bonds as provided for in section 3318.085 of the Revised Code. 39379
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Sec. 3319.073. ~~(A)~~ The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop, in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training ~~for persons employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator~~ in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in ~~an elementary~~ a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training ~~in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development~~ within two 39383
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years of commencing employment with the district or center, and 39399
every five years thereafter. A person who is employed by any 39400
school district or service center to work in an elementary school 39401
as a nurse, teacher, counselor, school psychologist, or 39402
administrator on ~~the effective date of this amendment~~ March 30, 39403
2007, shall complete at least four hours of the in-service 39404
training ~~required by this section within two years of the~~ 39405
~~effective date of this amendment~~ not later than March 30, 2009, 39406
and every five years thereafter. A person who is employed by any 39407
school district or service center to work in a middle or high 39408
school as a nurse, teacher, counselor, school psychologist, or 39409
administrator on the effective date of this amendment shall 39410
complete at least four hours of the in-service training not later 39411
than two years after the effective date of this amendment and 39412
every five years thereafter. 39413

(B) Each board shall incorporate training in school safety 39414
and violence prevention into the in-service training required by 39415
division (A) of this section. For this purpose, the board shall 39416
adopt or adapt the curriculum developed by the department or shall 39417
develop its own curriculum in consultation with public or private 39418
agencies or persons involved in school safety and violence 39419
prevention programs. 39420

Sec. 3319.08. (A) The board of education of each city, 39421
exempted village, local, and joint vocational school district and 39422
the governing board of each educational service center shall enter 39423
into written contracts for the employment and reemployment of all 39424
teachers. Contracts for the employment of teachers shall be of two 39425
types, limited contracts and continuing contracts. The board of 39426
each ~~such~~ school district or service center that authorizes 39427
compensation in addition to the base salary stated in the 39428
teachers' salary schedule for the performance of duties by a 39429
teacher that are in addition to the teacher's regular teaching 39430

duties, shall enter into a supplemental written contract with each 39431
teacher who is to perform additional duties. Such supplemental 39432
written contracts shall be limited contracts. Such written 39433
contracts and supplemental written contracts shall set forth the 39434
teacher's duties and shall specify the salaries and compensation 39435
to be paid for regular teaching duties and additional teaching 39436
duties, respectively, either or both of which may be increased but 39437
not diminished during the term for which the contract is made, 39438
except as provided in section 3319.12 of the Revised Code. 39439

If a board adopts a motion or resolution to employ a teacher 39440
under a limited or continuing contract and the teacher accepts 39441
such employment, the failure of such parties to execute a written 39442
contract shall not void such employment contract. 39443

(B) Teachers must be paid for all time lost when the schools 39444
in which they are employed are closed due to an epidemic or other 39445
public calamity, and for time lost due to illness or otherwise for 39446
not less than five days annually as authorized by regulations 39447
which each board shall adopt. 39448

~~Contracts for the employment of teachers shall be of two 39449
types, limited contracts and continuing contracts. 39450~~

~~(A)~~(C) A limited contract is: 39451

(1) For a superintendent, a contract for such term as 39452
authorized by section 3319.01 of the Revised Code; 39453

(2) For an assistant superintendent, principal, assistant 39454
principal, or other administrator, a contract for such term as 39455
authorized by section 3319.02 of the Revised Code; 39456

(3) For all other teachers, a contract for a term not to 39457
exceed five years. 39458

~~(B)~~(D) A continuing contract is a contract that remains in 39459
effect until the teacher resigns, elects to retire, or is retired 39460

pursuant to former section 3307.37 of the Revised Code, or until 39461
it is terminated or suspended and shall be granted only to the 39462
following: 39463

(1) Any teacher holding a professional, permanent, or life 39464
teacher's certificate; 39465

(2) Any teacher ~~holding a professional educator license~~ who 39466
meets the following conditions: 39467

(a) The teacher was initially issued a teacher's certificate 39468
or educator license prior to January 1, 2011. 39469

(b) The teacher holds a professional educator license issued 39470
under section 3319.22 or 3319.222 or former section 3319.22 of the 39471
Revised Code or a senior professional educator license or lead 39472
professional educator license issued under section 3319.22 of the 39473
Revised Code. 39474

(c) The teacher has completed the applicable one of the 39475
following: 39476

~~(a)~~(i) If the teacher did not hold a ~~masters~~ master's degree 39477
at the time of initially receiving a teacher's certificate under 39478
former law or an educator license, thirty semester hours of 39479
coursework in the area of licensure or in an area related to the 39480
teaching field since the initial issuance of such certificate or 39481
license, as specified in rules which the state board of education 39482
shall adopt; 39483

~~(b)~~(ii) If the teacher held a ~~masters~~ master's degree at the 39484
time of initially receiving a teacher's certificate under former 39485
law or an educator license, six semester hours of graduate 39486
coursework in the area of licensure or in an area related to the 39487
teaching field since the initial issuance of such certificate or 39488
license, as specified in rules which the state board ~~of education~~ 39489
shall adopt. 39490

This (3) Any teacher who meets the following conditions: 39491

(a) The teacher never held a teacher's certificate and was initially issued an educator license on or after January 1, 2011. 39492
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(b) The teacher holds a professional educator license, senior professional educator license, or lead professional educator license issued under section 3319.22 of the Revised Code. 39494
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(c) The teacher has held an educator license for at least nine years. 39497
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(d) The teacher has completed the applicable one of the following: 39499
39500

(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt; 39501
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(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt. 39506
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(E) Division (D) of this section applies only to continuing contracts entered into on or after August 18, 1969 the effective date of this amendment. Nothing in that division shall be construed to void or otherwise affect a continuing contract entered into prior to that date. 39511
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Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of division (D)(3) of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment. 39516
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(F) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute teaching issued under section 3319.226 of the Revised Code.

Sec. 3319.088. As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B)(1) Any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license

pursuant to this section is subject to sections 3123.41 to 3123.50 39552
of the Revised Code and any applicable rules adopted under section 39553
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 39554
the Revised Code. 39555

(C) Educational assistants shall at all times while in the 39556
performance of their duties be under the supervision and direction 39557
of a teacher as defined in section 3319.09 of the Revised Code. 39558
Educational assistants may assist a teacher to whom assigned in 39559
the supervision of pupils, in assisting with instructional tasks, 39560
and in the performance of duties which, in the judgment of the 39561
teacher to whom the assistant is assigned, may be performed by a 39562
person not licensed pursuant to sections 3319.22 to 3319.30 of the 39563
Revised Code and for which a teaching license, issued pursuant to 39564
sections 3319.22 to 3319.30 of the Revised Code is not required. 39565
The duties of an educational assistant shall not include the 39566
assignment of grades to pupils. The duties of an educational 39567
~~assistants~~ assistant need not be performed in the physical 39568
presence of the teacher to whom assigned, but the activity of an 39569
educational assistant shall at all times be under the direction of 39570
the teacher to whom assigned. The assignment of an educational 39571
assistant need not be limited to assisting a single teacher. In 39572
the event an educational assistant is assigned to assist more than 39573
one teacher the assignments shall be clearly delineated and so 39574
arranged that the educational assistant shall never be subject to 39575
simultaneous supervision or direction by more than one teacher. 39576

Educational assistants assigned to supervise children shall, 39577
when the teacher to whom assigned is not physically present, 39578
maintain the degree of control and discipline ~~which~~ that would be 39579
maintained by the teacher, but an educational assistant may not 39580
render corporal punishment. 39581

Except when expressly permitted solely for the purposes of 39582
section 3317.029 of the Revised Code, educational assistants may 39583

not be used in place of classroom teachers or other employees and 39584
any payment of compensation by boards of education to educational 39585
assistants for such services is prohibited. The ratio between the 39586
number of licensed teachers and the pupils in a school district 39587
may not be decreased by utilization of educational assistants and 39588
no grouping, or other organization of pupils, for utilization of 39589
educational assistants shall be established which is inconsistent 39590
with sound educational practices and procedures. A school district 39591
may employ up to one full time equivalent educational assistant 39592
for each six full time equivalent licensed employees of the 39593
district. Educational assistants shall not be counted as licensed 39594
employees for purposes of state support in the school foundation 39595
program and no grouping or regrouping of pupils with educational 39596
assistants may be counted as a class or unit for school foundation 39597
program purposes. Neither special courses required by the 39598
regulations of the state board of education, prescribing minimum 39599
qualifications of education for an educational assistant, nor 39600
years of service as an educational assistant shall be counted in 39601
any way toward qualifying for a teacher license, for a teacher 39602
contract of any type, or for determining placement on a salary 39603
schedule in a school district as a teacher. 39604

(D) Educational assistants employed by a board of education 39606
shall have all rights, benefits, and legal protection available to 39607
other nonteaching employees in the school district, except that 39608
provisions of Chapter 124. of the Revised Code shall not apply to 39609
any person employed as an educational assistant, and shall be 39610
members of the school employees retirement system. Educational 39611
assistants shall be compensated according to a salary plan adopted 39612
annually by the board. 39613

Except as provided in this section nonteaching employees 39614
shall not serve as educational assistants without first obtaining 39615

an appropriate educational aide permit or educational 39616
paraprofessional license from the state board of education. A 39617
nonteaching employee who is the holder of a valid educational aide 39618
permit or educational paraprofessional license shall neither 39619
render nor be required to render services inconsistent with the 39620
type of services authorized by the permit or license held. No 39621
person shall receive compensation from a board of education for 39622
services rendered as an educational assistant in violation of this 39623
provision. 39624

Nonteaching employees whose functions are solely 39625
secretarial-clerical and who do not perform any other duties as 39626
educational assistants, even though they assist a teacher and work 39627
under the direction of a teacher shall not be required to hold a 39628
permit or license issued pursuant to this section. Students 39629
preparing to become licensed teachers or educational assistants 39630
shall not be required to hold an educational aide permit or 39631
paraprofessional license for such periods of time as such students 39632
are assigned, as part of their training program, to work with a 39633
teacher in a school district. Such students shall not be 39634
compensated for such services. 39635

Following the determination of the assignment and general job 39636
description of an educational assistant and subject to supervision 39637
by the teacher's immediate administrative officer, a teacher to 39638
whom an educational assistant is assigned shall make all final 39639
determinations of the duties to be assigned to such assistant. 39640
Teachers shall not be required to hold a license designated for 39641
being a supervisor or administrator in order to perform the 39642
necessary supervision of educational assistants. 39643

(E) No person who is, or who has been employed as an 39644
educational assistant shall divulge, except to the teacher to whom 39645
assigned, or the administrator of the school in the absence of the 39646
teacher to whom assigned, or when required to testify in a court 39647

or proceedings, any personal information concerning any pupil in 39648
the school district which was obtained or obtainable by the 39649
educational assistant while so employed. Violation of this 39650
provision is grounds for disciplinary action or dismissal, or 39651
both. 39652

Sec. 3319.11. (A) As used in this section: 39653

(1) "Evaluation procedures" means the procedures adopted 39654
pursuant to division (B) of section 3319.111 of the Revised Code. 39655

(2) "Limited contract" means a limited contract, as described 39656
in section 3319.08 of the Revised Code, that a school district 39657
board of education or governing board of an educational service 39658
center enters into with a teacher who is not eligible for 39659
continuing service status. 39660

(3) "Extended limited contract" means a limited contract, as 39661
described in section 3319.08 of the Revised Code, that a board of 39662
education or governing board enters into with a teacher who is 39663
eligible for continuing service status. 39664

(B) Teachers eligible for continuing service status in any 39665
city, exempted village, local, or joint vocational school district 39666
or educational service center shall be those teachers qualified as 39667
described in division ~~(B)(1) or (2)~~(D) of section 3319.08 of the 39668
Revised Code, who within the last five years have taught for at 39669
least three years in the district or center, and those teachers 39670
who, having attained continuing contract status elsewhere, have 39671
served two years in the district or center, but the board, upon 39672
the recommendation of the superintendent, may at the time of 39673
employment or at any time within such two-year period, declare any 39674
of the latter teachers eligible. 39675

(1) Upon the recommendation of the superintendent that a 39676
teacher eligible for continuing service status be reemployed, a 39677

continuing contract shall be entered into between the board and 39678
the teacher unless the board by a three-fourths vote of its full 39679
membership rejects the recommendation of the superintendent. If 39680
the board rejects by a three-fourths vote of its full membership 39681
the recommendation of the superintendent that a teacher eligible 39682
for continuing service status be reemployed and the superintendent 39683
makes no recommendation to the board pursuant to division (C) of 39684
this section, the board may declare its intention not to reemploy 39685
the teacher by giving the teacher written notice on or before the 39686
thirtieth day of April of its intention not to reemploy the 39687
teacher. If evaluation procedures have not been complied with 39688
pursuant to division (A) of section 3319.111 of the Revised Code 39689
or the board does not give the teacher written notice on or before 39690
the thirtieth day of April of its intention not to reemploy the 39691
teacher, the teacher is deemed reemployed under an extended 39692
limited contract for a term not to exceed one year at the same 39693
salary plus any increment provided by the salary schedule. The 39694
teacher is presumed to have accepted employment under the extended 39695
limited contract for a term not to exceed one year unless such 39696
teacher notifies the board in writing to the contrary on or before 39697
the first day of June, and an extended limited contract for a term 39698
not to exceed one year shall be executed accordingly. Upon any 39699
subsequent reemployment of the teacher only a continuing contract 39700
may be entered into. 39701

(2) If the superintendent recommends that a teacher eligible 39702
for continuing service status not be reemployed, the board may 39703
declare its intention not to reemploy the teacher by giving the 39704
teacher written notice on or before the thirtieth day of April of 39705
its intention not to reemploy the teacher. If evaluation 39706
procedures have not been complied with pursuant to division (A) of 39707
section 3319.111 of the Revised Code or the board does not give 39708
the teacher written notice on or before the thirtieth day of April 39709
of its intention not to reemploy the teacher, the teacher is 39710

deemed reemployed under an extended limited contract for a term 39711
not to exceed one year at the same salary plus any increment 39712
provided by the salary schedule. The teacher is presumed to have 39713
accepted employment under the extended limited contract for a term 39714
not to exceed one year unless such teacher notifies the board in 39715
writing to the contrary on or before the first day of June, and an 39716
extended limited contract for a term not to exceed one year shall 39717
be executed accordingly. Upon any subsequent reemployment of a 39718
teacher only a continuing contract may be entered into. 39719

(3) Any teacher receiving written notice of the intention of 39720
a board not to reemploy such teacher pursuant to this division is 39721
entitled to the hearing provisions of division (G) of this 39722
section. 39723

(C)(1) If a board rejects the recommendation of the 39724
superintendent for reemployment of a teacher pursuant to division 39725
(B)(1) of this section, the superintendent may recommend 39726
reemployment of the teacher, if continuing service status has not 39727
previously been attained elsewhere, under an extended limited 39728
contract for a term not to exceed two years, provided that written 39729
notice of the superintendent's intention to make such 39730
recommendation has been given to the teacher with reasons directed 39731
at the professional improvement of the teacher on or before the 39732
thirtieth day of April. Upon subsequent reemployment of the 39733
teacher only a continuing contract may be entered into. 39734

(2) If a board of education takes affirmative action on a 39735
superintendent's recommendation, made pursuant to division (C)(1) 39736
of this section, of an extended limited contract for a term not to 39737
exceed two years but the board does not give the teacher written 39738
notice of its affirmative action on the superintendent's 39739
recommendation of an extended limited contract on or before the 39740
thirtieth day of April, the teacher is deemed reemployed under a 39741
continuing contract at the same salary plus any increment provided 39742

by the salary schedule. The teacher is presumed to have accepted 39743
employment under such continuing contract unless such teacher 39744
notifies the board in writing to the contrary on or before the 39745
first day of June, and a continuing contract shall be executed 39746
accordingly. 39747

(3) A board shall not reject a superintendent's 39748
recommendation, made pursuant to division (C)(1) of this section, 39749
of an extended limited contract for a term not to exceed two years 39750
except by a three-fourths vote of its full membership. If a board 39751
rejects by a three-fourths vote of its full membership the 39752
recommendation of the superintendent of an extended limited 39753
contract for a term not to exceed two years, the board may declare 39754
its intention not to reemploy the teacher by giving the teacher 39755
written notice on or before the thirtieth day of April of its 39756
intention not to reemploy the teacher. If evaluation procedures 39757
have not been complied with pursuant to division (A) of section 39758
3319.111 of the Revised Code or if the board does not give the 39759
teacher written notice on or before the thirtieth day of April of 39760
its intention not to reemploy the teacher, the teacher is deemed 39761
reemployed under an extended limited contract for a term not to 39762
exceed one year at the same salary plus any increment provided by 39763
the salary schedule. The teacher is presumed to have accepted 39764
employment under the extended limited contract for a term not to 39765
exceed one year unless such teacher notifies the board in writing 39766
to the contrary on or before the first day of June, and an 39767
extended limited contract for a term not to exceed one year shall 39768
be executed accordingly. Upon any subsequent reemployment of the 39769
teacher only a continuing contract may be entered into. 39770

Any teacher receiving written notice of the intention of a 39771
board not to reemploy such teacher pursuant to this division is 39772
entitled to the hearing provisions of division (G) of this 39773
section. 39774

(D) A teacher eligible for continuing contract status 39775
employed under an extended limited contract pursuant to division 39776
(B) or (C) of this section, is, at the expiration of such extended 39777
limited contract, deemed reemployed under a continuing contract at 39778
the same salary plus any increment granted by the salary schedule, 39779
unless evaluation procedures have been complied with pursuant to 39780
division (A) of section 3319.111 of the Revised Code and the 39781
employing board, acting on the superintendent's recommendation 39782
that the teacher not be reemployed, gives the teacher written 39783
notice on or before the thirtieth day of April of its intention 39784
not to reemploy such teacher. A teacher who does not have 39785
evaluation procedures applied in compliance with division (A) of 39786
section 3319.111 of the Revised Code or who does not receive 39787
notice on or before the thirtieth day of April of the intention of 39788
the board not to reemploy such teacher is presumed to have 39789
accepted employment under a continuing contract unless such 39790
teacher notifies the board in writing to the contrary on or before 39791
the first day of June, and a continuing contract shall be executed 39792
accordingly. 39793

Any teacher receiving a written notice of the intention of a 39794
board not to reemploy such teacher pursuant to this division is 39795
entitled to the hearing provisions of division (G) of this 39796
section. 39797

(E) A limited contract may be entered into by each board with 39798
each teacher who has not been in the employ of the board for at 39799
least three years and shall be entered into, regardless of length 39800
of previous employment, with each teacher employed by the board 39801
who ~~holds a provisional, temporary, or associate license, or who~~ 39802
~~holds a professional license and~~ is not eligible to be considered 39803
for a continuing contract. 39804

Any teacher employed under a limited contract, and not 39805
eligible to be considered for a continuing contract, is, at the 39806

expiration of such limited contract, considered reemployed under 39807
the provisions of this division at the same salary plus any 39808
increment provided by the salary schedule unless evaluation 39809
procedures have been complied with pursuant to division (A) of 39810
section 3319.111 of the Revised Code and the employing board, 39811
acting upon the superintendent's written recommendation that the 39812
teacher not be reemployed, gives such teacher written notice of 39813
its intention not to reemploy such teacher on or before the 39814
thirtieth day of April. A teacher who does not have evaluation 39815
procedures applied in compliance with division (A) of section 39816
3319.111 of the Revised Code or who does not receive notice of the 39817
intention of the board not to reemploy such teacher on or before 39818
the thirtieth day of April is presumed to have accepted such 39819
employment unless such teacher notifies the board in writing to 39820
the contrary on or before the first day of June, and a written 39821
contract for the succeeding school year shall be executed 39822
accordingly. 39823

Any teacher receiving a written notice of the intention of a 39824
board not to reemploy such teacher pursuant to this division is 39825
entitled to the hearing provisions of division (G) of this 39826
section. 39827

(F) The failure of a superintendent to make a recommendation 39828
to the board under any of the conditions set forth in divisions 39829
(B) to (E) of this section, or the failure of the board to give 39830
such teacher a written notice pursuant to divisions (C) to (E) of 39831
this section shall not prejudice or prevent a teacher from being 39832
deemed reemployed under either a limited or continuing contract as 39833
the case may be under the provisions of this section. A failure of 39834
the parties to execute a written contract shall not void any 39835
automatic reemployment provisions of this section. 39836

(G)(1) Any teacher receiving written notice of the intention 39837
of a board of education not to reemploy such teacher pursuant to 39838

division (B), (C)(3), (D), or (E) of this section may, within ten 39839
days of the date of receipt of the notice, file with the treasurer 39840
of the board a written demand for a written statement describing 39841
the circumstances that led to the board's intention not to 39842
reemploy the teacher. 39843

(2) The treasurer of a board, on behalf of the board, shall, 39844
within ten days of the date of receipt of a written demand for a 39845
written statement pursuant to division (G)(1) of this section, 39846
provide to the teacher a written statement describing the 39847
circumstances that led to the board's intention not to reemploy 39848
the teacher. 39849

(3) Any teacher receiving a written statement describing the 39850
circumstances that led to the board's intention not to reemploy 39851
the teacher pursuant to division (G)(2) of this section may, 39852
within five days of the date of receipt of the statement, file 39853
with the treasurer of the board a written demand for a hearing 39854
before the board pursuant to divisions (G)(4) to (6) of this 39855
section. 39856

(4) The treasurer of a board, on behalf of the board, shall, 39857
within ten days of the date of receipt of a written demand for a 39858
hearing pursuant to division (G)(3) of this section, provide to 39859
the teacher a written notice setting forth the time, date, and 39860
place of the hearing. The board shall schedule and conclude the 39861
hearing within forty days of the date on which the treasurer of 39862
the board receives a written demand for a hearing pursuant to 39863
division (G)(3) of this section. 39864

(5) Any hearing conducted pursuant to this division shall be 39865
conducted by a majority of the members of the board. The hearing 39866
shall be held in executive session of the board unless the board 39867
and the teacher agree to hold the hearing in public. The 39868
superintendent, assistant superintendent, the teacher, and any 39869
person designated by either party to take a record of the hearing 39870

may be present at the hearing. The board may be represented by 39871
counsel and the teacher may be represented by counsel or a 39872
designee. A record of the hearing may be taken by either party at 39873
the expense of the party taking the record. 39874

(6) Within ten days of the conclusion of a hearing conducted 39875
pursuant to this division, the board shall issue to the teacher a 39876
written decision containing an order affirming the intention of 39877
the board not to reemploy the teacher reported in the notice given 39878
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 39879
this section or an order vacating the intention not to reemploy 39880
and expunging any record of the intention, notice of the 39881
intention, and the hearing conducted pursuant to this division. 39882

(7) A teacher may appeal an order affirming the intention of 39883
the board not to reemploy the teacher to the court of common pleas 39884
of the county in which the largest portion of the territory of the 39885
school district or service center is located, within thirty days 39886
of the date on which the teacher receives the written decision, on 39887
the grounds that the board has not complied with this section 39888
~~3319.11~~ or section 3319.111 of the Revised Code. 39889

Notwithstanding section 2506.04 of the Revised Code, the 39890
court in an appeal under this division is limited to the 39891
determination of procedural errors and to ordering the correction 39892
of procedural errors and shall have no jurisdiction to order a 39893
board to reemploy a teacher, except that the court may order a 39894
board to reemploy a teacher in compliance with the requirements of 39895
division (B), (C)(3), (D), or (E) of this section when the court 39896
determines that evaluation procedures have not been complied with 39897
pursuant to division (A) of section 3319.111 of the Revised Code 39898
or the board has not given the teacher written notice on or before 39899
the thirtieth day of April of its intention not to reemploy the 39900
teacher pursuant to division (B), (C)(3), (D), or (E) of this 39901
section. Otherwise, the determination whether to reemploy or not 39902

reemploy a teacher is solely a board's determination and not a 39903
proper subject of judicial review and, except as provided in this 39904
division, no decision of a board whether to reemploy or not 39905
reemploy a teacher shall be invalidated by the court on any basis, 39906
including that the decision was not warranted by the results of 39907
any evaluation or was not warranted by any statement given 39908
pursuant to division (G)(2) of this section. 39909

No appeal of an order of a board may be made except as 39910
specified in this division. 39911

(H)(1) In giving a teacher any notice required by division 39912
(B), (C), (D), or (E) of this section, the board or the 39913
superintendent shall do either of the following: 39914

(a) Deliver the notice by personal service upon the teacher; 39915

(b) Deliver the notice by certified mail, return receipt 39916
requested, addressed to the teacher at the teacher's place of 39917
employment and deliver a copy of the notice by certified mail, 39918
return receipt requested, addressed to the teacher at the 39919
teacher's place of residence. 39920

(2) In giving a board any notice required by division (B), 39921
(C), (D), or (E) of this section, the teacher shall do either of 39922
the following: 39923

(a) Deliver the notice by personal delivery to the office of 39924
the superintendent during regular business hours; 39925

(b) Deliver the notice by certified mail, return receipt 39926
requested, addressed to the office of the superintendent and 39927
deliver a copy of the notice by certified mail, return receipt 39928
requested, addressed to the president of the board at the 39929
president's place of residence. 39930

(3) When any notice and copy of the notice are mailed 39931
pursuant to division (H)(1)(b) or (2)(b) of this section, the 39932

notice or copy of the notice with the earlier date of receipt 39933
shall constitute the notice for the purposes of division (B), (C), 39934
(D), or (E) of this section. 39935

(I) The provisions of this section shall not apply to any 39936
supplemental written contracts entered into pursuant to section 39937
3319.08 of the Revised Code. 39938

Sec. 3319.16. The contract of any teacher employed by the 39939
board of education of any city, exempted village, local, county, 39940
or joint vocational school district may not be terminated except 39941
for gross inefficiency or immorality; for willful and persistent 39942
violations of reasonable violation of written rules and 39943
regulations of as set forth by the board of education or for 39944
other good and just cause incompetency, inefficiency, dishonesty, 39945
drunkenness, immoral conduct, insubordination, discourteous 39946
treatment of the public, neglect of duty, or any other acts of 39947
misfeasance, malfeasance, or nonfeasance. Before Notwithstanding 39948
any provision to the contrary in Chapter 4117. of the Revised 39949
Code, the provisions of this section relating to the grounds for 39950
termination of the contract of a teacher prevail over any 39951
conflicting provisions of a collective bargaining agreement 39952
entered into after the effective date of this amendment. 39953

Before terminating any contract, the employing board shall 39954
furnish the teacher a written notice signed by its treasurer of 39955
its intention to consider the termination of ~~his~~ the teacher's 39956
contract with full specification of the grounds for such 39957
consideration. The board shall not proceed with formal action to 39958
terminate the contract until after the tenth day after receipt of 39959
the notice by the teacher. Within ten days after receipt of the 39960
notice from the treasurer of the board, the teacher may file with 39961
the treasurer a written demand for a hearing before the board or 39962
before a referee, and the board shall set a time for the hearing 39963

which shall be within thirty days from the date of receipt of the 39964
written demand, and the treasurer shall give the teacher at least 39965
twenty days' notice in writing of the time and place of the 39966
hearing. If a referee is demanded by either the teacher or board, 39967
the treasurer also shall give twenty days' notice to the 39968
superintendent of public instruction. No hearing shall be held 39969
during the summer vacation without the teacher's consent. The 39970
hearing shall be private unless the teacher requests a public 39971
hearing. The hearing shall be conducted by a referee appointed 39972
pursuant to section 3319.161 of the Revised Code, if demanded; 39973
otherwise, it shall be conducted by a majority of the members of 39974
the board and shall be confined to the grounds given for the 39975
termination. The board shall provide for a complete stenographic 39976
record of the proceedings, a copy of the record to be furnished to 39977
the teacher. The board may suspend a teacher pending final action 39978
to terminate ~~his~~ the teacher's contract if, in its judgment, the 39979
character of the charges warrants such action. 39980

Both parties may be present at such hearing, be represented 39981
by counsel, require witnesses to be under oath, cross-examine 39982
witnesses, take a record of the proceedings, and require the 39983
presence of witnesses in their behalf upon subpoena to be issued 39984
by the treasurer of the board. In case of the failure of any 39985
person to comply with a subpoena, a judge of the court of common 39986
pleas of the county in which the person resides, upon application 39987
of any interested party, shall compel attendance of the person by 39988
attachment proceedings as for contempt. Any member of the board or 39989
the referee may administer oaths to witnesses. After a hearing by 39990
a referee, the referee shall file ~~his~~ a report within ten days 39991
after the termination of the hearing. After consideration of the 39992
referee's report, the board, by a majority vote, may accept or 39993
reject the referee's recommendation on the termination of the 39994
teacher's contract. After a hearing by the board, the board, by 39995
majority vote, may enter its determination upon its minutes. Any 39996

order of termination of a contract shall state the grounds for 39997
termination. If the decision, after hearing, is against 39998
termination of the contract, the charges and the record of the 39999
hearing shall be physically expunged from the minutes, and, if the 40000
teacher has suffered any loss of salary by reason of being 40001
suspended, ~~he~~ the teacher shall be paid ~~his~~ the teacher's full 40002
salary for the period of such suspension. 40003

Any teacher affected by an order of termination of contract 40004
may appeal to the court of common pleas of the county in which the 40005
school is located within thirty days after receipt of notice of 40006
the entry of such order. The appeal shall be an original action in 40007
the court and shall be commenced by the filing of a complaint 40008
against the board, in which complaint the facts shall be alleged 40009
upon which the teacher relies for a reversal or modification of 40010
such order of termination of contract. Upon service or waiver of 40011
summons in that appeal, the board immediately shall transmit to 40012
the clerk of the court for filing a transcript of the original 40013
papers filed with the board, a certified copy of the minutes of 40014
the board into which the termination finding was entered, and a 40015
certified transcript of all evidence adduced at the hearing or 40016
hearings before the board or a certified transcript of all 40017
evidence adduced at the hearing or hearings before the referee, 40018
whereupon the cause shall be at issue without further pleading and 40019
shall be advanced and heard without delay. The court shall examine 40020
the transcript and record of the hearing and shall hold such 40021
additional hearings as it considers advisable, at which it may 40022
consider other evidence in addition to the transcript and record. 40023

Upon final hearing, the court shall grant or deny the relief 40024
prayed for in the complaint as may be proper in accordance with 40025
the evidence adduced in the hearing. Such an action is a special 40026
proceeding, and either the teacher or the board may appeal from 40027
the decision of the court of common pleas pursuant to the Rules of 40028

Appellate Procedure and, to the extent not in conflict with those 40029
rules, Chapter 2505. of the Revised Code. 40030

In any court action, the board may utilize the services of 40031
the prosecuting attorney, village solicitor, city director of law, 40032
or other chief legal officer of a municipal corporation as 40033
authorized by section 3313.35 of the Revised Code, or may employ 40034
other legal counsel. 40035

A violation of division (A)(7) of section 2907.03 of the 40036
Revised Code is grounds for termination of a teacher contract 40037
under this section. 40038

Sec. 3319.161. For the purpose of providing referees for the 40039
hearings required by section 3319.16 of the Revised Code, the 40040
superintendent of public instruction shall compile a list of 40041
resident electors from names that ~~he~~ the superintendent shall 40042
solicit annually from the state bar association. 40043

Upon receipt of notice that a referee has been demanded by a 40044
teacher or by a board of education, the superintendent of public 40045
instruction shall immediately designate three persons from such 40046
list, from whom the referee to hear the matter shall be chosen, 40047
and ~~he~~ the superintendent shall immediately notify the designees, 40048
the teacher, and the board of the school district involved. If 40049
within five days of receipt of the notice, the teacher and board 40050
are unable to select a mutually agreeable designee to serve as 40051
referee, the superintendent of public instruction shall appoint 40052
one of the three designees to serve as referee. The appointment of 40053
the referee shall be entered in the minutes of the board. The 40054
referee appointed shall be paid ~~his~~ the referee's usual and 40055
customary fee for attending the hearing which shall be paid from 40056
the school district general fund upon vouchers approved by the 40057
superintendent of public instruction and presented to the 40058
treasurer of the district. No referee shall be a member of, an 40059

employee of, or teacher employed by the board of education nor 40060
related to any such person by consanguinity or marriage. ~~No person~~ 40061
~~shall be appointed to hear more than two contract termination~~ 40062
~~eases in any school year.~~ 40063

Sec. 3319.22. (A)(1) The state board of education shall ~~adopt~~ 40064
~~rules establishing the standards and requirements for obtaining~~ 40065
~~temporary, associate, provisional, and professional~~ issue the 40066
following educator licenses: 40067

(a) A resident educator license, which shall be valid for 40068
four years and shall be renewable; 40069

(b) A professional educator license, which shall be valid for 40070
five years and shall be renewable; 40071

(c) A senior professional educator license, which shall be 40072
valid for five years and shall be renewable; 40073

(d) A lead professional educator license, which shall be 40074
valid for five years and shall be renewable. 40075

(2) The state board may issue any additional educator 40076
licenses of ~~any~~ categories, types, and levels the board elects to 40077
provide. ~~However, no educator license shall be required for~~ 40078
~~teaching children two years old or younger.~~ 40079

~~(2)~~(3) The state board shall adopt rules establishing the 40080
standards and requirements for obtaining each educator license 40081
issued under this section. 40082

(B) The rules adopted under this section shall require at 40083
least the following standards and qualifications for the educator 40084
licenses described in division (A)(1) of this section: 40085

(1) An applicant for a resident educator license shall hold 40086
at least a bachelor's degree from an accredited teacher 40087
preparation program. 40088

<u>(2) An applicant for a professional educator license shall:</u>	40089
<u>(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;</u>	40090
	40091
	40092
<u>(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.</u>	40093
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<u>(3) An applicant for a senior professional educator license shall:</u>	40099
	40100
<u>(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;</u>	40101
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	40103
<u>(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;</u>	40104
	40105
	40106
<u>(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.</u>	40107
	40108
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	40110
<u>(4) An applicant for a lead professional educator license shall:</u>	40111
	40112
<u>(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;</u>	40113
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	40115
<u>(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or</u>	40116
	40117
	40118

former section 3319.22 of the Revised Code; 40119

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 40120
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 40123
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 40128
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law. 40132
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~~(B)~~(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 40137
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(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering ~~teacher~~ preparation programs for educators and other school personnel that are approved by the ~~state board of education~~ chancellor of the Ohio board of regents under section ~~3319.23~~ 3333.048 of the Revised Code to revise the curriculum of those programs, the effective 40142
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date shall not be as prescribed in division (D) of section 119.03 40150
and division (A)(1) of section 119.04 of the Revised Code. 40151
Instead, the effective date of such rules, or the amendment or 40152
rescission of such rules, shall be the date prescribed by section 40153
~~3319.23~~ 3333.048 of the Revised Code. 40154

(2) Notwithstanding the authority to adopt, amend, or rescind 40155
emergency rules in division (F) of section 119.03 of the Revised 40156
Code, this authority shall not apply to the state board of 40157
education with regard to rules for educator licenses. 40158

~~(C)~~(F)(1) The rules adopted under this section establishing 40159
standards requiring additional coursework for the renewal of any 40160
educator license shall require a school district and a chartered 40161
nonpublic school to establish local professional development 40162
committees. In a nonpublic school, the chief administrative 40163
officer shall establish the committees in any manner acceptable to 40164
such officer. The committees established under this division shall 40165
determine whether coursework that a district or chartered 40166
nonpublic school teacher proposes to complete meets the 40167
requirement of the rules. The department of education shall 40168
provide technical assistance and support to committees as the 40169
committees incorporate the professional development standards 40170
adopted by the state board of education pursuant to section 40171
3319.61 of the Revised Code into their review of coursework that 40172
is appropriate for license renewal. The rules shall establish a 40173
procedure by which a teacher may appeal the decision of a local 40174
professional development committee. 40175

(2) In any school district in which there is no exclusive 40176
representative established under Chapter 4117. of the Revised 40177
Code, the professional development committees shall be established 40178
as described in division ~~(C)~~(F)(2) of this section. 40179

Not later than the effective date of the rules adopted under 40180
this section, the board of education of each school district shall 40181

establish the structure for one or more local professional 40182
development committees to be operated by such school district. The 40183
committee structure so established by a district board shall 40184
remain in effect unless within thirty days prior to an anniversary 40185
of the date upon which the current committee structure was 40186
established, the board provides notice to all affected district 40187
employees that the committee structure is to be modified. 40188
Professional development committees may have a district-level or 40189
building-level scope of operations, and may be established with 40190
regard to particular grade or age levels for which an educator 40191
license is designated. 40192

Each professional development committee shall consist of at 40193
least three classroom teachers employed by the district, one 40194
principal employed by the district, and one other employee of the 40195
district appointed by the district superintendent. For committees 40196
with a building-level scope, the teacher and principal members 40197
shall be assigned to that building, and the teacher members shall 40198
be elected by majority vote of the classroom teachers assigned to 40199
that building. For committees with a district-level scope, the 40200
teacher members shall be elected by majority vote of the classroom 40201
teachers of the district, and the principal member shall be 40202
elected by a majority vote of the principals of the district, 40203
unless there are two or fewer principals employed by the district, 40204
in which case the one or two principals employed shall serve on 40205
the committee. If a committee has a particular grade or age level 40206
scope, the teacher members shall be licensed to teach such grade 40207
or age levels, and shall be elected by majority vote of the 40208
classroom teachers holding such a license and the principal shall 40209
be elected by all principals serving in buildings where any such 40210
teachers serve. The district superintendent shall appoint a 40211
replacement to fill any vacancy that occurs on a professional 40212
development committee, except in the case of vacancies among the 40213
elected classroom teacher members, which shall be filled by vote 40214

of the remaining members of the committee so selected. 40215

Terms of office on professional development committees shall 40216
be prescribed by the district board establishing the committees. 40217
The conduct of elections for members of professional development 40218
committees shall be prescribed by the district board establishing 40219
the committees. A professional development committee may include 40220
additional members, except that the majority of members on each 40221
such committee shall be classroom teachers employed by the 40222
district. Any member appointed to fill a vacancy occurring prior 40223
to the expiration date of the term for which a predecessor was 40224
appointed shall hold office as a member for the remainder of that 40225
term. 40226

The initial meeting of any professional development 40227
committee, upon election and appointment of all committee members, 40228
shall be called by a member designated by the district 40229
superintendent. At this initial meeting, the committee shall 40230
select a chairperson and such other officers the committee deems 40231
necessary, and shall adopt rules for the conduct of its meetings. 40232
Thereafter, the committee shall meet at the call of the 40233
chairperson or upon the filing of a petition with the district 40234
superintendent signed by a majority of the committee members 40235
calling for the committee to meet. 40236

(3) In the case of a school district in which an exclusive 40237
representative has been established pursuant to Chapter 4117. of 40238
the Revised Code, professional development committees shall be 40239
established in accordance with any collective bargaining agreement 40240
in effect in the district that includes provisions for such 40241
committees. 40242

If the collective bargaining agreement does not specify a 40243
different method for the selection of teacher members of the 40244
committees, the exclusive representative of the district's 40245
teachers shall select the teacher members. 40246

If the collective bargaining agreement does not specify a 40247
different structure for the committees, the board of education of 40248
the school district shall establish the structure, including the 40249
number of committees and the number of teacher and administrative 40250
members on each committee; the specific administrative members to 40251
be part of each committee; whether the scope of the committees 40252
will be district levels, building levels, or by type of grade or 40253
age levels for which educator licenses are designated; the lengths 40254
of terms for members; the manner of filling vacancies on the 40255
committees; and the frequency and time and place of meetings. 40256
However, in all cases, except as provided in division ~~(C)~~(F)(4) of 40257
this section, there shall be a majority of teacher members of any 40258
professional development committee, there shall be at least five 40259
total members of any professional development committee, and the 40260
exclusive representative shall designate replacement members in 40261
the case of vacancies among teacher members, unless the collective 40262
bargaining agreement specifies a different method of selecting 40263
such replacements. 40264

(4) Whenever an administrator's coursework plan is being 40265
discussed or voted upon, the local professional development 40266
committee shall, at the request of one of its administrative 40267
members, cause a majority of the committee to consist of 40268
administrative members by reducing the number of teacher members 40269
voting on the plan. 40270

~~(D)~~(G)(1) The department of education, educational service 40271
centers, county boards of mental retardation and developmental 40272
disabilities, regional professional development centers, special 40273
education regional resource centers, college and university 40274
departments of education, head start programs, the eTech Ohio 40275
commission, and the Ohio education computer network may establish 40276
local professional development committees to determine whether the 40277
coursework proposed by their employees who are licensed or 40278

certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to the effective date of this amendment, meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

Local professional development committees established by county boards of mental retardation and developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions ~~(C)~~(F)(2) and (3) of this section, as shall the committees established by any other entity specified in division ~~(D)~~(G)(1) of this section that provides educational services by employing or contracting for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to the effective date of this amendment. All other entities specified in division ~~(D)~~(G)(1) of this section shall structure their committees in accordance with guidelines which shall be issued by the state board.

(2) Any public agency that is not specified in division ~~(D)~~(G)(1) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to the effective date of this amendment, may establish a local professional development committee, subject to the approval of the department of education. The committee shall be structured in accordance with guidelines issued by the state board.

Sec. 3319.222. (A) Notwithstanding the amendments to and 40310
repeal of statutes by the act that enacted this section, the state 40311
board of education shall accept applications for new, and renewal 40312
and upgrade of, temporary, associate, provisional, and 40313
professional educator licenses, alternative educator licenses, and 40314
one-year conditional teaching permits through December 31, 2010, 40315
and issue them on the basis of the applications received by that 40316
date in accordance with the former statutes in effect immediately 40317
prior to amendment or repeal by the act that enacted this section. 40318

(B) A permanent teacher's certificate issued under former 40320
sections 3319.22 to 3319.31 of the Revised Code prior to October 40321
29, 1996, or under former section 3319.222 of the Revised Code as 40322
it existed prior to the effective date of this section, shall be 40323
valid for teaching in the subject areas and grades for which the 40324
certificate was issued, except as the certificate is limited, 40325
suspended, or revoked under section 3319.31 of the Revised Code. 40326

(C) The following certificates, permits, or licenses shall be 40327
valid until the certificate, permit, or license expires for 40328
teaching in the subject areas and grades for which the 40329
certificate, permit, or license was issued, except as the 40330
certificate, permit, or license is limited, suspended, or revoked 40331
under section 3319.31 of the Revised Code: 40332

(1) Any professional teacher's certificate issued under 40333
former section 3319.222 of the Revised Code, as it existed prior 40334
to the effective date of this section; 40335

(2) Any temporary, associate, provisional, or professional 40336
educator license issued under former section 3319.22 of the 40337
Revised Code, as it existed prior to the effective date of this 40338
section, or under division (A) of this section; 40339

(3) Any alternative educator license issued under former 40340

section 3319.26 of the Revised Code, as it existed prior to the 40341
effective date of this section, or under division (A) of this 40342
section; 40343

(4) Any one-year conditional teaching permit issued under 40344
former section 3319.302 or 3319.304 of the Revised Code, as it 40345
existed prior to the effective date of this section, or under 40346
division (A) of this section. 40347

(D) Nothing in this section shall be construed to prohibit a 40348
person from applying to the state board for an educator license 40349
issued under section 3319.22 of the Revised Code or an alternative 40350
resident educator license issued under section 3319.26 of the 40351
Revised Code, as the section exists on and after the effective 40352
date of this section. 40353

(E) On and after the effective date of this section, any 40354
reference in the Revised Code to educator licensing is hereby 40355
deemed to refer also to certification or licensure under divisions 40356
(A) to (D) of this section. 40357

Sec. 3319.223. (A) Not later than January 1, 2011, the 40358
superintendent of public instruction and the chancellor of the 40359
Ohio board of regents jointly shall establish the Ohio teacher 40360
residency program, which shall be a four-year, entry-level program 40361
for classroom teachers. The teacher residency program shall 40362
include at least the following components: 40363

(1) Mentoring by teachers who hold a lead professional 40364
educator license issued under section 3319.22 of the Revised Code; 40365

(2) Counseling to ensure that program participants receive 40366
needed professional development; 40367

(3) Measures of appropriate progression through the program. 40368

(B) The teacher residency program shall be aligned with the 40369
standards for teachers adopted by the state board of education 40370

under section 3319.61 of the Revised Code and best practices 40371
identified by the superintendent of public instruction. 40372

(C) Each person who holds a resident educator license issued 40373
under section 3319.22 of the Revised Code or an alternative 40374
resident educator license issued under section 3319.26 of the 40375
Revised Code shall participate in the teacher residency program. 40376
Successful completion of the program shall be required to qualify 40377
any such person for a professional educator license issued under 40378
section 3319.22 of the Revised Code. 40379

Sec. ~~4753.073~~ 3319.227. (A)~~(1)~~ The state board of 40380
~~speech language pathology and audiology~~ education shall issue 40381
~~under its seal~~ a speech-language pathology ~~student permit~~ intern 40382
license to any applicant who submits a plan that has been approved 40383
by the applicant's university graduate program in speech-language 40384
pathology and that conforms to requirements determined by the 40385
board by rule and who meets all of the following requirements: 40386
40387

~~(a)~~(1) Is enrolled in a graduate program at an educational 40388
institution located in this state that is accredited by the 40389
council on academic accreditation in audiology and speech-language 40390
pathology of the American speech-language-hearing association; 40391

~~(b)~~(2) Has completed at least one year of postgraduate 40392
training in speech-language pathology, or equivalent coursework as 40393
determined by the board, and any student clinical experience the 40394
board may require by rule; 40395

(3) Has paid the fee established under division (E) of this 40396
section. 40397

~~(2)~~(B) The speech-language pathology ~~student permit~~ intern 40398
license authorizes the holder to practice speech-language 40399
pathology within limits determined by the state board by rule, 40400

which shall include the following: 40401

~~(a)~~(1) The ~~permit~~ license holder's caseload shall be limited 40402
in a manner to be determined by the board by rule. 40403

~~(b)~~(2) The ~~permit~~ license holder's authorized scope of 40404
practice shall be limited in a manner to be determined by the 40405
board by rule. The rule shall consider the coursework and clinical 40406
experience that has been completed by the ~~permit~~ license holder 40407
and the recommendation of the applicant's university graduate 40408
program in speech-language pathology. 40409

~~(c)~~(3) The ~~permit~~ license holder shall practice only when 40410
under the supervision of a speech-language pathologist who is 40411
licensed by the board of speech-language pathology and audiology 40412
and acting under the approval and direction of the applicant's 40413
university graduate program in speech-language pathology. The 40414
state board shall determine by rule the manner of supervision. 40415

~~(3)~~(C) A ~~permit~~ license issued under this section shall 40416
expire two years after the date of issuance. ~~Student permits~~ 40417
Intern licenses may be renewed in a manner to be determined by the 40418
state board by rule. 40419

~~(4)~~(D) Each ~~permit~~ license holder shall display the ~~permit~~ 40420
license or an official duplicate in a conspicuous place where the 40421
~~permit~~ license holder practices speech-language pathology. 40422

(E) The state board shall charge a nonrefundable fee, to be 40423
determined by the board by rule, for each license issued under 40424
this section. 40425

(F) The state board, in accordance with Chapter 119. of the 40426
Revised Code, may establish rules to govern any disciplinary 40427
action to be taken against a student issued a license under this 40428
section. Any rules established under this division are not subject 40429
to the adjudication procedure requirements of sections 119.06 to 40430
119.13 of the Revised Code. 40431

(G) In adopting rules to administer this section, the state 40432
board shall consult with the chancellor of the Ohio board of 40433
regents. 40434

Sec. 3319.234. The teacher quality partnership, a consortium 40435
of teacher preparation programs that have been approved by the 40436
~~state board of education~~ chancellor of the Ohio board of regents 40437
under section ~~3319.23~~ 3333.048 of the Revised Code, shall study 40438
the relationship of teacher performance on educator licensure 40439
assessments, as adopted by the state board of education under 40440
section 3319.22 of the Revised Code, to teacher effectiveness in 40441
the classroom. Not later than September 1, 2008, the partnership 40442
shall begin submitting annual data reports along with any other 40443
data on teacher effectiveness the partnership determines 40444
appropriate to the governor, the president and minority leader of 40445
the senate, the speaker and minority leader of the house of 40446
representatives, the chairpersons and ranking minority members of 40447
the standing committees of the senate and the house of 40448
representatives that consider education legislation, the 40449
superintendent of public instruction, the state board of 40450
education, the chancellor of the Ohio board of regents, and the 40451
partnership for continued learning. 40452

Sec. 3319.235. (A) The standards for the preparation of 40453
teachers adopted under section ~~3319.23~~ 3333.048 of the Revised 40454
Code shall require any institution that provides a course of study 40455
for the training of teachers to ensure that graduates of such 40456
course of study are skilled at integrating educational technology 40457
in the instruction of children, as evidenced by the graduate 40458
having either demonstrated proficiency in such skills in a manner 40459
prescribed by the department of education or completed a course 40460
that includes training in such skills. 40461

(B) The eTech Ohio commission shall establish model 40462

professional development programs to assist teachers who completed 40463
their teacher preparation prior to the effective date of division 40464
(A) of this section to become skilled at integrating educational 40465
technology in the instruction of children. The commission shall 40466
provide technical assistance to school districts wishing to 40467
establish such programs. 40468

Sec. 3319.24. This section does not apply to any applicant 40469
for an educator license that is designed for persons specializing 40470
in teaching children in kindergarten through twelfth grade, or the 40471
equivalent, in the area of dance, drama, theater, music, visual 40472
arts, or physical education or a specialty area substantially 40473
equivalent to any of these when such applicant will be teaching 40474
children in the specialty area specified in the license. 40475

(A) As used in this section: 40476

(1) "Coursework in the teaching of reading" means coursework 40477
that includes training in a range of instructional strategies for 40478
teaching reading, in the assessment of reading skills, and in the 40479
diagnosis and remediation of reading difficulties; 40480

(2) "Phonics" means the techniques and strategies used to 40481
teach children to match, blend, and translate letters of the 40482
alphabet into the sounds they represent, which techniques and 40483
strategies are systematically integrated and thoroughly practiced 40484
in a developmentally appropriate instructional program to assist 40485
the child in learning to read, write, and spell; 40486

(3) "Course in the teaching of phonics" means a course 40487
providing the background necessary for effectively teaching and 40488
assessing phonics, phonemic awareness, and word recognition, 40489
including, but not limited to, the following topics: 40490

(a) Phonological and morphological underpinnings of English 40491
spellings and the history thereof; 40492

(b) The nature and role of word recognition in proficient reading;	40493 40494
(c) Methods and rationale for the instruction of phonemic awareness, decoding, spelling, and the application thereof in reading and writing;	40495 40496 40497
(d) Methods and rationale for the assessment of phonemic awareness, decoding, spelling, and the application thereof in reading and writing;	40498 40499 40500
(e) The relation of deficits in phonemic awareness, decoding, spelling, and word recognition to reading disabilities;	40501 40502
(4) "Phonemic awareness" means the awareness of sounds that make up spoken words and the ability to use this awareness of sounds in reading.	40503 40504 40505
(B) The rules adopted under division (A) of section 3319.22 of the Revised Code shall require an applicant for an initial provisional <u>a resident</u> educator license designated for teaching children in grades kindergarten through six or the equivalent to have successfully completed at least six semester hours, or the equivalent, of coursework in the teaching of reading that includes at least one separate course of at least three semester hours, or the equivalent, in the teaching of phonics in the context of reading, writing, and spelling. In addition, such rules shall require that such license be granted for a period of not more than two years, and shall require that the first renewal <u>subsequent issuance</u> of such a professional educator license be contingent upon the license holder <u>applicant</u> having completed six additional semester hours or the equivalent of coursework in the teaching of reading. The rules shall permit a license holder <u>an applicant</u> to apply undergraduate coursework in order to meet such renewal <u>this</u> requirement <u>for additional coursework</u> .	40506 40507 40508 40509 40510 40511 40512 40513 40514 40515 40516 40517 40518 40519 40520 40521 40522

Sec. 3319.25. Any teacher performance assessment entity with 40523
which the department of education or the state board of education 40524
contracts or any independent agent with whom such entity, the 40525
department, or the state board contracts to provide services as a 40526
teacher performance assessor, trainer of assessors, or assessment 40527
coordinator is not liable for damages in a civil action concerning 40528
the actions of such entity or agent made in the conduct of a 40529
teacher performance assessment unless those actions were conducted 40530
with malicious purpose, in bad faith, or in a wanton or reckless 40531
manner. 40532

As used in this section, "teacher performance assessment" 40533
means an assessment prescribed by the state board of education to 40534
measure the classroom performance of a teacher who is a candidate 40535
for a ~~professional educator license~~ licensure based on 40536
observations conducted by a trained assessor while the teacher is 40537
engaged in actual classroom instruction. 40538

Sec. 3319.26. (A) The state board of education shall adopt 40539
rules establishing the standards and requirements for obtaining an 40540
alternative resident educator license for teaching in grades ~~seven~~ 40541
four to twelve, or the equivalent, in a designated subject area. 40542
However, an alternative resident educator license in the area of 40543
intervention specialist, as defined by rule of the state board, 40544
shall be valid for teaching in grades kindergarten to twelve. 40545

(B)(1) The superintendent of public instruction and the 40546
chancellor of the Ohio board of regents jointly shall develop an 40547
intensive pedagogical training institute to provide instruction in 40548
the principles and practices of teaching for individuals seeking 40549
an alternative resident educator license. The instruction shall 40550
cover such topics as student development and learning, pupil 40551
assessment procedures, curriculum development, classroom 40552
management, and teaching methodology. 40553

(C) The rules adopted under this section shall require 40554
applicants for the alternative resident educator license to 40555
satisfy the following conditions prior to issuance of the license: 40556
40557

~~(a)~~(1) Hold a minimum of a baccalaureate degree; 40558

~~(b)~~(2) Successfully complete ~~three semester hours or the~~ 40559
~~equivalent of college coursework in the developmental~~ 40560
~~characteristics of adolescent youths and three semester hours or~~ 40561
~~the equivalent in teaching methods~~ the pedagogical training 40562
institute described in division (B) of this section; 40563

~~(e)~~(3) Pass an examination in the subject area for which 40564
application is being made. 40565

~~(2)~~(D) An alternative resident educator license shall be 40566
valid for ~~two~~ four years and shall ~~not~~ be renewable. 40567

~~(3)~~(E) The rules shall require the holder of an alternative 40568
resident educator license, as a condition of continuing to hold 40569
the license, to ~~show~~ do all of the following: 40570

(1) Participate in the Ohio teacher residency program 40571
established under section 3319.223 of the Revised Code; 40572

(2) Show satisfactory progress in taking and successfully 40573
completing ~~within two years~~ at least twelve additional semester 40574
hours, or the equivalent, of college coursework in the principles 40575
and practices of teaching in such topics as student development 40576
and learning, pupil assessment procedures, curriculum development, 40577
classroom management, and teaching methodology; 40578

(3) Take an assessment of professional knowledge in the 40579
second year of teaching under the license. 40580

~~(C)~~(F) The rules shall provide for the granting of a 40581
~~provisional~~ professional educator license to a holder of an 40582
alternative resident educator license upon successfully completing 40583

all of the following: 40584

(1) ~~Two~~ At least four years of teaching under the alternative 40585
license; 40586

(2) The twelve semester hours, or the equivalent, of the 40587
additional college coursework described in division ~~(B)(3)~~(E)(2) 40588
of this section; 40589

(3) The assessment of professional knowledge ~~that is required~~ 40590
~~of other applicants for a provisional educator license described~~ 40591
in division (E)(3) of this section. The standards for successfully 40592
completing this assessment and the manner of conducting the 40593
assessment shall be the same as for any other ~~applicant for a~~ 40594
provisional educator license individual who is required to take 40595
the assessment pursuant to rules adopted by the state board under 40596
section 3319.22 of the Revised Code. 40597

(4) The Ohio teacher residency program; 40598

(5) All other requirements for a professional educator 40599
license adopted by the state board under section 3319.22 of the 40600
Revised Code. 40601

Sec. 3319.28. (A) As used in this section, "STEM school" 40602
means a science, technology, engineering, and mathematics school 40603
established under Chapter 3326. of the Revised Code. 40604

(B) Notwithstanding any other provision of the Revised Code 40605
or any rule adopted by the state board of education to the 40606
contrary, the state board shall issue a two-year provisional 40607
educator license for teaching science, technology, engineering, or 40608
mathematics in grades six through twelve in a STEM school to any 40609
applicant who meets the following conditions: 40610

(1) Holds a bachelor's degree from an accredited institution 40611
of higher education in a field related to the subject area to be 40612
taught; 40613

(2) Has passed an examination prescribed by the state board 40614
in the subject area to be taught. 40615

(C) The holder of a provisional educator license issued under 40616
this section shall complete a structured apprenticeship program 40617
provided by an educational service center or a teacher preparation 40618
program approved under section ~~3319.23~~ 3333.048 of the Revised 40619
Code, in partnership with the STEM school that employs the license 40620
holder. The apprenticeship program shall include the following: 40621
40622

(1) Mentoring by a teacher or administrator who regularly 40623
observes the license holder's classroom instruction, provides 40624
feedback on the license holder's teaching strategies and classroom 40625
management, and engages the license holder in discussions about 40626
methods for fostering and measuring student learning; 40627

(2) Regularly scheduled seminars or meetings that address the 40628
following topics: 40629

(a) The statewide academic standards adopted by the state 40630
board under section 3301.079 of the Revised Code and the 40631
importance of aligning curriculum with those standards; 40632

(b) The achievement tests prescribed by section 3301.0710 of 40633
the Revised Code; 40634

(c) The school district and building accountability system 40635
established under Chapter 3302. of the Revised Code; 40636

(d) Instructional methods and strategies; 40637

(e) Student development; 40638

(f) Assessing student progress and providing remediation and 40639
intervention, as necessary, to meet students' special needs; 40640

(g) Classroom management and record keeping. 40641

(D) After two years of teaching under a provisional educator 40642
license issued under this section, a person may apply for a 40643

five-year professional educator license in the same subject area 40644
named in the provisional license. The state board shall issue the 40645
applicant a professional educator license if the applicant meets 40646
the following conditions: 40647

(1) The applicant completed the apprenticeship program 40648
described in division (C) of this section. 40649

(2) The applicant receives a positive recommendation 40650
indicating that the applicant is an effective teacher from both of 40651
the following: 40652

(a) The chief administrative officer of the STEM school that 40653
most recently employed the applicant as a classroom teacher; 40654

(b) The educational service center or teacher preparation 40655
program administrator in charge of the apprenticeship program 40656
completed by the applicant. 40657

(3) The applicant meets all other requirements for a 40658
professional educator license adopted by the state board under 40659
section 3319.22 of the Revised Code. 40660

(E) The department of education shall evaluate the 40661
experiences of STEM schools with classroom teachers holding 40662
provisional educator licenses issued under this section. The 40663
evaluation shall cover the first two school years for which 40664
licenses are issued and shall consider at least the schools' 40665
satisfaction with the teachers and the operation of the 40666
apprenticeship programs. 40667

Sec. 3319.291. (A) The state board of education shall require 40668
each of the following persons, at the times prescribed by division 40669
(A) of this section, to ~~submit two complete sets of fingerprints~~ 40670
~~and written permission that authorizes the superintendent of~~ 40671
~~public instruction to forward the fingerprints to the bureau of~~ 40672
~~criminal identification and investigation pursuant to division (F)~~ 40673

~~of section 109.57 of the Revised Code and that authorizes that~~ 40674
~~bureau to forward the fingerprints to the federal bureau of~~ 40675
~~investigation for purposes of obtaining any criminal records that~~ 40676
~~the federal bureau maintains on~~ undergo a criminal records check, 40677
unless the person has undergone a records check under this section 40678
or a former version of this section less than five years prior to 40679
that time. 40680

(1) Any person initially applying for any certificate, 40681
license, or permit described in this chapter or in division (B) of 40682
section 3301.071 or in section 3301.074 of the Revised Code at the 40683
time that application is made; 40684

(2) Any person applying for renewal of any certificate, 40685
license, or permit described in division (A)(1) of this section at 40686
the time that application is made; 40687

(3) Any person who is teaching under a professional teaching 40688
certificate issued under former ~~section 3319.22 or under~~ section 40689
3319.222 of the Revised Code upon a date prescribed by the state 40690
board; 40691

(4) Any person who is teaching under a permanent teaching 40692
certificate issued under former section 3319.22 as it existed 40693
prior to October 29, 1996, or under former section 3319.222 of the 40694
Revised Code upon a date prescribed by the state board and every 40695
five years thereafter. 40696

(B)(1) Except as otherwise provided in division (B)(2) of 40697
this section, the state board shall require each person subject to 40698
a criminal records check under this section to submit two complete 40699
sets of fingerprints and written permission that authorizes the 40700
superintendent of public instruction to forward the fingerprints 40701
to the bureau of criminal identification and investigation 40702
pursuant to division (F) of section 109.57 of the Revised Code and 40703
that authorizes that bureau to forward the fingerprints to the 40704

federal bureau of investigation for purposes of obtaining any 40705
criminal records that the federal bureau maintains on the person. 40706

(2) If both of the following conditions apply to a person 40707
subject to a criminal records check under this section, the state 40708
board shall require the person to submit one complete set of 40709
fingerprints and written permission that authorizes the 40710
superintendent of public instruction to forward the fingerprints 40711
to the bureau of criminal identification and investigation so that 40712
bureau may forward the fingerprints to the federal bureau of 40713
investigation for purposes of obtaining any criminal records that 40714
the federal bureau maintains on the person: 40715

(a) Under this section or any former version of this section, 40716
the state board or the superintendent of public instruction 40717
previously requested the superintendent of the bureau of criminal 40718
identification and investigation to determine whether the bureau 40719
has any information, gathered pursuant to division (A) of section 40720
109.57 of the Revised Code, on the person. 40721

(b) The person presents proof that the person has been a 40722
resident of this state for the five-year period immediately prior 40723
to the date upon which the person becomes subject to a criminal 40724
records check under this section. 40725

(C) Except as provided in division ~~(C)~~(D) of this section, 40726
prior to issuing or renewing any certificate, license, or permit 40727
for a person described in division (A)(1) or (2) of this section 40728
who is subject to a criminal records check and in the case of a 40729
person ~~required to submit fingerprints and written permission~~ 40730
~~under~~ described in division (A)(3) or (4) of this section who is 40731
subject to a criminal records check, the state board or the 40732
superintendent of public instruction shall do one of the 40733
following: 40734

(1) If the person is required to submit fingerprints and 40735

written permission under division (B)(1) of this section, request 40736
the superintendent of the bureau of criminal identification and 40737
investigation to ~~investigate and~~ determine whether the bureau has 40738
any information, gathered pursuant to division (A) of section 40739
109.57 of the Revised Code, pertaining to ~~any~~ the person 40740
~~submitting fingerprints and written permission under this section~~ 40741
and to obtain any criminal records that the federal bureau of 40742
investigation has on the person. 40743

~~(C)(2)~~ If the person is required to submit fingerprints and 40744
written permission under division (B)(2) of this section, request 40745
the superintendent of the bureau of criminal identification and 40746
investigation to obtain any criminal records that the federal 40747
bureau of investigation has on the person. 40748

(D) The state board or the superintendent of public 40749
instruction may choose not to request any information about a 40750
person required by division ~~(B)(C)~~ of this section if the person 40751
~~applying for the issuance or renewal of a certificate, license, or~~ 40752
~~permit described in division (A)(1) or (2) of this section or the~~ 40753
~~person required to submit fingerprints and written permission~~ 40754
~~under division (A)(3) or (4) of this section~~ provides proof that a 40755
criminal records check that satisfies the requirements of that 40756
division was conducted on the person as a condition of employment 40757
pursuant to section 3319.39 of the Revised Code within the 40758
immediately preceding year. The state board or the superintendent 40759
of public instruction may accept a certified copy of records that 40760
were issued by the bureau of criminal identification and 40761
investigation and that are presented by a the person ~~applying for~~ 40762
~~the issuance or renewal of a certificate, license, or permit~~ 40763
~~described in this section~~ in lieu of requesting that information 40764
under division ~~(B)(C)~~ of this section if the records were issued 40765
by the bureau within the immediately preceding year. 40766

~~(D)(E)~~(1) If a person described in division (A)(3) or (4) of 40767

this section who is subject to a criminal records check fails to 40768
submit fingerprints and written permission by the date specified 40769
in the applicable division, and the state board or the 40770
superintendent of public instruction does not apply division 40771
~~(C)~~(D) of this section to the person, the superintendent shall 40772
prepare a written notice stating that if the person does not 40773
submit the fingerprints and written permission within fifteen days 40774
after the date the notice was mailed, the person's professional or 40775
permanent teaching certificate will be inactivated. The 40776
superintendent shall send the notification by regular mail to the 40777
person's last known residence address or last known place of 40778
employment, as indicated in the department of education's records, 40779
or both. 40780

If the person fails to submit the fingerprints and written 40781
permission within fifteen days after the date the notice was 40782
mailed, the superintendent of public instruction, on behalf of the 40783
state board, shall issue a written order inactivating the person's 40784
professional or permanent teaching certificate. The inactivation 40785
shall remain in effect until the person submits the fingerprints 40786
and written permission. The superintendent shall send the order by 40787
regular mail to the person's last known residence address or last 40788
known place of employment, as indicated in the department's 40789
records, or both. The order shall state the reason for the 40790
inactivation and shall explain that the inactivation remains in 40791
effect until the person complies with division ~~(A)~~(B) of this 40792
section. 40793

The inactivation of a professional or permanent teaching 40794
certificate under division ~~(D)~~(E)(1) of this section does not 40795
constitute a suspension or revocation of the certificate by the 40796
state board under section 3319.31 of the Revised Code and the 40797
state board and the superintendent of public instruction need not 40798
provide the person with an opportunity for a hearing with respect 40799

to the inactivation. 40800

(2) If a person whose professional or permanent teaching 40801
certificate has been inactivated under division ~~(D)~~(E)(1) of this 40802
section submits fingerprints and written permission as required by 40803
division ~~(A)~~(B) of this section, the superintendent of public 40804
instruction, on behalf of the state board, shall issue a written 40805
order reactivating the certificate. The superintendent shall send 40806
the order to the person by regular mail. 40807

~~(E)~~(F) Notwithstanding divisions (A) ~~and (B)~~ to (C) of this 40808
section, if a person holds more than one certificate, license, or 40809
permit described in division (A)(1) of this section, the following 40810
shall apply: 40811

(1) If the certificates, licenses, or permits are of 40812
different durations, the person shall be subject to divisions 40813
(A)~~(2)~~ ~~and (B)~~ to (C) of this section only when applying for 40814
renewal of the certificate, license, or permit that is of the 40815
longest duration. Prior to renewing any certificate, license, or 40816
permit with a shorter duration, the state board or the 40817
superintendent of public instruction shall determine whether the 40818
department of education has received any information about the 40819
person pursuant to section 109.5721 of the Revised Code, but the 40820
person shall not be subject to ~~division~~ divisions (A)~~(2)~~ ~~or (B)~~ to 40821
(C) of this section as long as the person's certificate, license, 40822
or permit with the longest duration is valid. 40823

(2) If the certificates, licenses, or permits are of the same 40824
duration but do not expire in the same year, the person shall 40825
designate one of the certificates, licenses, or permits as the 40826
person's primary certificate, license, or permit and shall notify 40827
the department of that designation. The person shall be subject to 40828
divisions (A)~~(2)~~ ~~and (B)~~ to (C) of this section only when applying 40829
for renewal of the person's primary certificate, license, or 40830
permit. Prior to renewing any certificate, license, or permit that 40831

is not the person's primary certificate, license, or permit, the 40832
state board or the superintendent of public instruction shall 40833
determine whether the department has received any information 40834
about the person pursuant to section 109.5721 of the Revised Code, 40835
but the person shall not be subject to ~~division~~ divisions (A)~~(2)~~ 40836
~~or (B)~~ to (C) of this section as long as the person's primary 40837
certificate, license, or permit is valid. 40838

(3) If the certificates, licenses, or permits are of the same 40839
duration and expire in the same year and the person applies for 40840
renewal of the certificates, licenses, or permits at the same 40841
time, the state board or the superintendent of public instruction 40842
shall request only one criminal records check of the person under 40843
division ~~(B)~~(C) of this section. 40844

Sec. 3319.303. (A) The state board of education shall adopt 40845
rules establishing standards and requirements for obtaining a 40846
pupil-activity program permit for any individual who does not hold 40847
a valid educator license, certificate, or permit issued by the 40848
state board under section 3319.22, 3319.26, or 3319.27, ~~3319.302,~~ 40849
~~or 3319.304~~ of the Revised Code. The permit issued under this 40850
section shall be valid for coaching, supervising, or directing a 40851
pupil-activity program under section 3313.53 of the Revised Code. 40852
Subject to the provisions of section 3319.31 of the Revised Code, 40853
a permit issued under this section shall be valid for three years 40854
and shall be renewable. 40855

(B) The state board shall adopt rules applicable to 40856
individuals who hold valid educator licenses, certificates, or 40857
permits issued by the state board under section 3319.22, 3319.26, 40858
or 3319.27, ~~3319.302,~~ ~~or 3319.304~~ of the Revised Code setting 40859
forth standards to assure any such individual's competence to 40860
direct, supervise, or coach a pupil-activity program. The rules 40861
adopted under this division shall not be more stringent than the 40862

standards set forth in rules applicable to individuals who do not 40863
hold such licenses, certificates, or permits adopted under 40864
division (A) of this section. 40865

Sec. 3319.36. (A) No treasurer of a board of education or 40866
educational service center shall draw a check for the payment of a 40867
teacher for services until the teacher files with the treasurer 40868
both of the following: 40869

(1) Such reports as are required by the state board of 40870
education, the school district board of education, or the 40871
superintendent of schools; 40872

(2) Except for a teacher who is engaged pursuant to section 40873
3319.301 of the Revised Code, a written statement from the city, 40874
exempted village, or local school district superintendent or the 40875
educational service center superintendent that the teacher has 40876
filed with the treasurer a legal educator license, or true copy of 40877
it, to teach the subjects or grades taught, with the dates of its 40878
validity. The state board of education shall prescribe the record 40879
and administration for such filing of educator licenses in 40880
educational service centers. 40881

(B) Notwithstanding division (A) of this section, the 40882
treasurer may pay either of the following: 40883

(1) Any teacher for services rendered during the first two 40884
months of the teacher's initial employment with the school 40885
district or educational service center, provided such teacher is 40886
the holder of a bachelor's degree or higher and has filed with the 40887
state board of education an application for the issuance of a 40888
~~provisional or professional~~ an educator license described in 40889
division (A)(1) of section 3319.22 of the Revised Code. 40890

(2) Any substitute teacher for services rendered while 40891
conditionally employed under section 3319.101 of the Revised Code. 40892

(C) Upon notice to the treasurer given by the state board of education or any superintendent having jurisdiction that reports required of a teacher have not been made, the treasurer shall withhold the salary of the teacher until the required reports are completed and furnished.

Sec. 3319.391. This section applies to any person hired by a school district, educational service center, or chartered nonpublic school in any position that does not require a "license" issued by the state board of education, as defined in section 3319.31 of the Revised Code, and is not for the operation of a vehicle for pupil transportation.

(A) For each person to whom this section applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter. For each person to whom this division applies who is hired prior to November 14, 2007, the employer shall request a criminal records check by a date prescribed by the department of education and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.

(B)(1) Each request for a criminal records check under this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to

determine whether the bureau of criminal identification and 40924
investigation has any information, gathered pursuant to division 40925
(A) of section 109.57 of the Revised Code, on the person in 40926
conjunction with a criminal records check requested under section 40927
3319.39 of the Revised Code or under this section. 40928

(b) The person presents proof that the person has been a 40929
resident of this state for the five-year period immediately prior 40930
to the date upon which the person becomes subject to a criminal 40931
records check under this section. ~~Upon~~ 40932

(2) Upon receipt of a request under division (B)(1) of this 40933
section, the bureau superintendent shall conduct the criminal 40934
records check in accordance with section 109.572 of the Revised 40935
Code as if the request had been made under section 3319.39 of the 40936
Revised Code. However, as specified in division (B)(2) of section 40937
109.572 of the Revised Code, if the employer requests the 40938
superintendent only to obtain any criminal records that the 40939
federal bureau of investigation has on the person for whom the 40940
request is made, the superintendent shall not conduct the review 40941
prescribed by division (B)(1) of that section. 40942

(C) Any person who is the subject of a criminal records check 40943
under this section and has been convicted of or pleaded guilty to 40944
any offense described in division (B)(1) of section 3319.39 of the 40945
Revised Code shall not be hired or shall be released from 40946
employment, as applicable, unless the person meets the 40947
rehabilitation standards adopted by the department under division 40948
(E) of that section. 40949

Sec. 3319.51. (A) The state board of education shall annually 40950
establish the amount of the fees required to be paid for any 40951
license, certificate, or permit issued under this chapter or 40952
division (B) of section 3301.071, ~~under sections or section~~ 40953
3301.074, ~~3319.088, 3319.29, 3319.302, and 3319.304, and under~~ 40954

~~division (A) of section 3319.303~~ of the Revised Code. The amount 40955
of these fees shall be such that they, along with any 40956
appropriation made to the fund established under division (B) of 40957
this section, will be sufficient to cover the annual estimated 40958
cost of administering the ~~sections of law listed~~ requirements 40959
described under division (B) of this section. 40960

(B) There is hereby established in the state treasury the 40961
state board of education licensure fund, which shall be used by 40962
the state board of education solely to pay the cost of 40963
administering requirements related to the issuance and renewal of 40964
licenses, certificates, and permits described in this chapter and 40965
sections 3301.071, and 3301.074, ~~3319.088, 3319.22, 3319.29,~~ 40966
3319.291, 3319.301, 3319.302, 3319.303, 3319.304, and 3319.31 of 40967
the Revised Code. The fund shall consist of the amounts paid into 40968
the fund pursuant to division (B) of section 3301.071, and 40969
sections 3301.074, ~~3319.088,~~ and 3319.29, ~~3319.302, and 3319.304,~~ 40970
and division (A) of section ~~3319.303~~ of the Revised Code and any 40971
appropriations to the fund by the general assembly. 40972

Sec. 3319.56. The department of education shall identify 40973
promising practices in Ohio and throughout the country for 40974
engaging teachers certified by the national board for professional 40975
teaching standards, and other master lead teachers, as defined who 40976
meet the criteria adopted by the educator standards board pursuant 40977
to section 3319.61 of the Revised Code, in ways that add value 40978
beyond their own classrooms. Practices identified by the 40979
department as promising may include placing national board 40980
certified and master lead teachers in key roles in peer review 40981
programs; having such teachers serve as coaches, mentors, and 40982
trainers for other teachers; or having such teachers develop 40983
curricula or instructional integration strategies. 40984

Once the department has identified promising practices, the 40985

department shall inform all school districts of the practices by 40986
posting such information on the department's world wide web site. 40987

Sec. 3319.60. There is hereby established the educator 40988
standards board. The board shall develop and recommend to the 40989
state board of education standards for entering and continuing in 40990
the ~~teaching and principalship~~ educator professions and standards 40991
for educator professional development. The board membership shall 40992
reflect the diversity of the state in terms of gender, race, 40993
ethnic background, and geographic distribution. 40994

(A) The board shall consist of the following members: 40995

(1) The following eighteen members appointed by the state 40996
board of education ~~within sixty days of the effective date of this~~ 40997
~~section:~~ 40998

~~(1) Eight~~ (a) Ten persons employed as teachers in a school 40999
district. ~~Two~~ Three persons appointed under this division shall be 41000
employed as teachers in a secondary school, two persons shall be 41001
employed as teachers in a middle school, ~~two~~ three persons shall 41002
be employed as teachers in an elementary school, one person shall 41003
be employed as a teacher in a pre-kindergarten classroom, and one 41004
person shall be a teacher who serves on a local professional 41005
development committee pursuant to section 3319.22 of the Revised 41006
Code. At least one person appointed under this division shall hold 41007
a teaching certificate or license issued by the national board for 41008
professional teaching standards. The Ohio education association 41009
shall submit a list of ~~twelve~~ fourteen nominees for these 41010
appointments and the state board shall appoint ~~six~~ seven members 41011
to the educator standards board from that list. The Ohio 41012
federation of teachers shall submit a list of ~~four~~ six nominees 41013
for these appointments and the state board shall appoint ~~two~~ three 41014
members to the educator standards board from that list. If there 41015
is an insufficient number of nominees from both lists to satisfy 41016

the membership requirements of this division, the state board 41017
shall request additional nominees who satisfy those requirements. 41018

41019

~~(2)~~(b) One person employed as a teacher in a chartered, 41020
nonpublic school. Stakeholder groups selected by the state board 41021
shall submit a list of two nominees for this appointment. 41022

~~(3)~~ ~~Four~~ (c) Five persons employed as school administrators 41023
in a school district. Of ~~the four~~ those five persons ~~appointed~~ 41024
~~under this division~~, one person shall be employed as a secondary 41025
school principal, one person shall be employed as a middle school 41026
principal, one person shall be employed as an elementary school 41027
principal, one person shall be employed as a school district 41028
treasurer or business manager, and one person shall be employed as 41029
a school district superintendent. The buckeye association of 41030
school administrators shall submit a list of two nominees for the 41031
school district superintendent, the Ohio association of school 41032
business officials shall submit a list of two nominees for the 41033
school district treasurer or business manager, the Ohio 41034
association of elementary school administrators shall submit a 41035
list of two nominees for the elementary school principal, and the 41036
Ohio association of secondary school administrators shall submit a 41037
list of two nominees for the middle school principal and a list of 41038
two nominees for the secondary school principal. 41039

~~(4)~~(d) One person who is a member of a school district board 41040
of education. The Ohio school boards association shall submit a 41041
list of two nominees for this appointment. 41042

~~(5)~~ ~~Three persons employed by institutions of higher~~ 41043
~~education that offer teacher preparation programs approved under~~ 41044
~~section 3319.23 of the Revised Code. One person appointed under~~ 41045
~~this division shall be employed by an institution of higher~~ 41046
~~education that has a certificate of authorization under Chapter~~ 41047
~~1713. of the Revised Code; one person shall be employed by a state~~ 41048

~~university, as defined in section 3345.011 of the Revised Code, or 41049
a university branch; and one person shall be employed by a state 41050
community college, community college, or technical college. Of the 41051
two persons appointed under this division from an institution of 41052
higher education that has a certificate of authorization under 41053
Chapter 1713. of the Revised Code and from a state university or 41054
university branch, one shall be employed in a college of education 41055
and one shall be employed in a college of arts and sciences. The 41056
chancellor of the Ohio board of regents shall submit two slates of 41057
nominees for these appointments and the state board shall appoint 41058
one slate as members of the educator standards board. 41059~~

~~(6)(e) One person who is a parent of a student currently 41060
enrolled in a school operated by a school district. The Ohio 41061
parent teacher association shall submit a list of two nominees for 41062
this appointment. 41063~~

~~(2) The chancellor of the Ohio board of regents shall appoint 41064
three persons employed by institutions of higher education that 41065
offer educator preparation programs. One person shall be employed 41066
by an institution of higher education that has a certificate of 41067
authorization under Chapter 1713. of the Revised Code; one person 41068
shall be employed by a state university, as defined in section 41069
3345.011 of the Revised Code, or a university branch; and one 41070
person shall be employed by a state community college, community 41071
college, or technical college. Of the two persons appointed from 41072
an institution of higher education that has a certificate of 41073
authorization under Chapter 1713. of the Revised Code and from a 41074
state university or university branch, one shall be employed in a 41075
college of education and one shall be employed in a college of 41076
arts and sciences. 41077~~

~~(3) The superintendent of public instruction or a designee of 41078
the superintendent, the chancellor of the Ohio board of regents or 41079
a designee of the chancellor, and the chairpersons and the ranking 41080~~

minority members of the education committees of the senate and 41081
house of representatives shall serve as nonvoting, ex officio 41082
members. 41083

(B) ~~Initial terms of office for nine members shall be for two 41084
years and three years for eight members, beginning on the day all 41085
members are appointed to the board. At the first meeting of the 41086
board, members shall draw lots to determine the length of the term 41087
each member shall serve. Thereafter terms~~ Terms of office shall be 41088
for two years. Each member shall hold office from the date of the 41089
member's appointment until the end of the term for which the 41090
member was appointed. At the first meeting, appointed members 41091
shall select a chairperson and a vice-chairperson. Vacancies on 41092
the board shall be filled in the same manner as ~~the original 41093
prescribed for~~ appointments under division (A) of this section. 41094
Any member appointed to fill a vacancy occurring prior to the 41095
expiration of the term for which the member's predecessor was 41096
appointed shall hold office for the remainder of such term. Any 41097
member shall continue in office subsequent to the expiration date 41098
of the member's term until the member's successor takes office, or 41099
until a period of sixty days has elapsed, whichever occurs first. 41100
The terms of office of members are renewable. 41101

(C) Members shall receive no compensation for their services. 41102

(D) The board shall establish guidelines for its operation. 41103
These guidelines shall require the creation of a standing 41104
subcommittee on higher education, and shall permit the creation of 41105
other standing subcommittees when necessary. The board shall 41106
determine the membership of any subcommittee it creates. The board 41107
may select persons who are not members of the board to participate 41108
in the deliberations of any subcommittee as representatives of 41109
stakeholder groups, but no such person shall vote on any issue 41110
before the subcommittee. 41111

Sec. 3319.61. (A) The educator standards board, in 41112
consultation with the chancellor of the Ohio board of regents, 41113
shall do all of the following: 41114

(1) Develop state standards for teachers and principals that 41115
reflect what teachers and principals are expected to know and be 41116
able to do at all stages of their careers. These standards shall 41117
be aligned with the statewide academic content standards for 41118
students adopted pursuant to section 3301.079 of the Revised Code, 41119
be primarily based on educator performance instead of years of 41120
experience or certain courses completed, and rely on 41121
evidence-based factors. 41122

(a) The standards for teachers shall reflect the following 41123
additional criteria: 41124

(i) Alignment with the interstate new teacher assessment and 41125
support consortium standards; 41126

(ii) Differentiation among novice, experienced, and advanced 41127
teachers; 41128

(iii) Reliance on competencies that can be measured; 41129

(iv) Reliance on content knowledge, teaching skills, 41130
discipline-specific teaching methods, and requirements for 41131
professional development; 41132

(v) Alignment with a career-long system of professional 41133
development and evaluation that ensures teachers receive the 41134
support and training needed to achieve the teaching standards as 41135
well as reliable feedback about how well they meet the standards; 41136

(vi) The Ohio leadership framework. 41137

(b) The standards for principals shall be aligned with the 41138
interstate school leaders licensing consortium standards. 41139

(2) Develop standards for school district superintendents 41140

that reflect what superintendents are expected to know and be able 41141
to do at all stages of their careers. The standards shall reflect 41142
knowledge of systems theory and effective management principles 41143
and be aligned with the buckeye association of school 41144
administrators standards. 41145

(3) Develop standards for school district treasurers and 41146
business managers that reflect what treasurers and business 41147
managers are expected to know and be able to do at all stages of 41148
their careers. The standards shall reflect knowledge of systems 41149
theory and effective management principles and be aligned with the 41150
association of school business officials international standards. 41151

(4) Develop standards for the renewal of ~~educator~~ licenses 41152
under ~~section~~ sections 3319.22 and 3301.074 of the Revised Code; 41153

~~(3)~~(5) Develop standards for educator professional 41154
development; 41155

(6) Investigate and make recommendations for the creation, 41156
expansion, and implementation of school building and school 41157
district leadership academies. 41158

The superintendent of public instruction, the chancellor of 41159
the Ohio board of regents, or the education standards board itself 41160
may request that the educator standards board update, review, or 41161
reconsider any standards developed under this section. 41162

(B) The educator standards board shall incorporate indicators 41163
of cultural competency into the standards developed under division 41164
(A) of this section. For this purpose, the educator standards 41165
board shall develop a definition of cultural competency based upon 41166
content and experiences that enable educators to know, understand, 41167
and appreciate the students, families, and communities that they 41168
serve and skills for addressing cultural diversity in ways that 41169
respond equitably and appropriately to the cultural needs of 41170
individual students. 41171

(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups.

(D) In developing the standards under division (A) of this section, the educator standards board shall ensure ~~that~~ both of the following:

(1) That teachers and principals have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed;

(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed.

(E) The standards for educator professional development developed under division (A)~~(3)~~(5) of this section shall include ~~standards~~ the following:

(1) Standards for the inclusion of local professional development committees established under section 3319.22 of the Revised Code in the planning and design of professional development;

(2) Standards that address the crucial link between academic achievement and mental health issues.

(F) The educator standards board shall also perform the following functions:

~~(1) Collaborate with colleges and universities that offer~~

~~teacher preparation programs approved pursuant to section 3319.23 41202
of the Revised Code to align teacher and principal preparation 41203
courses with the standards developed under division (A) of this 41204
section and with student academic content standards adopted under 41205
section 3301.079 of the Revised Code. The educator standards board 41206
shall study the model developed by the college of food, 41207
agricultural, and environmental sciences and the college of 41208
education of the Ohio state university for aligning teacher 41209
preparation programs in agricultural education with recognized 41210
standards for this purpose. 41211~~

~~(2) Monitor compliance with the teacher and principal 41212
standards developed under division (A) of this section and make 41213
recommendations to the state board of education for appropriate 41214
corrective action if such standards are not met; 41215~~

~~(3)(2) Research, develop, and recommend policies on the 41216
professions of teaching and school administration; 41217~~

~~(4)(3) Recommend policies to close the achievement gap 41218
between students of different subgroups; 41219~~

~~(5)(4) Define a "master teacher" in a manner that can be used 41220
uniformly by all school districts; 41221~~

(5) Adopt criteria that a candidate for a lead professional 41222
educator license under section 3319.22 of the Revised Code who 41223
does not hold a valid certificate issued by the national board for 41224
professional teaching standards must meet to be considered a lead 41225
teacher for purposes of division (B)(4)(d) of that section. It is 41226
the intent of the general assembly that ~~when defining "master~~ 41227
~~teacher,"~~ the educator standards board shall adopt multiple, 41228
equal-weighted criteria to use in determining whether a person is 41229
a ~~master~~ lead teacher. ~~Such~~ The criteria shall be in addition to 41230
the other standards and qualifications prescribed in division 41231
(B)(4) of section 3319.22 of the Revised Code. The criteria may 41232

include, but shall not be limited to, ~~attainment of a master's~~ 41233
~~degree in an appropriate subject area,~~ completion of other 41234
educational levels beyond a master's degree or other professional 41235
development courses, ~~certification by the national board for~~ 41236
~~professional teaching standards,~~ or demonstration of a leadership 41237
role in the teacher's school building or district. The board shall 41238
determine the number of criteria that a teacher shall satisfy to 41239
be recognized as a ~~master~~ lead teacher, which shall not be the 41240
total number of criteria adopted by the board. 41241

(6) Develop model teacher and principal evaluation 41242
instruments and processes. The models shall be based on the 41243
standards developed under division (A) of this section and student 41244
performance over time as determined by value-added data and other 41245
demonstrations of students' skills and abilities. 41246

(G) The educator standards board shall submit recommendations 41247
of standards developed under division (A) of this section to the 41248
state board of education ~~within one year after the educator~~ 41249
~~standards board first convenes~~ not later than September 1, 2010. 41250
The state board of education shall review those recommendations at 41251
the state board's regular meeting that next succeeds the date that 41252
the recommendations are submitted to the state board. At that 41253
meeting, the state board of education shall vote to either adopt 41254
standards based on those recommendations or request that the 41255
educator standards board reconsider its recommendations. The state 41256
board of education shall articulate reasons for requesting 41257
reconsideration of the recommendations but shall not direct the 41258
content of the recommendations. The educator standards board shall 41259
reconsider its recommendations if the state board of education so 41260
requests, may revise the recommendations, and shall resubmit the 41261
recommendations, whether revised or not, to the state board not 41262
later than two weeks prior to the state board's regular meeting 41263
that next succeeds the meeting at which the state board requested 41264

reconsideration of the initial recommendations. The state board of 41265
education shall review the recommendations as resubmitted by the 41266
educator standards board at the state board's regular meeting that 41267
next succeeds the meeting at which the state board requested 41268
reconsideration of the initial recommendations and may adopt the 41269
standards as resubmitted or, if the resubmitted standards have not 41270
addressed the state board's concerns, the state board may modify 41271
the standards prior to adopting them. The final responsibility to 41272
determine whether to adopt standards as described in division (A) 41273
of this section and the content of those standards, if adopted, 41274
belongs solely to the state board of education. 41275

Sec. 3319.611. The subcommittee on standards for 41276
superintendents of the education standards board is hereby 41277
established. The subcommittee shall consist of the following 41278
members: 41279

(A) The school district superintendent appointed to the 41280
educator standards board under section 3319.60 of the Revised 41281
Code, who shall act as chairperson of the subcommittee; 41282

(B) Three additional school district superintendents 41283
appointed by the state board of education, for terms of two years. 41284
The buckeye association of school administrators shall submit a 41285
list of six nominees for appointments under this section. 41286

(C) Three additional members of the educator standards board, 41287
appointed by the chairperson of the educator standards board; 41288

(D) The superintendent of public instruction and the 41289
chancellor of the Ohio board of regents, or their designees, who 41290
shall serve as nonvoting, ex officio members of the subcommittee. 41291

Members of the subcommittee shall receive no compensation for 41292
their services. The members appointed under divisions (B) and (C) 41293
of this section may be reappointed. 41294

The subcommittee shall assist the educator standards board in developing the standards for superintendents and with any additional matters the educator standards board directs the subcommittee to examine. 41295
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Sec. 3319.612. The subcommittee on standards for school treasurers and business managers of the educator standards board is hereby established. The subcommittee shall consist of the following members: 41299
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41301
41302

(A) The school district treasurer or business manager appointed to the educator standards board under section 3319.60 of the Revised Code, who shall act as chairperson of the subcommittee; 41303
41304
41305
41306

(B) Three additional school district treasurers or business managers appointed by the state board of education for terms of two years. The Ohio association of school business officials shall submit a list of six nominees for appointments under this section. 41307
41308
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(C) Three additional members of the educator standards board, appointed by the chairperson of the educator standards board; 41311
41312

(D) The superintendent of public instruction and the chancellor of the Ohio board of regents, or their designees, who shall serve as nonvoting, ex officio members of the subcommittee. 41313
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Members of the subcommittee shall receive no compensation for their services. The members appointed under divisions (B) and (C) of this section may be reappointed. 41316
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The subcommittee shall assist the educator standards board in developing the standards for school treasurers and business managers and with any additional matters the educator standards board directs the subcommittee to examine. 41319
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Sec. 3319.63. The board of education of a school district 41323

that employs any person who is appointed to serve as a member of 41324
the educator standards board under division (A)(1)(a) or ~~(3)(c)~~ of 41325
section 3319.60, as a member of the subcommittee on standards for 41326
superintendents under division (B) or (C) of section 3319.611, or 41327
as a member of the subcommittee on standards for school treasurers 41328
and business managers under division (B) or (C) of section 41329
3319.612 of the Revised Code shall grant that person paid 41330
professional leave for the purpose of attending meetings and 41331
conducting official business of the educator standards board and 41332
the subcommittees. 41333

Sec. 3321.07. If any child attends upon instruction elsewhere 41334
than in a public school such instruction shall be in a school 41335
which conforms to the minimum standards prescribed by the state 41336
board of education. The hours and term of attendance exacted shall 41337
be equivalent to the hours and term of attendance required of 41338
children in the public schools of the district, except that 41339
chartered nonpublic schools shall be permitted to measure the 41340
minimum school year by the number of hours of learning 41341
opportunities offered during the school year as prescribed in 41342
division (L)(3) of section 3314.08 of the Revised Code. This 41343
section does not require a child to attend a high school instead 41344
of a vocational, commercial, or other special type of school, 41345
provided the instruction therein is for a term and for hours 41346
equivalent to those of the high school, and provided ~~his~~ the 41347
child's attendance at such school will not interfere with a 41348
continuous program of education for the child to the age of 41349
sixteen. 41350

Sec. 3323.05. The state board of education shall establish 41351
procedures to ensure that children with disabilities and their 41352
parents are guaranteed procedural safeguards under this chapter 41353
with respect to a free appropriate public education. 41354

The procedures shall include, but need not be limited to: 41355

(A) An opportunity for the parents of a child with a 41356
disability to examine all records related to the child and to 41357
participate in meetings with respect to identification, 41358
evaluation, and educational placement of the child, and to obtain 41359
an independent educational evaluation of the child; 41360

(B) Procedures to protect the rights of the child whenever 41361
the parents of the child are not known, an agency after making 41362
reasonable efforts cannot find the parents, or the child is a ward 41363
of the state, including the assignment, ~~in accordance with section~~ 41364
~~3323.051 of the Revised Code,~~ of an individual to act as a 41365
surrogate for the parents; made by the school district or other 41366
educational agency responsible for educating the child or by the 41367
court with jurisdiction over the child's custody. Such assignment 41368
shall be made in accordance with section 3323.051 of the Revised 41369
Code. 41370

(C) Prior written notice to the child's parents of a school 41371
district's proposal or refusal to initiate or change the 41372
identification, evaluation, or educational placement of the child 41373
or the provision of a free appropriate education for the child. 41374
The procedures established under this division shall: 41375

(1) Be designed to ensure that the written prior notice is in 41376
the native language of the parents, unless it clearly is not 41377
feasible to do so. 41378

(2) Specify that the prior written notice shall include: 41379

(a) A description of the action proposed or refused by the 41380
district; 41381

(b) An explanation of why the district proposes or refuses to 41382
take the action and a description of each evaluation procedure, 41383
assessment, record, or report the district used as a basis for the 41384
proposed or refused action; 41385

(c) A statement that the parents of a child with a disability 41386
have protection under the procedural safeguards and, if the notice 41387
is not in regard to an initial referral for evaluation, the means 41388
by which a copy of a description of the procedural safeguards can 41389
be obtained; 41390

(d) Sources for parents to contact to obtain assistance in 41391
understanding the provisions of Part B of the "Individuals with 41392
Disabilities Education Improvement Act of 2004"; 41393

(e) A description of other options considered by the IEP team 41394
and the reason why those options were rejected; 41395

(f) A description of the factors that are relevant to the 41396
agency's proposal or refusal. 41397

(D) An opportunity for the child's parents to present 41398
complaints to the superintendent of the child's school district of 41399
residence with respect to any matter relating to the 41400
identification, evaluation, or educational placement of the child, 41401
or the provision of a free appropriate public education under this 41402
chapter. 41403

Within twenty school days after receipt of a complaint, the 41404
district superintendent or the superintendent's designee, without 41405
undue delay and at a time and place convenient to all parties, 41406
shall review the case, may conduct an administrative review, and 41407
shall notify all parties in writing of the superintendent's or 41408
designee's decision. Where the child is placed in a program 41409
operated by a county MR/DD board or other educational agency, the 41410
superintendent shall consult with the administrator of that county 41411
MR/DD board or agency. 41412

Any party aggrieved by the decision of the district 41413
superintendent or the superintendent's designee may file a 41414
complaint with the state board as provided under division (E) of 41415
this section, request mediation as provided under division (F) of 41416

this section, or present a due process complaint notice and 41417
request for a due process hearing in writing to the superintendent 41418
of the district, with a copy to the state board, as provided under 41419
division (G) of this section. 41420

(E) An opportunity for a party to file a complaint with the 41421
state board of education with respect to the identification, 41422
evaluation, or educational placement of the child, or the 41423
provision of a free appropriate public education to such child. 41424
The department of education shall review and, where appropriate, 41425
investigate the complaint and issue findings. 41426

(F) An opportunity for parents and a school district to 41427
resolve through mediation disputes involving any matter. 41428

(1) The procedures established under this section shall 41429
ensure that the mediation process is voluntary on the part of the 41430
parties, is not used to deny or delay a parent's right to a due 41431
process hearing or to deny any other rights afforded under this 41432
chapter, and is conducted by a qualified and impartial mediator 41433
who is trained in effective mediation techniques. 41434

(2) A school district may establish procedures to offer to 41435
parents and schools that choose not to use the mediation process, 41436
an opportunity to meet, at a time and location convenient to the 41437
parents, with a disinterested party to encourage the use, and 41438
explain the benefits, of the mediation process to the parents. The 41439
disinterested party shall be an individual who is under contract 41440
with a parent training and information center or community parent 41441
resource center in the state or is under contract with an 41442
appropriate alternative dispute resolution entity. 41443

(3) The department shall maintain a list of individuals who 41444
are qualified mediators and knowledgeable in laws and regulations 41445
relating to the provision of special education and related 41446
services. 41447

(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F)(2) of this section. 41448
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(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. 41451
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(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 41454
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(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that: 41457
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(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding; 41461
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 41465
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(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 41467
41468

(G)(1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. The party presenting the due process complaint and request for a due process hearing shall provide due process complaint notice to the other party and forward a copy of the notice to the state board. The due process complaint notice shall include: 41469
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(a) The name of the child, the address of the residence of the child, or the available contact information in the case of a homeless child, and the name of the school the child is attending;

(b) A description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem;

(c) A proposed resolution of the problem to the extent known and available to the party at the time.

A party shall not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirement for filing a due process complaint notice.

A due process hearing shall be conducted by an impartial hearing officer in accordance with standards and procedures adopted by the state board. A hearing officer shall not be an employee of the state board or any agency involved in the education or care of the child or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing. A hearing officer shall possess knowledge of, and the ability to understand, the provisions of the "Individuals with Disabilities Education Improvement Act of 2004," federal and state regulations pertaining to that act, and legal interpretations of that act by federal and state courts; possess the knowledge and ability to conduct hearings in accordance with appropriate standard legal practice; and possess the knowledge and ability to render and write decisions in accordance with appropriate standard legal practice. The due process requirements of section 615 of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1415, apply to due process complaint notices and requests for due process hearings and to due process hearings held under division (G) of this section, including, but not limited to, timelines for requesting hearings, requirements for sufficient complaint notices, resolution sessions, and sufficiency and

hearing decisions. 41511

(2) Discussions that occur during a resolution session shall 41512
be confidential and shall not be used as evidence in any 41513
subsequent due process hearing or civil proceeding. If a 41514
resolution to the dispute is reached at a resolution session, the 41515
parties must execute a legally binding written settlement 41516
agreement which shall state that all discussions that occurred 41517
during the resolution process shall be confidential and shall not 41518
be used as evidence in any subsequent due process hearing or civil 41519
proceeding. 41520

(3) A party to a hearing under division (G) of this section 41521
shall be accorded: 41522

(a) The right to be accompanied and advised by counsel and by 41523
individuals with special knowledge or training with respect to the 41524
problems of children with disabilities; 41525

(b) The right to present evidence and confront, 41526
cross-examine, and compel the attendance of witnesses; 41527

(c) The right to a written or electronic verbatim record of 41528
the hearing; 41529

(d) The right to written findings of fact and decisions, 41530
which findings of fact and decisions shall be made available to 41531
the public consistent with the requirements relating to the 41532
confidentiality of personally identifiable data, information, and 41533
records collected and maintained by state educational agencies and 41534
local educational agencies; and shall be transmitted to the 41535
advisory panel established and maintained by the department for 41536
the purpose of providing policy guidance with respect to special 41537
education and related services for children with disabilities in 41538
the state. 41539

(H) An opportunity for any party aggrieved by the findings 41540
and decision rendered in a hearing under division (G) of this 41541

section to appeal within forty-five days of notification of the 41542
decision to the state board, which shall appoint a state level 41543
officer who shall review the case and issue a final order. The 41544
state level officer shall be appointed and shall review the case 41545
in accordance with standards and procedures adopted by the state 41546
board. 41547

Any party aggrieved by the final order of the state level 41548
officer may appeal the final order, in accordance with Chapter 41549
119. of the Revised Code, within forty-five days after 41550
notification of the order to the court of common pleas of the 41551
county in which the child's school district of residence is 41552
located, or to a district court of the United States within ninety 41553
days after the date of the decision of the state level review 41554
officer, as provided in section 615(i)(2) of the "Individuals with 41555
Disabilities Education Improvement Act of 2004," 20 U.S.C. 41556
1415(i)(2). 41557

Sec. 3323.052. Not later than January 31, 2011, the 41558
department of education shall develop a document that compares a 41559
parent's and child's rights under this chapter and 20 U.S.C. 1400 41560
et seq. with the parent's and child's rights under the special 41561
education scholarship pilot program, established in sections 41562
3310.51 to 3310.64 of the Revised Code, including the deadline for 41563
application for a scholarship or renewal of a scholarship and 41564
notice of that application to the child's school district, 41565
prescribed in division (C) of section 3310.52 of the Revised Code, 41566
and the provisions of divisions (A) and (B) of section 3310.53 of 41567
the Revised Code. The department shall revise that document as 41568
necessary to reflect any pertinent changes in state or federal 41569
statutory law, rule, or regulation enacted or adopted after the 41570
initial document is developed. The department and each school 41571
district shall ensure that the document prescribed in this section 41572
is included in, appended to, or otherwise distributed in 41573

conjunction with the notice required under 20 U.S.C. 1415(d), and 41574
any provision of the Code of Federal Regulations implementing that 41575
requirement, in the manner and at all the times specified for such 41576
notice in federal law or regulation. As used in this section, a 41577
"child's school district" means the school district in which the 41578
child is entitled to attend school under section 3313.64 or 41579
3313.65 of the Revised Code. 41580

Sec. 3326.11. Each science, technology, engineering, and 41581
mathematics school established under this chapter and its 41582
governing body shall comply with sections 9.90, 9.91, 109.65, 41583
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 41584
3301.0712, 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 41585
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 41586
3313.50, 3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 41587
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 41588
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 41589
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 41590
3313.718, 3313.719, 3313.80, 3313.801, 3313.86, 3313.96, 3319.073, 41591
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.45, 41592
3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 41593
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 41594
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 41595
4167. of the Revised Code as if it were a school district. 41596
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Sec. 3326.36. The department of education shall reduce the 41598
amounts paid to a science, technology, engineering, and 41599
mathematics school under section 3326.33 of the Revised Code to 41600
reflect payments made to colleges under division (B) of section 41601
3365.07 of the Revised Code or through alternative funding 41602
agreements entered into under rules adopted under section 3365.12 41603
of the Revised Code. A student shall be considered enrolled in the 41604

school for any portion of the school year the student is attending 41605
a college under Chapter 3365. of the Revised Code. 41606

Sec. 3327.10. (A) No person shall be employed as driver of a 41607
school bus or motor van, owned and operated by any school district 41608
or educational service center or privately owned and operated 41609
under contract with any school district or service center in this 41610
state, who has not received a certificate from the educational 41611
service center governing board in case such person is employed by 41612
a service center or by a local school district under the 41613
supervision of the service center governing board, or by the 41614
superintendent of schools, in case such person is employed by the 41615
board of a city or exempted village school district, certifying 41616
that such person is at least eighteen years of age and is of good 41617
moral character and is qualified physically and otherwise for such 41618
position. The service center governing board or the 41619
superintendent, as the case may be, shall provide for an annual 41620
physical examination that conforms with rules adopted by the state 41621
board of education of each driver to ascertain the driver's 41622
physical fitness for such employment. Any certificate may be 41623
revoked by the authority granting the same on proof that the 41624
holder has been guilty of failing to comply with division (D)(1) 41625
of this section, or upon a conviction or a guilty plea for a 41626
violation, or any other action, that results in a loss or 41627
suspension of driving rights. Failure to comply with such division 41628
may be cause for disciplinary action or termination of employment 41629
under division (C) of section 3319.081, or section 124.34 of the 41630
Revised Code. 41631

(B) No person shall be employed as driver of a school bus or 41632
motor van not subject to the rules of the department of education 41633
pursuant to division (A) of this section who has not received a 41634
certificate from the school administrator or contractor certifying 41635
that such person is at least eighteen years of age, is of good 41636

moral character, and is qualified physically and otherwise for 41637
such position. Each driver shall have an annual physical 41638
examination which conforms to the state highway patrol rules, 41639
ascertaining the driver's physical fitness for such employment. 41640
The examination shall be performed by one of the following: 41641

(1) A person licensed under Chapter 4731. of the Revised Code 41642
or by another state to practice medicine and surgery or 41643
osteopathic medicine and surgery; 41644

(2) A physician assistant; 41645

(3) A certified nurse practitioner; 41646

(4) A clinical nurse specialist; 41647

(5) A certified nurse-midwife. 41648

Any written documentation of the physical examination shall 41649
be completed by the individual who performed the examination. 41650

Any certificate may be revoked by the authority granting the 41651
same on proof that the holder has been guilty of failing to comply 41652
with division (D)(2) of this section. 41653

(C) Any person who drives a school bus or motor van must give 41654
satisfactory and sufficient bond except a driver who is an 41655
employee of a school district and who drives a bus or motor van 41656
owned by the school district. 41657

(D) No person employed as driver of a school bus or motor van 41658
under this section who is convicted of a traffic violation or who 41659
has had the person's commercial driver's license suspended shall 41660
drive a school bus or motor van until the person has filed a 41661
written notice of the conviction or suspension, as follows: 41662

(1) If the person is employed under division (A) of this 41663
section, the person shall file the notice with the superintendent, 41664
or a person designated by the superintendent, of the school 41665
district for which the person drives a school bus or motor van as 41666

an employee or drives a privately owned and operated school bus or motor van under contract. 41667
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(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor. 41669
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(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor. 41673
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(F)(1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record. 41677
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(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for six years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance. 41691
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(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all 41696
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other requirements contained in rules adopted by the state board 41698
of education prescribing qualifications of drivers of school buses 41699
and other student transportation. 41700

(G) No superintendent of a school district, educational 41701
service center, community school, or public or private employer 41702
shall permit the operation of a vehicle used for pupil 41703
transportation within this state by an individual unless both of 41704
the following apply: 41705

(1) Information pertaining to that driver has been submitted 41706
to the department of education, pursuant to procedures adopted by 41707
that department. Information to be reported shall include the name 41708
of the employer or school district, name of the driver, driver 41709
license number, date of birth, date of hire, status of physical 41710
evaluation, and status of training. 41711

(2) The most recent criminal records check required by 41712
division (J) of this section, ~~including information from the~~ 41713
~~federal bureau of investigation,~~ has been completed and received 41714
by the superintendent or public or private employer. 41715

(H) A person, school district, educational service center, 41716
community school, nonpublic school, or other public or nonpublic 41717
entity that owns a school bus or motor van, or that contracts with 41718
another entity to operate a school bus or motor van, may impose 41719
more stringent restrictions on drivers than those prescribed in 41720
this section, in any other section of the Revised Code, and in 41721
rules adopted by the state board. 41722

(I) For qualified drivers who, on July 1, 2007, are employed 41723
by the owner of a school bus or motor van to drive the school bus 41724
or motor van, any instance in which the driver was convicted of or 41725
pleaded guilty to a violation of section 4511.19 of the Revised 41726
Code or a substantially equivalent municipal ordinance prior to 41727
two years prior to July 1, 2007, shall not be considered a 41728

disqualifying event with respect to division (F) of this section. 41729
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(J)(1) This division applies to persons hired by a school 41731
district, educational service center, community school, chartered 41732
nonpublic school, or science, technology, engineering, and 41733
mathematics school established under Chapter 3326. of the Revised 41734
Code to operate a vehicle used for pupil transportation. 41735

For each person to whom this division applies who is hired on 41736
or after November 14, 2007, the employer shall request a criminal 41737
records check in accordance with section 3319.39 of the Revised 41738
Code and every six years thereafter. For each person to whom this 41739
division applies who is hired prior to that date, the employer 41740
shall request a criminal records check by a date prescribed by the 41741
department of education and every six years thereafter. 41742
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(2) This division applies to persons hired by a public or 41744
private employer not described in division (J)(1) of this section 41745
to operate a vehicle used for pupil transportation. 41746

For each person to whom this division applies who is hired on 41747
or after November 14, 2007, the employer shall request a criminal 41748
records check prior to the person's hiring and every six years 41749
thereafter. For each person to whom this division applies who is 41750
hired prior to that date, the employer shall request a criminal 41751
records check by a date prescribed by the department and every six 41752
years thereafter. 41753

(3) Each request for a criminal records check under division 41754
(J) of this section shall be made to the superintendent of the 41755
bureau of criminal identification and investigation in the manner 41756
prescribed in section 3319.39 of the Revised Code, except that if 41757
both of the following conditions apply to the person subject to 41758
the records check, the employer shall request the superintendent 41759

only to obtain any criminal records that the federal bureau of 41760
investigation has on the person: 41761

(a) The employer previously requested the superintendent to 41762
determine whether the bureau of criminal identification and 41763
investigation has any information, gathered pursuant to division 41764
(A) of section 109.57 of the Revised Code, on the person in 41765
conjunction with a criminal records check requested under section 41766
3319.39 of the Revised Code or under division (J) of this section. 41767

(b) The person presents proof that the person has been a 41768
resident of this state for the five-year period immediately prior 41769
to the date upon which the person becomes subject to a criminal 41770
records check under this section. Upon 41771

Upon receipt of a request, the ~~bureau~~ superintendent shall 41772
conduct the criminal records check in accordance with section 41773
109.572 of the Revised Code as if the request had been made under 41774
section 3319.39 of the Revised Code. However, as specified in 41775
division (B)(2) of section 109.572 of the Revised Code, if the 41776
employer requests the superintendent only to obtain any criminal 41777
records that the federal bureau of investigation has on the person 41778
for whom the request is made, the superintendent shall not conduct 41779
the review prescribed by division (B)(1) of that section. 41780

(K) Any person who is the subject of a criminal records check 41781
under division (J) of this section and has been convicted of or 41782
pleaded guilty to any offense described in division (C) of section 41783
3319.31 of the Revised Code shall not be hired or shall be 41784
released from employment. 41785

Sec. 3333.04. The chancellor of the Ohio board of regents 41786
shall: 41787

(A) Make studies of state policy in the field of higher 41788
education and formulate a master plan for higher education for the 41789

state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs;

(B)(1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;

(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public hearing on the matter and advise the chancellor on whether the program should be recommended for elimination. The board shall

provide notice of each hearing within a reasonable amount of time 41821
prior to its scheduled date. Following the hearing, the board 41822
shall issue a recommendation to the chancellor. The chancellor 41823
shall consider the board's recommendation but shall not be 41824
required to accept it. 41825

For purposes of determining the amounts of any state 41826
instructional subsidies paid to state colleges, universities, and 41827
other state-assisted institutions of higher education, the 41828
chancellor may exclude students enrolled in any program that the 41829
chancellor has recommended for elimination pursuant to this 41830
division except that the chancellor shall not exclude any such 41831
student who enrolled in the program prior to the date on which the 41832
chancellor initially commences to exclude students under this 41833
division. 41834

The chancellor and state colleges, universities, and other 41835
state-assisted institutions of higher education shall jointly 41836
develop a process for determining which existing graduate or 41837
professional programs constitute unnecessary duplication. 41838

(G) Recommend to the state colleges, universities, and other 41839
state-assisted institutions of higher education programs which 41840
should be added to their present programs; 41841

(H) Conduct studies for the state colleges, universities, and 41842
other state-assisted institutions of higher education to assist 41843
them in making the best and most efficient use of their existing 41844
facilities and personnel; 41845

(I) Make recommendations to the governor and general assembly 41846
concerning the development of state-financed capital plans for 41847
higher education; the establishment of new state colleges, 41848
universities, and other state-assisted institutions of higher 41849
education; and the establishment of new programs at the existing 41850
state colleges, universities, and other institutions of higher 41851

education; 41852

(J) Review the appropriation requests of the public community 41853
colleges and the state colleges and universities and submit to the 41854
office of budget and management and to the chairpersons of the 41855
finance committees of the house of representatives and of the 41856
senate the chancellor's recommendations in regard to the biennial 41857
higher education appropriation for the state, including 41858
appropriations for the individual state colleges and universities 41859
and public community colleges. For the purpose of determining the 41860
amounts of instructional subsidies to be paid to state-assisted 41861
colleges and universities, the chancellor shall define "full-time 41862
equivalent student" by program per academic year. The definition 41863
may take into account the establishment of minimum enrollment 41864
levels in technical education programs below which support 41865
allowances will not be paid. Except as otherwise provided in this 41866
section, the chancellor shall make no change in the definition of 41867
"full-time equivalent student" in effect on November 15, 1981, 41868
which would increase or decrease the number of subsidy-eligible 41869
full-time equivalent students, without first submitting a fiscal 41870
impact statement to the president of the senate, the speaker of 41871
the house of representatives, the legislative service commission, 41872
and the director of budget and management. The chancellor shall 41873
work in close cooperation with the director of budget and 41874
management in this respect and in all other matters concerning the 41875
expenditures of appropriated funds by state colleges, 41876
universities, and other institutions of higher education. 41877

(K) Seek the cooperation and advice of the officers and 41878
trustees of both public and private colleges, universities, and 41879
other institutions of higher education in the state in performing 41880
the chancellor's duties and making the chancellor's plans, 41881
studies, and recommendations; 41882

(L) Appoint advisory committees consisting of persons 41883

associated with public or private secondary schools, members of 41884
the state board of education, or personnel of the state department 41885
of education; 41886

(M) Appoint advisory committees consisting of college and 41887
university personnel, or other persons knowledgeable in the field 41888
of higher education, or both, in order to obtain their advice and 41889
assistance in defining and suggesting solutions for the problems 41890
and needs of higher education in this state; 41891

(N) Approve or disapprove all new degrees and new degree 41892
programs at all state colleges, universities, and other 41893
state-assisted institutions of higher education; 41894

(O) Adopt such rules as are necessary to carry out the 41895
chancellor's duties and responsibilities. The rules shall 41896
prescribe procedures for the chancellor to follow when taking 41897
actions associated with the chancellor's duties and 41898
responsibilities and shall indicate which types of actions are 41899
subject to those procedures. The procedures adopted under this 41900
division shall be in addition to any other procedures prescribed 41901
by law for such actions. However, if any other provision of the 41902
Revised Code or rule adopted by the chancellor prescribes 41903
different procedures for such an action, the procedures adopted 41904
under this division shall not apply to that action to the extent 41905
they conflict with the procedures otherwise prescribed by law. The 41906
procedures adopted under this division shall include at least the 41907
following: 41908

(1) Provision for public notice of the proposed action; 41909

(2) An opportunity for public comment on the proposed action, 41910
which may include a public hearing on the action by the board of 41911
regents; 41912

(3) Methods for parties that may be affected by the proposed 41913
action to submit comments during the public comment period; 41914

(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	41915 41916
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	41917 41918
(6) A timeline for the process described in divisions (0)(1) to (5) of this section.	41919 41920
(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the chancellor's supervision that is designed to accomplish any of the following:	41921 41922 41923 41924
(1) Increased access to higher education;	41925
(2) Job training;	41926
(3) Adult literacy;	41927
(4) Research;	41928
(5) Excellence in higher education;	41929
(6) Reduction in the number of graduate programs within the same subject area.	41930 41931
In July of each odd-numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.	41932 41933 41934
(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27 <u>3333.26</u> , and 5910.02 of the Revised Code;	41935 41936 41937 41938
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	41939 41940 41941 41942
(S) Adopt rules for student financial aid programs as	41943

required by sections 3333.12, 3333.122, 3333.21 to ~~3333.27~~ 41944
~~3333.26~~, 3333.28, and 5910.02 of the Revised Code, and perform any 41945
other administrative functions assigned to the chancellor by those 41946
sections; 41947

(T) Conduct enrollment audits of state-supported institutions 41948
of higher education; 41949

(U) Appoint consortia of college and university personnel to 41950
advise or participate in the development and operation of 41951
statewide collaborative efforts, including the Ohio supercomputer 41952
center, the Ohio academic resources network, OhioLink, and the 41953
Ohio learning network. For each consortium, the chancellor shall 41954
designate a college or university to serve as that consortium's 41955
fiscal agent, financial officer, and employer. Any funds 41956
appropriated for the consortia shall be distributed to the fiscal 41957
agents for the operation of the consortia. A consortium shall 41958
follow the rules of the college or university that serves as its 41959
fiscal agent. The chancellor may restructure existing consortia, 41960
appointed under this division, in accordance with procedures 41961
adopted under divisions (D)(1) to (6) of this section. 41962

(V) Adopt rules establishing advisory duties and 41963
responsibilities of the board of regents not otherwise prescribed 41964
by law; 41965

(W) Respond to requests for information about higher 41966
education from members of the general assembly and direct staff to 41967
conduct research or analysis as needed for this purpose. 41968

Sec. 3333.048. (A) Not later than one year after the 41969
effective date of this section, the chancellor of the Ohio board 41970
of regents and the superintendent of public instruction jointly 41971
shall do the following: 41972

(1) In accordance with Chapter 119. of the Revised Code, 41973

establish metrics and educator preparation programs for the 41974
preparation of educators and other school personnel and the 41975
institutions of higher education that are engaged in their 41976
preparation. The metrics and educator preparation programs shall 41977
be aligned with the standards and qualifications for educator 41978
licenses adopted by the state board of education under section 41979
3319.22 of the Revised Code and the requirements of the Ohio 41980
teacher residency program established under section 3319.223 of 41981
the Revised Code. The metrics and educator preparation programs 41982
also shall ensure that educators and other school personnel are 41983
adequately prepared to use the value-added progress dimension 41984
prescribed by section 3302.021 of the Revised Code. 41985

(2) Provide for the inspection of institutions of higher 41986
education desiring to prepare educators and other school 41987
personnel. 41988

(B) Not later than one year after the effective date of this 41989
section, the chancellor shall approve institutions of higher 41990
education engaged in the preparation of educators and other school 41991
personnel that maintain satisfactory training procedures and 41992
records of performance, as determined by the chancellor. 41993

(C) If the metrics established under division (A)(1) of this 41994
section require an institution of higher education that prepares 41995
teachers to satisfy the standards of an independent accreditation 41996
organization, the chancellor shall permit each institution to 41997
satisfy the standards of either the national council for 41998
accreditation of teacher education or the teacher education 41999
accreditation council. 42000

(D) The metrics and educator preparation programs established 42001
under division (A)(1) of this section may require an institution 42002
of higher education, as a condition of approval by the chancellor, 42003
to make changes in the curricula of its preparation programs for 42004
educators and other school personnel. 42005

Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, any metrics, educator preparation programs, rules, and regulations, or any amendment or rescission of such metrics, educator preparation programs, rules, and regulations, adopted under this section that necessitate institutions offering preparation programs for educators and other school personnel approved by the chancellor to revise the curricula of those programs shall not be effective for at least one year after the first day of January next succeeding the publication of the said change.

Each institution shall allocate money from its existing appropriations to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A)(1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license.

(F) The graduates of institutions of higher education approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.

Sec. ~~3319.233~~ 3333.049. The state board of education chancellor of the Ohio board of regents, in collaboration with the Ohio board of regents state board of education, shall issue an annual report on the quality of institutions approved for the preparation of teachers pursuant to section ~~3319.23~~ 3333.048 of the Revised Code. The state board chancellor shall prepare the report in collaboration with the state board of regents and the teacher quality partnership and shall use data collected by the

partnership and other educational agencies as the basis for the 42037
information contained in the report. The report shall include at 42038
least the following information: 42039

(A) Identification of best practices in the preparation of 42040
teachers drawn from research conducted by the teacher quality 42041
partnership and other regional and national educational research 42042
efforts; 42043

(B) A plan for implementing best practices in approved 42044
teacher preparation institutions; 42045

(C) The number of graduates of approved teacher preparation 42046
institutions who graduated with a subject area specialty and teach 42047
grades seven through twelve. The number shall be disaggregated 42048
according to the subject areas of mathematics, science, foreign 42049
language, special education and related services, and any other 42050
subject area determined by the ~~state board~~ chancellor. 42051

(D) A plan to be implemented by the teacher preparation 42052
programs approved by the ~~state board~~ chancellor under section 42053
~~3319.23~~ 3333.048 of the Revised Code for increasing the number of 42054
classroom teachers in science, mathematics, and foreign language 42055
toward meeting the identified needs for teachers in those subject 42056
areas throughout the state but especially in hard-to-staff 42057
schools. 42058

The ~~state board~~ chancellor shall submit the report to the 42059
governor, the speaker and minority leader of the house of 42060
representatives, the president and minority leader of the senate, 42061
the chairpersons and ranking minority members of the standing 42062
committees of the house of representatives and the senate that 42063
consider education legislation, and the ~~chancellor of the~~ state 42064
board ~~of regents~~. 42065

Sec. 3333.122. (A) ~~As used in this section:~~ 42066

~~(1) "Eligible student" means a student who is:~~ 42067

~~(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;~~ 42068
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~~(b) If the student first enrolled in an undergraduate program in the 2006-2007 or 2007-2008 academic year, the student is enrolled in one of the following:~~ 42070
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42072

~~(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.~~ 42073
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~~(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964;~~ 42087
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~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~ 42091
42092
42093
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~~(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in one of the following:~~ 42095
42096
42097

~~(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;~~

~~(ii) An education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;~~

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~

~~(2) A student who participated in either the early college high school program administered by the department of education or in the post-secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs-based financial aid grant under this section.~~

~~(3) "Resident The chancellor of the Ohio board of regents shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents for the purpose of those sections.~~

(B) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this section: 42129
42130

(1) The resident has an expected family contribution of two thousand one hundred ninety or less; 42131
42132

(2) The resident enrolls in one of the following: 42133

(a) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964; 42134
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42139

(b) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 42140
42141
42142
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42144

(c) An undergraduate program, or a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 42145
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(C)(1) The chancellor shall establish and administer a needs-based financial aid grants program based on the United States department of education's method of determining financial need and may adopt rules to carry out this section. The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid 42154
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program by such sums and in such manner as it may provide, but the 42160
chancellor also may ~~also~~ receive funds from other sources to 42161
support the program. If, for any academic year, the amounts 42162
available for support of the program are inadequate to provide 42163
grants to all eligible students, the chancellor shall do one of 42164
the following: 42165

(a) Give preference in the payment of grants shall be given 42166
in terms of based upon expected family contribution, beginning 42167
with the lowest expected family contribution category and 42168
proceeding upward by category to the highest expected family 42169
contribution category; 42170

(b) Proportionately reduce the amount of each grant to be 42171
awarded for the academic year under this section; 42172

(c) Use an alternate formula for such grants that addresses 42173
the shortage of available funds and has been submitted to and 42174
approved by the controlling board. 42175

A (2) The needs-based financial aid grant shall be paid to ~~an~~ 42176
the eligible student through the institution in which the student 42177
is enrolled, except that no needs-based financial aid grant shall 42178
be paid to any person serving a term of imprisonment. Applications 42179
for ~~such~~ the grants shall be made as prescribed by the chancellor, 42180
and such applications may be made in conjunction with and upon the 42181
basis of information provided in conjunction with student 42182
assistance programs funded by agencies of the United States 42183
government or from financial resources of the institution of 42184
higher education. The institution shall certify that the student 42185
applicant meets the requirements set forth in ~~divisions (A)(1)(a)~~ 42186
~~and (b)~~ division (B) of this section. Needs-based financial aid 42187
grants shall be provided to an eligible student only as long as 42188
the student is making appropriate progress toward a nursing 42189
diploma or an associate or bachelor's degree. No student shall be 42190
eligible to receive a grant for more than ten semesters, fifteen 42191

quarters, or the equivalent of five academic years. A grant made 42192
to an eligible student on the basis of less than full-time 42193
enrollment shall be based on the number of credit hours for which 42194
the student is enrolled and shall be computed in accordance with a 42195
formula adopted by rule issued by the chancellor. No student shall 42196
receive more than one grant on the basis of less than full-time 42197
enrollment. 42198

~~A needs based financial aid grant shall not exceed the total 42199
instructional and general charges of the institution. 42200~~

~~(C) The tables in this division prescribe the maximum grant 42201
amounts covering two semesters, three quarters, or a comparable 42202
portion of one academic year. Grant amounts for additional terms 42203
in the same academic year shall be determined under division (D) 42204
of this section. 42205~~

~~As used in the tables in division (C) of this section: 42206~~

~~(1) "Private institution" means an institution that is 42207
nonprofit and has a certificate of authorization pursuant to 42208
Chapter 1713. of the Revised Code. 42209~~

~~(2) "Career college" means either an institution that holds a 42210
certificate of registration from the state board of career 42211
colleges and schools or a private institution exempt from 42212
regulation under Chapter 3332. of the Revised Code as prescribed 42213
in section 3333.046 of the Revised Code. 42214~~

~~Full time students shall be eligible to receive awards 42215
according to the following table: 42216~~

~~Full Time Enrollment 42217~~

If the EFC	And if the	If the	If the	If the	42218
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	

		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	42219
2,001	2,100	402	798	642	42220
1,901	2,000	498	1,002	798	42221
1,801	1,900	600	1,200	960	42222
1,701	1,800	702	1,398	1,122	42223
1,601	1,700	798	1,602	1,278	42224
1,501	1,600	900	1,800	1,440	42225
1,401	1,500	1,002	1,998	1,602	42226
1,301	1,400	1,098	2,202	1,758	42227
1,201	1,300	1,200	2,400	1,920	42228
1,101	1,200	1,302	2,598	2,082	42229
1,001	1,100	1,398	2,802	2,238	42230
901	1,000	1,500	3,000	2,400	42231
801	900	1,602	3,198	2,562	42232
701	800	1,698	3,402	2,718	42233
601	700	1,800	3,600	2,280	42234
501	600	1,902	3,798	3,042	42235
401	500	1,998	4,002	3,198	42236
301	400	2,100	4,200	3,360	42237
201	300	2,202	4,398	3,522	42238
101	200	2,298	4,602	3,678	42239
1	100	2,400	4,800	3,840	42240
0	0	2,496	4,992	3,996	42241

~~Three quarters time students shall be eligible to receive awards according to the following table:~~ 42242
42243

~~Three Quarters Time Enrollment~~ 42244

If the EFC	And the	If the	If the	If the	42245
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	

than:	institution,	institution,	college,	
	the annual	the annual	the annual	
	award	award	award	
	shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$228	\$450	\$360 42246
2,001	2,100	300	600	480 42247
1,901	2,000	372	750	600 42248
1,801	1,900	450	900	720 42249
1,701	1,800	528	1,050	840 42250
1,601	1,700	600	1,200	960 42251
1,501	1,600	678	1,350	1,080 42252
1,401	1,500	750	1,500	1,200 42253
1,301	1,400	822	1,650	1,320 42254
1,201	1,300	900	1,800	1,440 42255
1,101	1,200	978	1,950	1,560 42256
1,001	1,100	1,050	2,100	1,680 42257
901	1,000	1,128	2,250	1,800 42258
801	900	1,200	2,400	1,920 42259
701	800	1,272	2,550	2,040 42260
601	700	1,350	2,700	2,160 42261
501	600	1,428	2,850	2,280 42262
401	500	1,500	3,000	2,400 42263
301	400	1,578	3,150	2,520 42264
201	300	1,650	3,300	2,640 42265
101	200	1,722	3,450	2,760 42266
1	100	1,800	3,600	2,880 42267
0	0	1,872	3,744	3,000 42268

~~Half-time students shall be eligible to receive awards~~ 42269
~~according to the following table:~~ 42270

~~Half-Time Enrollment~~ 42271

~~If the EFC~~ ~~And if the~~ ~~If the~~ ~~If the~~ ~~If the~~ 42272
~~is equal~~ ~~EFC is no~~ ~~student~~ ~~student~~ ~~student~~
~~to or~~ ~~more than:~~ ~~attends a~~ ~~attends a~~ ~~attends a~~

greater than:	public institution,	private institution,	career college,	
	the annual award	the annual award	the annual award	
	shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$150	\$300	\$240 42273
2,001	2,100	204	402	324 42274
1,901	2,000	252	504	402 42275
1,801	1,900	300	600	480 42276
1,701	1,800	354	702	564 42277
1,601	1,700	402	804	642 42278
1,501	1,600	450	900	720 42279
1,401	1,500	504	1,002	804 42280
1,301	1,400	552	1,104	882 42281
1,201	1,300	600	1,200	960 42282
1,101	1,200	654	1,302	1,044 42283
1,001	1,100	702	1,404	1,122 42284
901	1,000	750	1,500	1,200 42285
801	900	804	1,602	1,284 42286
701	800	852	1,704	1,362 42287
601	700	900	1,800	1,440 42288
501	600	954	1,902	1,524 42289
401	500	1,002	2,004	1,602 42290
301	400	1,050	2,100	1,680 42291
201	300	1,104	2,202	1,764 42292
101	200	1,152	2,304	1,842 42293
1	100	1,200	2,400	1,920 42294
0	0	1,248	2,496	1,998 42295

~~One quarter time students shall be eligible to receive awards~~ 42296
~~according to the following table:~~ 42297

~~One Quarter Time Enrollment~~ 42298

~~If the EFC is equal~~ ~~And if the EFC is no~~ ~~If the student~~ ~~If the student~~ ~~If the student~~ 42299

to or greater than:	more than:	attends a public institution, the annual award shall be:	attends a private institution, the annual award shall be:	attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$78	\$150	\$120	42300
2,001	2,100	102	198	162	42301
1,901	2,000	126	252	198	42302
1,801	1,900	150	300	240	42303
1,701	1,800	174	348	282	42304
1,601	1,700	198	402	318	42305
1,501	1,600	228	450	360	42306
1,401	1,500	252	498	402	42307
1,301	1,400	276	552	438	42308
1,201	1,300	300	600	480	42309
1,101	1,200	324	648	522	42310
1,001	1,100	348	702	558	42311
901	1,000	378	750	600	42312
801	900	402	798	642	42313
701	800	426	852	678	42314
601	700	450	900	720	42315
501	600	474	948	762	42316
401	500	498	1,002	798	42317
301	400	528	1,050	840	42318
201	300	552	1,098	882	42319
101	200	576	1,152	918	42320
1	100	600	1,200	960	42321
0	0	624	1,248	1,002	42322

(D)(1) Except as provided in division (D)(4) of this section, 42323
no grant awarded under this section shall exceed the total state 42324
cost of attendance. 42325

(2) Subject to divisions (D)(1), (3), and (4) of this 42326

section, the amount of a grant awarded to a student under this 42327
section shall equal the student's remaining state cost of 42328
attendance after the student's Pell grant and expected family 42329
contribution are applied to the instructional and general charges 42330
for the undergraduate program. However, for students enrolled in a 42331
state university or college as defined in section 3345.12 of the 42332
Revised Code or a university branch, the chancellor may provide 42333
that the grant amount shall equal the student's remaining 42334
instructional and general charges for the undergraduate program 42335
after the student's Pell grant and expected family contribution 42336
have been applied to those charges, but, in no case, shall the 42337
grant amount for such a student exceed any maximum that the 42338
chancellor may set by rule. 42339

(3) For a full-time student enrolled in an eligible 42340
institution for a semester or quarter in addition to the portion 42341
of the academic year covered by a grant determined under division 42342
(C) of this section, the maximum grant amount shall be a 42343
percentage of the maximum prescribed specified in the applicable 42344
any table of that division established in rules adopted by the 42345
chancellor as provided in division (A) of this section. The 42346
maximum grant for a fourth quarter shall be one-third of the 42347
maximum amount so prescribed under that division. The maximum 42348
grant for a third semester shall be one-half of the maximum amount 42349
so prescribed under that division. 42350

(4) If a student is enrolled in a two-year institution of 42351
higher education and is eligible for an education and training 42352
voucher through the Ohio education and training voucher program 42353
that receives federal funding under the John H. Chafee foster care 42354
independence program, 42 U.S.C. 677, the amount of a grant awarded 42355
under this section may exceed the total state cost of attendance 42356
to additionally cover housing costs. 42357

(E) No grant shall be made to any student in a course of 42358

study in theology, religion, or other field of preparation for a 42359
religious profession unless such course of study leads to an 42360
accredited bachelor of arts, bachelor of science, associate of 42361
arts, or associate of science degree. 42362

(F)(1) Except as provided in division ~~(F)~~ (2) of this 42363
section, no grant shall be made to any student for enrollment 42364
during a fiscal year in an institution with a cohort default rate 42365
determined by the United States secretary of education pursuant to 42366
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 42367
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 42368
preceding the fiscal year, equal to or greater than thirty per 42369
cent for each of the preceding two fiscal years. 42370

(2) Division (F)(1) of this section does not apply ~~to~~ in the 42371
case of either of the following: 42372

(a) ~~Any student enrolled in an~~ The institution ~~that under the~~ 42373
pursuant to federal law appeals its loss of eligibility for 42374
federal financial aid and the United States secretary of education 42375
determines its cohort default rate after recalculation is lower 42376
than the rate specified in division (F)(1) of this section or the 42377
secretary determines due to mitigating circumstances that the 42378
institution may continue to participate in federal financial aid 42379
programs. The chancellor shall adopt rules requiring ~~institutions~~ 42380
any such appellant to provide information to the chancellor 42381
regarding an appeal ~~to the chancellor~~. 42382

(b) Any student who has previously received a grant ~~under~~ 42383
pursuant to any provision of this section, including prior to the 42384
section's amendment by H.B. 1 of the 128th general assembly, and 42385
who meets all other eligibility requirements of this section. 42386

(3) The chancellor shall adopt rules for the notification of 42387
all institutions whose students will be ineligible to participate 42388
in the grant program pursuant to division (F)(1) of this section. 42389

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(4) A student's attendance at ~~an~~ any institution whose
students ~~lose eligibility~~ are ineligible for grants ~~under~~ due to
division (F)(1) of this section shall not affect that student's
eligibility to receive a grant when enrolled in another
institution.

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(G) Institutions of higher education that enroll students
receiving needs-based financial aid grants under this section
shall report to the chancellor all students who have received such
needs-based financial aid grants but are no longer eligible for
all or part of ~~such~~ those grants and shall refund any moneys due
the state within thirty days after the beginning of the quarter or
term immediately following the quarter or term in which the
student was no longer eligible to receive all or part of the
student's grant. There shall be an interest charge of one per cent
per month on all moneys due and payable after such thirty-day
period. The chancellor shall immediately notify the office of
budget and management and the legislative service commission of
all refunds so received.

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Sec. 3333.16. As used in this section "state institution of
higher education" means an institution of higher education as
defined in section 3345.12 of the Revised Code.

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(A) The chancellor of the Ohio board of regents shall do all
of the following:

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(1) Establish policies and procedures applicable to all state
institutions of higher education that ensure that students can
begin higher education at any state institution of higher
education and transfer coursework and degrees to any other state
institution of higher education without unnecessary duplication or
institutional barriers. The purpose of this requirement is to
allow students to attain their highest educational aspirations in

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the most efficient and effective manner for the students and the 42421
state. These policies and procedures shall require state 42422
institutions of higher education to make changes or modifications, 42423
as needed, to strengthen course content so as to ensure 42424
equivalency for that course at any state institution of higher 42425
education. 42426

(2) Develop and implement a universal course equivalency 42427
classification system for state institutions of higher education 42428
so that the transfer of students and the transfer and articulation 42429
of equivalent courses or specified learning modules or units 42430
completed by students are not inhibited by inconsistent judgment 42431
about the application of transfer credits. Coursework completed 42432
within such a system at one state institution of higher education 42433
and transferred to another institution shall be applied to the 42434
student's degree objective in the same manner as equivalent 42435
coursework completed at the receiving institution. 42436

(3) Develop a system of transfer policies that ensure that 42437
graduates with associate degrees which include completion of 42438
approved transfer modules shall be admitted to a state institution 42439
of higher education, shall be able to compete for admission to 42440
specific programs on the same basis as students native to the 42441
institution, and shall have priority over out-of-state associate 42442
degree graduates and transfer students. To assist a student in 42443
advising and transferring, all state institutions of higher 42444
education shall fully implement the ~~course applicability~~ 42445
information system for advising and transferring selected by, 42446
contracted for, or developed by the chancellor. 42447

(4) Examine the feasibility of developing a transfer 42448
marketing agenda that includes materials and interactive 42449
technology to inform the citizens of Ohio about the availability 42450
of transfer options at state institutions of higher education and 42451
to encourage adults to return to colleges and universities for 42452

additional education; 42453

(5) Study, in consultation with the state board of career 42454
colleges and schools, and in light of existing criteria and any 42455
other criteria developed by the articulation and transfer advisory 42456
council, the feasibility of credit recognition and transferability 42457
to state institutions of higher education for graduates who have 42458
received associate degrees from a career college or school with a 42459
certificate of registration from the state board of career 42460
colleges and schools under Chapter 3332. of the Revised Code. 42461

(B) All provisions of the existing articulation and transfer 42462
policy developed by the Ohio board of regents shall remain in 42463
effect except where amended by this section. 42464

Sec. 3333.28. (A) The chancellor of the Ohio board of regents 42465
shall establish the nurse education assistance program, the 42466
purpose of which shall be to make loans to students enrolled in 42467
prelicensure nurse education programs at institutions approved by 42468
the board of nursing under section 4723.06 of the Revised Code and 42469
postlicensure nurse education programs approved by the chancellor 42470
under section 3333.04 of the Revised Code or offered by an 42471
institution holding a certificate of authorization issued under 42472
Chapter 1713. of the Revised Code. The board of nursing shall 42473
assist the chancellor in administering the program. 42474

(B) There is hereby created in the state treasury the nurse 42475
education assistance fund, which shall consist of all money 42476
transferred to it pursuant to section 4743.05 of the Revised Code. 42477
The fund shall be used by the chancellor for loans made under 42478
division (A) of this section and for expenses of administering the 42479
loan program. 42480

(C) Between July 1, ~~2005~~ 2009, and January 1, 2012, the 42481
chancellor shall distribute money in the nurse education 42482
assistance fund in the following manner: 42483

(1)(a) ~~Fifty~~ Seventy-five per cent of available funds shall 42484
be awarded as loans to registered nurses enrolled in postlicensure 42485
nurse education programs described in division (A) of this 42486
section. To be eligible for a loan, the applicant shall provide 42487
the chancellor with a letter of intent to practice as a faculty 42488
member at a prelicensure or postlicensure program for nursing in 42489
this state upon completion of the applicant's academic program. 42490
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(b) If the borrower of a loan under division (C)(1)(a) of 42492
this section secures employment as a faculty member of an approved 42493
nursing education program in this state within six months 42494
following graduation from an approved nurse education program, the 42495
chancellor may forgive the principal and interest of the student's 42496
loans received under division (C)(1)(a) of this section at a rate 42497
of twenty-five per cent per year, for a maximum of four years, for 42498
each year in which the borrower is so employed. A deferment of the 42499
service obligation, and other conditions regarding the forgiveness 42500
of loans may be granted as provided by the rules adopted under 42501
division (D)(7) of this section. 42502

(c) Loans awarded under division (C)(1)(a) of this section 42503
shall be awarded on the basis of the student's expected family 42504
contribution, with preference given to those applicants with the 42505
lowest expected family contribution. However, the chancellor may 42506
consider other factors the chancellor determines relevant in 42507
ranking the applications. 42508

(d) Each loan awarded to a student under division (C)(1)(a) 42509
of this section shall be not less than five thousand dollars per 42510
year. 42511

(2) Twenty-five per cent of available funds shall be awarded 42512
to students enrolled in prelicensure nurse education programs for 42513
registered nurses, as defined in section 4723.01 of the Revised 42514
Code. 42515

~~(3) Twenty five per cent of available funds shall be awarded to students enrolled in prelicensure professional nurse education programs for licensed practical nurses, as defined in section 4723.01 of the Revised Code.~~

After January 1, 2012, the chancellor shall determine the manner in which to distribute loans under this section.

(D) Subject to the requirements specified in division (C) of this section, the chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code establishing:

(1) Eligibility criteria for receipt of a loan;

(2) Loan application procedures;

(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;

(4) The total amount of loans that can be made each year;

(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;

(6) Interest and principal repayment schedules;

(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;

(8) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;

(9) Any other matters incidental to the operation of the program.

(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of

loans awarded under division (C)(1)(a) of this section, or by the 42545
chancellor under the rule adopted under division (D)(7) of this 42546
section, in the case of other loans awarded under this section. 42547

(F) The receipt of a loan under this section shall not affect 42548
a student's eligibility for assistance, or the amount of that 42549
assistance, granted under section 3333.12, 3333.122, 3333.22, 42550
3333.26, ~~3333.27~~, 5910.03, 5910.032, or 5919.34 of the Revised 42551
Code, but the rules of the chancellor may provide for taking 42552
assistance received under those sections into consideration when 42553
determining a student's eligibility for a loan under this section. 42554

Sec. 3333.35. The state board of education and the chancellor 42555
of the Ohio board of regents shall strive to reduce unnecessary 42556
student remediation costs incurred by colleges and universities in 42557
this state, increase overall access for students to higher 42558
education, enhance the post-secondary enrollment options program 42559
in accordance with Chapter 3365. of the Revised Code, and enhance 42560
the alternative resident educator licensure program in accordance 42561
with section 3319.26 of the Revised Code. 42562

Sec. 3333.38. (A) As used in this section: 42563

(1) "Institution of higher education" includes all of the 42564
following: 42565

(a) A state institution of higher education, as defined in 42566
section 3345.011 of the Revised Code; 42567

(b) A nonprofit institution issued a certificate of 42568
authorization under Chapter 1713. of the Revised Code; 42569

(c) A private institution exempt from regulation under 42570
Chapter 3332. of the Revised Code, as prescribed in section 42571
3333.046 of the Revised Code; 42572

(d) An institution of higher education with a certificate of 42573

registration from the state board of career colleges and schools 42574
under Chapter 3332. of the Revised Code. 42575

(2) "Student financial assistance supported by state funds" 42576
includes assistance granted under sections 3315.33, 3333.12, 42577
3333.122, 3333.21, 3333.26, ~~3333.27~~, 3333.28, 3333.372, 5910.03, 42578
5910.032, and 5919.34 of the Revised Code, financed by an award 42579
under the choose Ohio first scholarship program established under 42580
section 3333.61 of the Revised Code, or financed by an award under 42581
the Ohio co-op/internship program established under section 42582
3333.72 of the Revised Code, and any other post-secondary student 42583
financial assistance supported by state funds. 42584
42585

(B) An individual who is convicted of, pleads guilty to, or 42586
is adjudicated a delinquent child for one of the following 42587
violations shall be ineligible to receive any student financial 42588
assistance supported by state funds at an institution of higher 42589
education for two calendar years from the time the individual 42590
applies for assistance of that nature: 42591

(1) A violation of section 2917.02 or 2917.03 of the Revised 42592
Code; 42593

(2) A violation of section 2917.04 of the Revised Code that 42594
is a misdemeanor of the fourth degree; 42595

(3) A violation of section 2917.13 of the Revised Code that 42596
is a misdemeanor of the fourth or first degree and occurs within 42597
the proximate area where four or more others are acting in a 42598
course of conduct in violation of section 2917.11 of the Revised 42599
Code. 42600

(C) If an individual is convicted of, pleads guilty to, or is 42601
adjudicated a delinquent child for committing a violation of 42602
section 2917.02 or 2917.03 of the Revised Code, and if the 42603
individual is enrolled in a state-supported institution of higher 42604

education, the institution in which the individual is enrolled 42605
shall immediately dismiss the individual. No state-supported 42606
institution of higher education shall admit an individual of that 42607
nature for one academic year after the individual applies for 42608
admission to a state-supported institution of higher education. 42609
This division does not limit or affect the ability of a 42610
state-supported institution of higher education to suspend or 42611
otherwise discipline its students. 42612

Sec. 3333.39. The chancellor of the Ohio board of regents and 42613
the superintendent of public instruction shall establish and 42614
administer the teach Ohio program to promote and encourage 42615
citizens of this state to consider teaching as a profession. The 42616
program shall include all of the following: 42617

(A) A statewide program administered by a nonprofit 42618
corporation that has been in existence for at least fifteen years 42619
with demonstrated results in encouraging high school students from 42620
economically disadvantaged groups to enter the teaching 42621
profession. The chancellor and superintendent jointly shall select 42622
the nonprofit corporation. 42623

(B) The Ohio teacher residency program established under 42624
section 3319.223 of the Revised Code; 42625

(C) Alternative licensure procedures established under 42626
section 3319.26 of the Revised Code; 42627

(D) Any other program as identified by the chancellor and the 42628
superintendent. 42629

Sec. 3333.42. No state institution of higher education, as 42630
defined in section 3345.011 of the Revised Code, shall charge a 42631
nonresident student who is a member of the armed forces of the 42632
United States and who is stationed in this state pursuant to 42633
military orders or who is a member of the Ohio national guard, or 42634

who is the spouse or dependent child of such a student, rates for 42635
tuition and fees that are higher than the rates charged to an Ohio 42636
resident. 42637

Sec. 3333.61. The chancellor of the Ohio board of regents 42638
shall establish and administer the Ohio innovation partnership, 42639
which shall consist of the choose Ohio first scholarship program 42640
and the Ohio research scholars program. Under the programs, the 42641
chancellor, subject to approval by the controlling board, shall 42642
make awards to state universities or colleges for programs and 42643
initiatives that recruit students and scientists in the fields of 42644
science, technology, engineering, mathematics, and medicine to 42645
state universities or colleges, in order to enhance regional 42646
educational and economic strengths and meet the needs of the 42647
state's regional economies. Awards may be granted for programs and 42648
initiatives to be implemented by a state university or college 42649
alone or in collaboration with other state institutions of higher 42650
education, nonpublic Ohio universities and colleges, or other 42651
public or private Ohio entities. If the chancellor makes an award 42652
to a program or initiative that is intended to be implemented by a 42653
state university or college in collaboration with other state 42654
institutions of higher education or nonpublic Ohio universities or 42655
colleges, the chancellor may provide that some portion of the 42656
award be received directly by the collaborating universities or 42657
colleges consistent with all terms of the Ohio innovation 42658
partnership. 42659

The choose Ohio first scholarship program shall assign a 42660
number of scholarships to state universities and colleges to 42661
recruit Ohio residents as undergraduate, or as provided in section 42662
3333.66 of the Revised Code graduate, students in the fields of 42663
science, technology, engineering, mathematics, and medicine, or in 42664
science, technology, engineering, mathematics, or medical 42665
education. Choose Ohio first scholarships shall be awarded to each 42666

participating eligible student as a grant to the state university 42667
or college the student is attending and shall be reflected on the 42668
student's tuition bill. Choose Ohio first scholarships are 42669
student-centered grants from the state to students to use to 42670
attend a university or college and are not grants from the state 42671
to universities or colleges. 42672

Notwithstanding any other provision of this section or 42673
sections 3333.62 to 3333.70 of the Revised Code, a nonpublic 42674
four-year Ohio institution of higher education may submit a 42675
proposal for choose Ohio first scholarships ~~if the proposal is to~~ 42676
~~be implemented in collaboration with a state university or college~~ 42677
or Ohio research scholars grants. If the chancellor ~~grants awards~~ 42678
a nonpublic institution ~~an award of~~ scholarships or grants, the 42679
nonpublic institution shall comply with all requirements of this 42680
section, sections 3333.62 to 3333.70 of the Revised Code, and the 42681
rules adopted under this section that apply to state universities 42682
or colleges awarded choose Ohio first scholarships or Ohio 42683
research scholars grants. 42684

The Ohio research scholars program shall award grants to use 42685
in recruiting scientists to the faculties of state universities or 42686
colleges. 42687

The chancellor shall adopt rules in accordance with Chapter 42688
119. of the Revised Code to administer the programs. 42689

Sec. 3333.62. The chancellor of the Ohio board of regents 42690
shall establish a competitive process for making awards under the 42691
choose Ohio first scholarship program and the Ohio research 42692
scholars program. The chancellor, on completion of that process, 42693
shall make a recommendation to the controlling board asking for 42694
approval of each award selected by the chancellor. 42695

Any state university or college may apply for one or more 42696
awards under one or both programs. The state university or college 42697

shall submit a proposal and other documentation required by the 42698
chancellor, in the form and manner prescribed by the chancellor, 42699
for each award it seeks. A proposal may propose an initiative to 42700
be implemented solely by the state university or college or in 42701
collaboration with other state institutions of higher education, 42702
nonpublic Ohio universities or colleges, or other public or 42703
nonpublic Ohio entities. A single proposal may seek an award under 42704
one or both programs. 42705

The chancellor shall determine which proposals will receive 42706
awards each fiscal year, and the amount of each award, on the 42707
basis of the merit of each proposal, which the chancellor, subject 42708
to approval by the controlling board, shall determine based on one 42709
or more of the following criteria: 42710

(A) The quality of the program that is the subject of the 42711
proposal and the extent to which additional resources will enhance 42712
its quality; 42713

(B) The extent to which the proposal is integrated with the 42714
strengths of the regional economy; 42715

(C) The extent to which the proposal is integrated with 42716
centers of research excellence within the private sector; 42717

(D) The amount of other institutional, public, or private 42718
resources, whether monetary or nonmonetary, that the proposal 42719
pledges to leverage; 42720

(E) The extent to which the proposal is collaborative with 42721
other public or nonpublic Ohio institutions of higher education; 42722

(F) The extent to which the proposal is integrated with the 42723
university's or college's mission and does not displace existing 42724
resources already committed to the mission; 42725

(G) The extent to which the proposal facilitates a more 42726
efficient utilization of existing faculty and programs; 42727

(H) The extent to which the proposal meets a statewide educational need;	42728 42729
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	42730 42731
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	42732 42733
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	42734 42735 42736 42737 42738 42739
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	42740 42741 42742
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	42743 42744 42745 42746 42747
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	42748 42749 42750
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	42751 42752 42753 42754
(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in	42755 42756 42757

science, technology, engineering, mathematics, or medical 42758
education; 42759

(Q) The extent to which the proposal ensures that a student 42760
who is awarded a scholarship is appropriately qualified and 42761
prepared to successfully complete a degree program in science, 42762
technology, engineering, mathematics, or medicine or in science, 42763
technology, engineering, mathematics, or medical education; 42764

(R) The extent to which the proposal will increase the number 42765
of women participating in the choose Ohio first scholarship 42766
program. 42767

Sec. 3333.66. (A) ~~In~~ (1) Except as provided in division 42768
(A)(2) of this section, in each academic year, no student who 42769
receives a choose Ohio first scholarship shall receive less than 42770
one thousand five hundred dollars or more than one-half of the 42771
highest in-state undergraduate instructional and general fees 42772
charged by all state universities. For this purpose, if Miami 42773
university is implementing the pilot tuition restructuring plan 42774
originally recognized in Am. Sub. H.B. 95 of the 125th general 42775
assembly, that university's instructional and general fees shall 42776
be considered to be the average full-time in-state undergraduate 42777
instructional and general fee amount after taking into account the 42778
Ohio resident and Ohio leader scholarships and any other credit 42779
provided to all Ohio residents. 42780

(2) The chancellor of the Ohio board of regents may authorize 42781
a state university or college or a nonpublic Ohio institution of 42782
higher education to award a choose Ohio first scholarship in an 42783
amount greater than one-half of the highest in-state undergraduate 42784
instructional and general fees charged by all state universities 42785
to either of the following: 42786

(a) Any undergraduate student who qualifies for a scholarship 42787
and is enrolled in a program leading to a teaching profession in 42788

science, technology, engineering, mathematics, or medicine; 42789

(b) Any graduate student who qualifies for a scholarship, if 42790
any initiatives are selected for award under division (B) of this 42791
section. 42792

(B) ~~The chancellor of the Ohio board of regents~~ shall 42793
encourage state universities and colleges, alone or in 42794
collaboration with other state institutions of higher education, 42795
nonpublic Ohio universities and colleges, or other public or 42796
private Ohio entities, to submit proposals under the choose Ohio 42797
first scholarship program for initiatives that recruit Ohio 42798
residents enrolled in colleges and universities in other states or 42799
other countries to return to Ohio and enroll in state universities 42800
or colleges as graduate students in the fields of science, 42801
technology, engineering, mathematics, and medicine, or in the 42802
fields of science, technology, engineering, mathematics, or 42803
medical education. If such proposals are submitted and meet the 42804
chancellor's competitive criteria for awards, the chancellor, 42805
subject to approval by the controlling board, shall give at least 42806
one of the proposals preference for an award. 42807

(C) The general assembly intends that money appropriated for 42808
the choose Ohio first scholarship program in each fiscal year be 42809
used for scholarships in the following academic year. 42810

Sec. 3333.90. (A) As used in this section: 42811

(1) "Allocated state share of instruction" means, for any 42812
fiscal year, the amount of the state share of instruction 42813
appropriated to the Ohio board of regents by the general assembly 42814
that is allocated to a community or technical college or community 42815
or technical college district for such fiscal year. 42816

(2) "Authority" means the Ohio building authority. 42817

(3) "Bond service charges" has the same meaning as in section 42818

<u>152.09 of the Revised Code.</u>	42819
<u>(4) "Chancellor" means the chancellor of the Ohio board of regents.</u>	42820
	42821
<u>(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:</u>	42822
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	42824
<u>(a) A community college as defined in section 3354.01 of the Revised Code;</u>	42825
	42826
<u>(b) A technical college as defined in section 3357.01 of the Revised Code;</u>	42827
	42828
<u>(c) A state community college as defined in section 3358.01 of the Revised Code.</u>	42829
	42830
<u>(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:</u>	42831
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	42833
<u>(a) A community college district as defined in section 3354.01 of the Revised Code;</u>	42834
	42835
<u>(b) A technical college district as defined in section 3357.01 of the Revised Code;</u>	42836
	42837
<u>(c) A state community college district as defined in section 3358.01 of the Revised Code.</u>	42838
	42839
<u>(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.</u>	42840
	42841
<u>(8) "Obligations" has the meaning as in section 152.09 or 3345.12 of the Revised Code, as the context requires.</u>	42842
	42843
<u>(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the</u>	42844
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authority proposes to issue obligations under division (G) of 42848
section 152.09 of the Revised Code, may adopt a resolution 42849
requesting the chancellor to enter into an agreement with the 42850
community or technical college district and the primary paying 42851
agent or fiscal agent for such obligations, providing for the 42852
withholding and deposit of funds otherwise due the district or the 42853
community or technical college it operates in respect of its 42854
allocated state share of instruction, for the payment of bond 42855
service charges on such obligations. 42856

The board of trustees shall deliver to the chancellor a copy 42857
of the resolution and any additional pertinent information the 42858
chancellor may require. 42859

The chancellor and the office of budget and management, and 42860
the authority in the case of obligations to be issued by the 42861
authority, shall evaluate each request received from a community 42862
or technical college district under this section. The chancellor, 42863
with the advice and consent of the director of budget and 42864
management and the authority in the case of obligations to be 42865
issued by the authority, shall approve each request if all of the 42866
following conditions are met: 42867

(1) Approval of the request will enhance the marketability of 42868
the obligations for which the request is made; 42869

(2) The chancellor and the office of budget and management, 42870
and the authority in the case of obligations to be issued by the 42871
authority, have no reason to believe the requesting community or 42872
technical college district or the community or technical college 42873
it operates will be unable to pay when due the bond service 42874
charges on the obligations for which the request is made, and bond 42875
service charges on those obligations are therefore not anticipated 42876
to be paid pursuant to this section from the allocated state share 42877
of instruction for purposes of Section 17 of Article VIII, Ohio 42878
Constitution. 42879

(3) Any other pertinent conditions established in rules 42880
adopted under division (H) of this section. 42881

(C) If the chancellor approves the request of a community or 42882
technical college district to withhold and deposit funds pursuant 42883
to this section, the chancellor shall enter into a written 42884
agreement with the district and the primary paying agent or fiscal 42885
agent for the obligations, which agreement shall provide for the 42886
withholding of funds pursuant to this section for the payment of 42887
bond service charges on those obligations. The agreement may also 42888
include both of the following: 42889

(1) Provisions for certification by the district to the 42890
chancellor, prior to the deadline for payment of the applicable 42891
bond service charges, whether the district and the community or 42892
technical college it operates are able to pay those bond service 42893
charges when due; 42894

(2) Requirements that the district or the community or 42895
technical college it operates deposits amounts for the payment of 42896
those bond service charges with the primary paying agent or fiscal 42897
agent for the obligations prior to the date on which the bond 42898
service charges are due to the owners or holders of the 42899
obligations. 42900

(D) Whenever a district or the community or technical college 42901
it operates notifies the chancellor that it will not be able to 42902
pay the bond service charges when they are due, subject to the 42903
withholding provisions of this section, or whenever the applicable 42904
paying agent or fiscal agent notifies the chancellor that it has 42905
not timely received from a district or from the college it 42906
operates the full amount needed for payment of the bond service 42907
charges when due to the holders or owners of such obligations, the 42908
chancellor shall immediately contact the district or college and 42909
the paying agent or fiscal agent to confirm that the district and 42910
the college are not able to make the required payment by the date 42911

on which it is due. 42912

If the chancellor confirms that the district and the college 42913
are not able to make the payment and the payment will not be made 42914
pursuant to a credit enhancement facility, the chancellor shall 42915
promptly pay to the applicable primary paying agent or fiscal 42916
agent the lesser of the amount due for bond service charges or the 42917
amount of the next periodic distribution scheduled to be made to 42918
the district or to the college in respect of its allocated state 42919
share of instruction. If this amount is insufficient to pay the 42920
total amount then due the agent for the payment of bond service 42921
charges, the chancellor shall continue to pay to the agent from 42922
each periodic distribution thereafter, and until the full amount 42923
due the agent for unpaid bond service charges is paid in full, the 42924
lesser of the remaining amount due the agent for bond service 42925
charges or the amount of the next periodic distribution scheduled 42926
to be made to the district or college in respect of its allocated 42927
state share of instruction. 42928

(E) The chancellor may make any payments under this section 42929
by direct deposit of funds by electronic transfer. 42930

Any amount received by a paying agent or fiscal agent under 42931
this section shall be applied only to the payment of bond service 42932
charges on the obligations of the community or technical college 42933
district or community or technical college subject to this section 42934
or to the reimbursement of the provider of a credit enhancement 42935
facility that has paid the bond service charges. 42936

(F) The chancellor may make payments under this section to 42937
paying agents or fiscal agents during any fiscal biennium of the 42938
state only from and to the extent that money is appropriated to 42939
the board of regents by the general assembly for distribution 42940
during such biennium for the state share of instruction and only 42941
to the extent that a portion of the state share of instruction has 42942
been allocated to the community or technical college district or 42943

community or technical college. Obligations of the authority or of 42944
a community or technical college district to which this section is 42945
made applicable do not constitute an obligation or a debt or a 42946
pledge of the faith, credit, or taxing power of the state, and the 42947
holders or owners of those obligations have no right to have 42948
excises or taxes levied or appropriations made by the general 42949
assembly for the payment of bond service charges on the 42950
obligations, and the obligations shall contain a statement to that 42951
effect. The agreement for or the actual withholding and payment of 42952
money under this section does not constitute the assumption by the 42953
state of any debt of a community or technical college district or 42954
a community or technical college, and bond service charges on the 42955
related obligations are not anticipated to be paid from the state 42956
general revenue fund for purposes of Section 17 of Article VIII, 42957
Ohio Constitution. 42958

(G) In the case of obligations subject to the withholding 42959
provisions of this section, the issuing community or technical 42960
college district, or the authority in the case of obligations 42961
issued by the authority, shall appoint a paying agent or fiscal 42962
agent who is not an officer or employee of the district or 42963
college. 42964

(H) The chancellor, with the advice and consent of the office 42965
of budget and management, may adopt reasonable rules not 42966
inconsistent with this section for the implementation of this 42967
section to secure payment of bond service charges on obligations 42968
issued by a community or technical college district or by the 42969
authority for the benefit of a community or technical college 42970
district or the community or technical college it operates. Those 42971
rules shall include criteria for the evaluation and approval or 42972
denial of community or technical college district requests for 42973
withholding under this section. 42974

(I) The authority granted by this section is in addition to 42975

and not a limitation on any other authorizations granted by or 42976
pursuant to law for the same or similar purposes. 42977

Sec. 3333.91. (A) As used in this section, "bioscience 42978
sector" includes companies that manufacture medical devices, 42979
biopharmaceutical products, biofuel, or agricultural bioproducts; 42980
health care service companies; health care organizations; and 42981
medical research organizations. 42982

(B) The chancellor of the Ohio board of regents shall provide 42983
grants to entities that satisfy the requirements specified in this 42984
section to provide training for individuals who are not employed 42985
in the field of biotechnology or the bioscience sector and wish to 42986
receive training to be employed in that field or sector. The 42987
chancellor may provide such grants to entities engaged in any 42988
other field in which critical demands exist for certain skills. 42989
42990

(C) The chancellor may accept applications for training grant 42991
funds awarded pursuant to this section from any of the following 42992
entities: 42993

(1) A municipal corporation that provides any of the training 42994
programs described in division (D) of this section; 42995

(2) An employer, including an intermediary or a training 42996
agent of the employer, that provides any of the training programs 42997
described in division (D) of this section; 42998

(3) Any of the following entities that sponsor multi-company 42999
employee training projects that offer programs described in 43000
division (D) of this section if those projects will address common 43001
training needs identified by employers that elect to participate 43002
in the project offered by the entity: 43003

(a) Business associations; 43004

(b) Strategic business partnerships; 43005

<u>(c) Institutions of secondary or higher education;</u>	43006
<u>(d) Large manufacturers for supplier network companies;</u>	43007
<u>(e) Agencies of the state or of a political subdivision of</u>	43008
<u>the state or grant recipients under the federal "Workforce</u>	43009
<u>Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as</u>	43010
<u>amended.</u>	43011
<u>(D) The chancellor may award grants to eligible applicants</u>	43012
<u>described in division (C) of this section if in the application,</u>	43013
<u>the applicant specifies that the money received from the grant</u>	43014
<u>will be used for employee training programs that include, but are</u>	43015
<u>not limited to, any of the following:</u>	43016
<u>(1) Training programs that are in response to new or changing</u>	43017
<u>technology introduced into the workplace;</u>	43018
<u>(2) Job-linked training programs that offer special skills</u>	43019
<u>for career advancement or that are preparatory for, and lead</u>	43020
<u>directly to, a job with definite career potential and long-term</u>	43021
<u>job security;</u>	43022
<u>(3) Training programs that are necessary to implement a total</u>	43023
<u>quality management system, a total quality improvement system, or</u>	43024
<u>both within the workplace;</u>	43025
<u>(4) Training related to learning how to operate new machinery</u>	43026
<u>or equipment;</u>	43027
<u>(5) Training for employees of companies that are expanding</u>	43028
<u>into new markets or expanding exports from this state and that</u>	43029
<u>provide jobs in this state;</u>	43030
<u>(6) Basic training, remedial training, or both of employees</u>	43031
<u>as a prerequisite for other vocational or technical skills</u>	43032
<u>training or as a condition for sustained employment;</u>	43033
<u>(7) Other training activities, training projects, or both,</u>	43034
<u>related to the support, development, or evaluation of job training</u>	43035

programs, activities, and delivery systems, including training 43036
needs assessment and design. 43037

(E) The chancellor shall use the same competitive process 43038
established under section 3333.73 of the Revised Code for making 43039
awards under the Ohio co-op/internship program, adapted as 43040
necessary, to award training grants under this section. 43041

(F) The chancellor shall adopt rules in accordance with 43042
Chapter 119. of the Revised Code to establish the terms and 43043
conditions under which a grant may be awarded under this section 43044
and as necessary to implement this section. The chancellor shall 43045
include in the rules a requirement that, if an entity that applies 43046
for a grant awarded under this section is not an employer, the 43047
entity must specify in the entity's application employers that 43048
will benefit from the training the entity provides to ensure that 43049
the training provided satisfies the needs of employers located in 43050
the area where the entity provides the training programs described 43051
in division (D) of this section. No grant awarded under this 43052
section shall be for an amount that exceeds fifty per cent of the 43053
allowable costs of the training programs described in division (D) 43054
of this section provided by an entity described in division (C) of 43055
this section. Under this section, allowable costs include, but are 43056
not limited to, the following costs: 43057

(1) Administrative costs for tracking, documenting, 43059
reporting, and processing training funds or project costs; 43060

(2) Costs for developing a curriculum; 43061

(3) Wages for instructors and if the individuals receiving 43062
training are employed by the employer who offers the program, 43063
wages for those individuals; 43064

(4) Costs incurred for producing training materials, 43065
including scrap product costs; 43066

<u>(5) Trainee travel expenses;</u>	43067
<u>(6) Costs for rent, purchase, or lease of training equipment;</u>	43068
<u>(7) Other usual and customary training costs.</u>	43069
<u>(G) An entity described in division (C) of this section shall</u>	43070
<u>use money received from a grant only for the programs that the</u>	43071
<u>entity specified in the entity's application in accordance with</u>	43072
<u>division (D) of this section. A municipal corporation that</u>	43073
<u>receives a grant under this section may use the money received for</u>	43074
<u>a training program that also is funded pursuant to the federal</u>	43075
<u>"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801,</u>	43076
<u>as amended.</u>	43077
<u>(H) The chancellor shall adopt rules in accordance with</u>	43078
<u>Chapter 119. of the Revised Code to establish methods and</u>	43079
<u>procedures the chancellor shall use to identify transitional jobs</u>	43080
<u>and to develop and identify training strategies that will enable</u>	43081
<u>individuals who are not employed in the field of biotechnology or</u>	43082
<u>the bioscience sector to be employed in that field or sector.</u>	43083
<u>(I) The chancellor shall require an employee of the board of</u>	43084
<u>regents to conduct at least one on-site visit to monitor the</u>	43085
<u>application of the grant and compliance with this section and any</u>	43086
<u>rules the chancellor adopts pursuant to it, either during the</u>	43087
<u>course of the grant period or within six months after the end of</u>	43088
<u>the grant period. The employee shall verify that the grantee's</u>	43089
<u>financial management system is structured to provide for accurate,</u>	43090
<u>current, and complete disclosure of the financial results of the</u>	43091
<u>grant program in accordance with all provisions, terms, and</u>	43092
<u>conditions contained in the grant contract entered into by the</u>	43093
<u>grantee and the chancellor pursuant to this section and any rules</u>	43094
<u>the chancellor adopts pursuant to it.</u>	43095
Sec. 3343.04. The board of trustees of the Central state	43096

university shall meet in regular session at the university twice a 43097
year. ~~The first meeting shall be on the third Thursday in June,~~ 43098
~~and the second on the first Thursday in November of each year.~~ 43099
Other meetings may be called and held at such places as the board 43100
prescribes. A majority of the board present at any meeting shall 43101
constitute a quorum; but a majority of the board shall be 43102
necessary to elect or remove a president, business manager, or 43103
professor. The trustees shall receive no compensation for their 43104
services, but shall be paid their expenses for traveling and other 43105
reasonable and necessary expenses while engaged in the discharge 43106
of their official duties. 43107

Sec. 3345.011. "State university" means a public institution 43108
of higher education which is a body politic and corporate. Each of 43109
the following institutions of higher education shall be recognized 43110
as a state university: university of Akron, Bowling Green state 43111
university, Central state university, university of Cincinnati, 43112
Cleveland state university, Kent state university, Miami 43113
university, Ohio university, Ohio state university, Shawnee state 43114
university, university of Toledo, Wright state university, and 43115
Youngstown state university. 43116

"State institution of higher education" means any state 43117
university or college as defined in division (A)(1) of section 43118
3345.12 of the Revised Code, community college, state community 43119
college, university branch established under Chapter 3355. of the 43120
Revised Code, or technical college. 43121

"University system of Ohio" means the collective group of all 43122
of the state institutions of higher education. 43123

"Member of the university system of Ohio" means any 43124
individual state institution of higher education. 43125

Sec. 3345.12. (A) As used in this section and sections 43126

3345.07 and 3345.11 of the Revised Code, in other sections of the Revised Code that make reference to this section unless the context does not permit, and in related bond proceedings unless otherwise expressly provided:

(1) "State university or college" means each of the state universities identified in section 3345.011 of the Revised Code and the northeastern Ohio universities college of medicine, and includes its board of trustees.

(2) "Institution of higher education" or "institution" means a state university or college, or a community college district, technical college district, university branch district, or state community college, and includes the applicable board of trustees or, in the case of a university branch district, any other managing authority.

(3) "Housing and dining facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, to be used for or in connection with dormitories or other living quarters and accommodations, or related dining halls or other food service and preparation facilities, for students, members of the faculty, officers, or employees of the institution of higher education, and their spouses and families.

(4) "Auxiliary facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, to be used for or in connection with student activity or student service facilities, housing and dining facilities, dining halls, and other food service and preparation facilities, vehicular parking facilities, bookstores, athletic and recreational facilities, faculty centers, auditoriums, assembly and exhibition halls, hospitals, infirmaries and other medical and health facilities, research, and continuing education facilities.

(5) "Education facilities" means buildings, structures, and other improvements, and equipment, real estate, and interests in real estate therefor, to be used for or in connection with, classrooms or other instructional facilities, libraries, administrative and office facilities, and other facilities, other than auxiliary facilities, to be used directly or indirectly for or in connection with the conduct of the institution of higher education.

(6) "Facilities" means housing and dining facilities, auxiliary facilities, or education facilities, and includes any one, part of, or any combination of such facilities, and further includes site improvements, utilities, machinery, furnishings, and any separate or connected buildings, structures, improvements, sites, open space and green space areas, utilities or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, such facilities.

(7) "Obligations" means bonds or notes or other evidences of obligation, including interest coupons pertaining thereto, authorized to be issued under this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code.

(8) "Bond service charges" means principal, including any mandatory sinking fund or redemption requirements for the retirement of obligations, interest, or interest equivalent and other accreted amounts, and any call premium required to be paid on obligations.

(9) "Bond proceedings" means the resolutions, trust agreement, indenture, and other agreements and credit enhancement facilities, and amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing, awarding, or providing for the terms and conditions applicable to, or providing

for the security or liquidity of, obligations, and the provisions 43190
contained in those obligations. 43191

(10) "Costs of facilities" means the costs of acquiring, 43192
constructing, reconstructing, rehabilitating, remodeling, 43193
renovating, enlarging, improving, equipping, or furnishing 43194
facilities, and the financing thereof, including the cost of 43195
clearance and preparation of the site and of any land to be used 43196
in connection with facilities, the cost of any indemnity and 43197
surety bonds and premiums on insurance, all related direct 43198
administrative expenses and allocable portions of direct costs of 43199
the institution of higher education or state agency, cost of 43200
engineering, architectural services, design, plans, specifications 43201
and surveys, estimates of cost, legal fees, fees and expenses of 43202
trustees, depositories, bond registrars, and paying agents for the 43203
obligations, cost of issuance of the obligations and financing 43204
costs and fees and expenses of financial advisers and consultants 43205
in connection therewith, interest on the obligations from the date 43206
thereof to the time when interest is to be covered by available 43207
receipts or other sources other than proceeds of the obligations, 43208
amounts necessary to establish reserves as required by the bond 43209
proceedings, costs of audits, the reimbursements of all moneys 43210
advanced or applied by or borrowed from the institution or others, 43211
from whatever source provided, including any temporary advances 43212
from state appropriations, for the payment of any item or items of 43213
cost of facilities, and all other expenses necessary or incident 43214
to planning or determining feasibility or practicability with 43215
respect to facilities, and such other expenses as may be necessary 43216
or incident to the acquisition, construction, reconstruction, 43217
rehabilitation, remodeling, renovation, enlargement, improvement, 43218
equipment, and furnishing of facilities, the financing thereof and 43219
the placing of them in use and operation, including any one, part 43220
of, or combination of such classes of costs and expenses. 43221

(11) "Available receipts" means all moneys received by the institution of higher education, including income, revenues, and receipts from the operation, ownership, or control of facilities, grants, gifts, donations, and pledges and receipts therefrom, receipts from fees and charges, and the proceeds of the sale of obligations, including proceeds of obligations issued to refund obligations previously issued, but excluding any special fee, and receipts therefrom, charged pursuant to division (D) of section 154.21 of the Revised Code.

(12) "Credit enhancement facilities" has the meaning given in division (H) of section 133.01 of the Revised Code.

(13) "Financing costs" has the meaning given in division (K) of section 133.01 of the Revised Code.

(14) "Interest" or "interest equivalent" has the meaning given in division (R) of section 133.01 of the Revised Code.

(B) Obligations issued under section 3345.07 or 3345.11 of the Revised Code by a state university or college shall be authorized by resolution of its board of trustees. Obligations issued by any other institution of higher education shall be authorized by resolution of its board of trustees, or managing directors in the case of certain university branch districts, as applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code apply to obligations. Obligations may be issued to pay costs of facilities even if the institution anticipates the possibility of a future state appropriation to pay all or a portion of such costs.

(C) Obligations shall be secured by a pledge of and lien on all or such part of the available receipts of the institution of higher education as it provides for in the bond proceedings, excluding moneys raised by taxation and state appropriations except as permitted by section 3333.90 of the Revised Code. Such

pledge and lien may be made prior to all other expenses, claims, 43253
or payments, excepting any pledge of such available receipts 43254
previously made to the contrary and except as provided by any 43255
existing restrictions on the use thereof, or such pledge and lien 43256
may be made subordinate to such other expenses, claims, or 43257
payments, as provided in the bond proceedings. Obligations may be 43258
additionally secured by covenants of the institution to make, fix, 43259
adjust, collect, and apply such charges, rates, fees, rentals, and 43260
other items of available receipts as will produce pledged 43261
available receipts sufficient to meet bond service charges, 43262
reserve, and other requirements provided for in the bond 43263
proceedings. Notwithstanding this and any other sections of the 43264
Revised Code, the holders or owners of the obligations shall not 43265
be given the right and shall have no right to have excises or 43266
taxes levied by the general assembly for the payment of bond 43267
service charges thereon, and each such obligation shall bear on 43268
its face a statement to that effect and to the effect that the 43269
right to such payment is limited to the available receipts and 43270
special funds pledged to such purpose under the bond proceedings. 43271

All pledged available receipts and funds and the proceeds of 43272
obligations are trust funds and, subject to the provisions of this 43273
section and the applicable bond proceedings, shall be held, 43274
deposited, invested, reinvested, disbursed, applied, and used to 43275
such extent, in such manner, at such times, and for such purposes, 43276
as are provided in the bond proceedings. 43277

(D) The bond proceedings for obligations shall provide for 43278
the purpose thereof and the principal amount or maximum principal 43279
amount, and provide for or authorize the manner of determining the 43280
principal maturity or maturities, the sale price including any 43281
permitted discount, the interest rate or rates, which may be a 43282
variable rate or rates, or the maximum interest rate, the date of 43283
the obligations and the date or dates of payment of interest 43284

thereon, their denominations, the manner of sale thereof, and the 43285
establishment within or without the state of a place or places of 43286
payment of bond service charges. The bond proceedings also shall 43287
provide for a pledge of and lien on available receipts of the 43288
institution of higher education as provided in division (C) of 43289
this section, and a pledge of and lien on such fund or funds 43290
provided in the bond proceedings arising from available receipts, 43291
which pledges and liens may provide for parity with obligations 43292
theretofore or thereafter issued by the institution. The available 43293
receipts so pledged and thereafter received by the institution and 43294
the funds so pledged are immediately subject to the lien of such 43295
pledge without any physical delivery thereof or further act, and 43296
the lien of any such pledge is valid and binding against all 43297
parties having claims of any kind against the institution, 43298
irrespective of whether such parties have notice thereof, and 43299
shall create a perfected security interest for all purposes of 43300
Chapter 1309. of the Revised Code, without the necessity for 43301
separation or delivery of funds or for the filing or recording of 43302
the bond proceedings by which such pledge is created or any 43303
certificate, statement, or other document with respect thereto; 43304
and the pledge of such available receipts and funds shall be 43305
effective and the money therefrom and thereof may be applied to 43306
the purposes for which pledged without necessity for any act of 43307
appropriation. 43308

(E) The bond proceedings may contain additional provisions 43309
customary or appropriate to the financing or to the obligations or 43310
to particular obligations, including: 43311

(1) The acquisition, construction, reconstruction, equipment, 43312
furnishing, improvement, operation, alteration, enlargement, 43313
maintenance, insurance, and repair of facilities, and the duties 43314
of the institution of higher education with reference thereto; 43315

(2) The terms of the obligations, including provisions for 43316

their redemption prior to maturity at the option of the 43317
institution of higher education at such price or prices and under 43318
such terms and conditions as are provided in the bond proceedings; 43319
43320

(3) Limitations on the purposes to which the proceeds of the 43321
obligations may be applied; 43322

(4) The rates or rentals or other charges for the use of or 43323
right to use the facilities financed by the obligations, or other 43324
properties the revenues or receipts from which are pledged to the 43325
obligations, and rules for assuring use and occupancy thereof, 43326
including limitations upon the right to modify such rates, 43327
rentals, other charges, or regulations; 43328

(5) The use and expenditure of the pledged available receipts 43329
in such manner and to such extent as shall be determined, which 43330
may include provision for the payment of the expenses of 43331
operation, maintenance, and repair of facilities so that such 43332
expenses, or part thereof, shall be paid or provided as a charge 43333
prior or subsequent to the payment of bond service charges and any 43334
other payments required to be made by the bond proceedings; 43335

(6) Limitations on the issuance of additional obligations; 43336

(7) The terms of any trust agreement or indenture securing 43337
the obligations or under which the same may be issued; 43338

(8) The deposit, investment, and application of funds, and 43339
the safeguarding of funds on hand or on deposit without regard to 43340
Chapter 131. or 135. of the Revised Code, and any bank or trust 43341
company or other financial institution that acts as depository of 43342
any moneys under the bond proceedings shall furnish such 43343
indemnifying bonds or pledge such securities as required by the 43344
bond proceedings or otherwise by the institution of higher 43345
education; 43346

(9) The binding effect of any or every provision of the bond 43347

proceedings upon such officer, board, commission, authority, 43348
agency, department, or other person or body as may from time to 43349
time have the authority under law to take such actions as may be 43350
necessary to perform all or any part of the duty required by such 43351
provision; 43352

(10) Any provision that may be made in a trust agreement or 43353
indenture; 43354

(11) Any other or additional agreements with respect to the 43355
facilities of the institution of higher education, their 43356
operation, the available receipts and funds pledged, and insurance 43357
of facilities and of the institution, its officers and employees. 43358
43359

(F) Such obligations may have the seal of the institution of 43360
higher education or a facsimile thereof affixed thereto or printed 43361
thereon and shall be executed by such officers as are designated 43362
in the bond proceedings, which execution may be by facsimile 43363
signatures. Any obligations may be executed by an officer who, on 43364
the date of execution, is the proper officer although on the date 43365
of such obligations such person was not the proper officer. In 43366
case any officer whose signature or a facsimile of whose signature 43367
appears on any such obligation ceases to be such officer before 43368
delivery thereof, such signature or facsimile is nevertheless 43369
valid and sufficient for all purposes as if the person had 43370
remained such officer until such delivery; and in case the seal of 43371
the institution has been changed after a facsimile of the seal has 43372
been imprinted on such obligations, such facsimile seal continues 43373
to be sufficient as to such obligations and obligations issued in 43374
substitution or exchange therefor. 43375
43376

(G) All such obligations are negotiable instruments and 43377
securities under Chapter 1308. of the Revised Code, subject to the 43378
provisions of the bond proceedings as to registration. The 43379

obligations may be issued in coupon or in registered form, or 43380
both. Provision may be made for the registration of any 43381
obligations with coupons attached thereto as to principal alone or 43382
as to both principal and interest, their exchange for obligations 43383
so registered, and for the conversion or reconversion into 43384
obligations with coupons attached thereto of any obligations 43385
registered as to both principal and interest, and for reasonable 43386
charges for such registration, exchange, conversion, and 43387
reconversion. 43388

(H) Pending preparation of definitive obligations, the 43389
institution of higher education may issue interim receipts or 43390
certificates which shall be exchanged for such definitive 43391
obligations. 43392

(I) Such obligations may be secured additionally by a trust 43393
agreement or indenture between the institution of higher education 43394
and a corporate trustee, which may be any trust company or bank 43395
having the powers of a trust company within or without this state 43396
but authorized to exercise trust powers within this state. Any 43397
such agreement or indenture may contain the resolution authorizing 43398
the issuance of the obligations, any provisions that may be 43399
contained in the bond proceedings as authorized by this section, 43400
and other provisions which are customary or appropriate in an 43401
agreement or indenture of such type, including: 43402
43403

(1) Maintenance of each pledge, trust agreement, and 43404
indenture, or other instrument comprising part of the bond 43405
proceedings until the institution of higher education has fully 43406
paid the bond service charges on the obligations secured thereby, 43407
or provision therefor has been made; 43408

(2) In the event of default in any payments required to be 43409
made by the bond proceedings, or any other agreement of the 43410
institution of higher education made as a part of the contract 43411

under which the obligations were issued, enforcement of such 43412
payments or agreement by mandamus, the appointment of a receiver, 43413
suit in equity, action at law, or any combination of the 43414
foregoing; 43415

(3) The rights and remedies of the holders of obligations and 43416
of the trustee, and provisions for protecting and enforcing them, 43417
including limitations on rights of individual holders of 43418
obligations; 43419

(4) The replacement of any obligations that become mutilated 43420
or are destroyed, lost, or stolen; 43421

(5) Such other provisions as the trustee and the institution 43422
of higher education agree upon, including limitations, conditions, 43423
or qualifications relating to any of the foregoing. 43424

(J) Each duty of the institution of higher education and its 43425
officers or employees, undertaken pursuant to the bond proceedings 43426
or any related agreement or lease made under authority of law, is 43427
hereby established as a duty of such institution, and of each such 43428
officer or employee having authority to perform such duty, 43429
specially enjoined by law resulting from an office, trust, or 43430
station within the meaning of section 2731.01 of the Revised Code. 43431
The persons who are at the time the members of the board of 43432
trustees or the managing directors of the institution or its 43433
officers or employees are not liable in their personal capacities 43434
on such obligations, or lease, or other agreement of the 43435
institution. 43436

(K) The authority to issue obligations includes authority to: 43437
43438

(1) Issue obligations in the form of bond anticipation notes 43439
and to renew them from time to time by the issuance of new notes. 43440
Such notes are payable solely from the available receipts and 43441
funds that may be pledged to the payment of such bonds, or from 43442

the proceeds of such bonds or renewal notes, or both, as the 43443
institution of higher education provides in its resolution 43444
authorizing such notes. Such notes may be additionally secured by 43445
covenants of the institution to the effect that it will do such or 43446
all things necessary for the issuance of such bonds or renewal 43447
notes in appropriate amount, and either exchange such bonds or 43448
renewal notes therefor or apply the proceeds thereof to the extent 43449
necessary, to make full payment of the bond service charges on 43450
such notes at the time or times contemplated, as provided in such 43451
resolution. Subject to the provisions of this division, all 43452
references to obligations in this section apply to such 43453
anticipation notes. 43454

(2) Issue obligations to refund, including funding and 43455
retirement of, obligations previously issued to pay costs of 43456
facilities. Such obligations may be issued in amounts sufficient 43457
for payment of the principal amount of the obligations to be so 43458
refunded, any redemption premiums thereon, principal maturities of 43459
any obligations maturing prior to the redemption of any other 43460
obligations on a parity therewith to be so refunded, interest 43461
accrued or to accrue to the maturity date or dates of redemption 43462
of such obligations, and any expenses incurred or to be incurred 43463
in connection with such refunding or the issuance of the 43464
obligations. 43465

(L) Obligations are lawful investments for banks, societies 43466
for savings, savings and loan associations, deposit guarantee 43467
associations, trust companies, trustees, fiduciaries, insurance 43468
companies, including domestic for life and domestic not for life, 43469
trustees or other officers having charge of sinking and bond 43470
retirement or other special funds of political subdivisions and 43471
taxing districts of this state, the commissioners of the sinking 43472
fund, the administrator of workers' compensation in accordance 43473
with the investment policy approved by the bureau of workers' 43474

compensation board of directors pursuant to section 4121.12 of the Revised Code, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any state agency with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(M) All facilities purchased, acquired, constructed, or owned by an institution of higher education, or financed in whole or in part by obligations issued by an institution, and used for the purposes of the institution or other publicly owned and controlled college or university, is public property used exclusively for a public purpose, and such property and the income therefrom is exempt from all taxation and assessment within this state, including ad valorem and excise taxes. The obligations, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, are at all times free from taxation within the state. The transfer of tangible personal property by lease under authority of this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code is not a sale as used in Chapter 5739. of the Revised Code.

(N) The authority granted by this section is cumulative with the authority granted to institutions of higher education under Chapter 154. of the Revised Code, and nothing in this section impairs or limits the authority granted by Chapter 154. of the Revised Code. In any lease, agreement, or commitment made by an institution of higher education under Chapter 154. of the Revised Code, it may agree to restrict or subordinate any pledge it may thereafter make under authority of this section.

(O) Title to lands acquired under this section and sections

3345.07 and 3345.11 of the Revised Code by a state university or college shall be taken in the name of the state. 43507
43508

(P) Except where costs of facilities are to be paid in whole or in part from funds appropriated by the general assembly, section 125.81 of the Revised Code and the requirement for certification with respect thereto under section 153.04 of the Revised Code do not apply to such facilities. 43509
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(Q) A state university or college may sell or lease lands or interests in land owned by it or by the state for its use, or facilities authorized to be acquired or constructed by it under section 3345.07 or 3345.11 of the Revised Code, to permit the purchasers or lessees thereof to acquire, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, or maintain and operate thereon and to provide by lease or otherwise to such institution, facilities authorized in section 3345.07 or 3345.11 of the Revised Code. Such land or interests therein shall be sold for such appraised value, or leased, and on such terms as the board of trustees determines. All deeds or other instruments relating to such sales or leases shall be executed by such officer of the state university or college as the board of trustees designates. The state university or college shall hold, invest, or use the proceeds of such sales or leases for the same purposes for which proceeds of borrowings may be used under sections 3345.07 and 3345.11 of the Revised Code. 43514
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(R) An institution of higher education may pledge available receipts, to the extent permitted by division (C) of this section with respect to obligations, to secure the payments to be made by it under any lease, lease with option to purchase, or lease-purchase agreement authorized under this section or section 3345.07, 3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised Code. 43532
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Sec. 3345.32. (A) As used in this section:	43539
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeastern Ohio universities college of medicine.	43540 43541 43542
(2) "Resident" has the meaning specified by rule of the chancellor of the Ohio board of regents.	43543 43544
(3) "Statement of selective service status" means a statement certifying one of the following:	43545 43546
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	43547 43548 43549 43550
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	43551 43552 43553
(i) The individual is under eighteen or over twenty-six years of age.	43554 43555
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	43556 43557 43558
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	43559 43560 43561
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	43562 43563 43564
(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as	43565 43566 43567

amended, or any institution whose students are eligible for 43568
financial assistance under any of the programs described by 43569
division (E) of this section. 43570

(B) The chancellor shall, by rule, specify the form of 43571
statements of selective service status to be filed in compliance 43572
with divisions (C) to (F) of this section. Each statement of 43573
selective service status shall contain a section wherein a male 43574
student born after December 31, 1959, certifies that the student 43575
has registered with the selective service system in accordance 43576
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 43577
App. 453, as amended. For those students not required to register 43578
with the selective service, as specified in divisions (A)(2)(b)(i) 43579
to (iv) of this section, a section shall be provided on the 43580
statement of selective service status for the certification of 43581
nonregistration and for an explanation of the reason for the 43582
exemption. The chancellor may require that such statements be 43583
accompanied by documentation specified by rule of the chancellor. 43584
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(C) A state university or college that enrolls in any course, 43586
class, or program a male student born after December 31, 1959, who 43587
has not filed a statement of selective service status with the 43588
university or college shall, regardless of the student's 43589
residency, charge the student any tuition surcharge charged 43590
students who are not residents of this state. 43591

(D) No male born after December 31, 1959, shall be eligible 43592
to receive any loan, grant, scholarship, or other financial 43593
assistance for educational expenses granted under section 3315.33, 43594
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, ~~3333.27~~, 5910.03, 43595
5910.032, or 5919.34 of the Revised Code, financed by an award 43596
under the choose Ohio first scholarship program established under 43597
section 3333.61 of the Revised Code, or financed by an award under 43598
the Ohio co-op/internship program established under section 43599

3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.61. As used in this section and sections 3345.62 to 3345.66 of the Revised Code:

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.

(B) "Board of trustees of a state institution of higher education" means the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised

Code. 43631

~~(B)~~(C) "Energy conservation measure" means an installation or 43632
modification of an installation in, or a remodeling of, an 43633
existing building in order to reduce energy consumption ~~and~~ 43634
~~operating costs~~. The term includes any of the following: 43635

(1) Installation or modification of insulation in the 43636
building structure and systems within the building; 43637

(2) Installation or modification of a storm windows and doors 43638
window or door, a multiglazed windows and doors window or door, 43639
~~and or a~~ heat absorbing or heat reflective glazed and coated 43640
window and door ~~systems system~~; installation of additional 43641
glazing; ~~reductions a~~ reduction in glass area; ~~and or~~ other window 43642
~~and or~~ door system ~~modifications modification~~ that ~~reduce reduces~~ 43643
energy consumption and operating costs; 43644

(3) Installation or modification of an automatic energy 43645
control ~~systems system~~; 43646

(4) Replacement or modification of a heating, ventilating, or 43647
air conditioning ~~systems system~~; 43648

(5) Application of caulking and weatherstripping; 43649

(6) Replacement or modification of a lighting ~~fixtures~~ 43650
fixture to increase the energy efficiency of the system without 43651
increasing the overall illumination of a facility, unless such 43652
increase in illumination is necessary to conform to the applicable 43653
state or local building code for the proposed lighting system; 43654

(7) Installation or modification of an energy recovery 43655
~~systems system~~; 43656

(8) Installation or modification of cogeneration systems that 43657
produce steam or forms of energy such as heat, as well as 43658
electricity, for use primarily within a building or complex of 43659
buildings; 43660

(9) Any other modification, installation, or remodeling 43661
approved by the board of trustees of a state institution of higher 43662
education as an energy conservation measure for one or more 43663
buildings owned by the institution. 43664

~~(C)~~(D) "Energy saving measure" means the acquisition and 43665
installation, by purchase, lease, lease-purchase, lease with an 43666
option to buy, or installment purchase, of an energy conservation 43667
measure and any attendant architectural and engineering consulting 43668
services. 43669

(E) "Energy, water, or wastewater cost savings" means a 43670
measured reduction in, as applicable, the cost of fuel, energy or 43671
water consumption, wastewater production, or stipulated operation 43672
or maintenance resulting from the implementation of one or more 43673
energy or water conservation measures, when compared to an 43674
established baseline for previous such costs, respectively. 43675

(F) "Operating cost savings" means a measured reduction in 43676
the cost of stipulated operation or maintenance created by the 43677
installation of new equipment or implementation of a new service, 43678
when compared with an established baseline for previous such 43679
stipulated costs. 43680

(G) "Water conservation measure" means an installation or 43681
modification of an installation in, or a remodeling of, an 43682
existing building or the surrounding grounds in order to reduce 43683
water consumption. The term includes any of the following: 43684

(1) Water-conserving fixture, appliance, or equipment, or the 43685
substitution of a nonwater-using fixture, appliance, or equipment; 43686

(2) Water-conserving, landscape irrigation equipment; 43687

(3) Landscaping measure that reduces storm water runoff 43688
demand and capture and hold applied water and rainfall, including 43689
landscape contouring such as the use of a berm, swale, or terrace 43690
and including the use of a soil amendment, including compost, that 43691

increases the water-holding capacity of the soil; 43692

(4) Rainwater harvesting equipment or equipment to make use 43693
of water collected as part of a storm water system installed for 43694
water quality control; 43695

(5) Equipment for recycling or reuse of water originating on 43696
the premises or from another source, including treated, municipal 43697
effluent; 43698

(6) Equipment needed to capture water for nonpotable uses 43699
from any nonconventional, alternate source, including air 43700
conditioning condensate or gray water; 43701

(7) Any other modification, installation, or remodeling 43702
approved by the board of trustees of a state institution of higher 43703
education, as defined in section 3345.011 of the Revised Code, as 43704
a water conservation measure for one or more buildings or the 43705
surrounding grounds owned by the institution. 43706

(H) "Water saving measure" means the acquisition and 43707
installation, by the purchase, lease, lease-purchase, lease with 43708
an option to buy, or installment purchases of a water conservation 43709
measure and any attendant architectural and engineering consulting 43710
services. 43711

Sec. 3345.62. The board of trustees of a state institution of 43712
higher education may contract with an energy or water services 43713
company, architect, professional engineer, contractor, or other 43714
person experienced in the design and implementation of energy or 43715
water conservation measures for a report containing an analysis 43716
and recommendations pertaining to the implementation of energy or 43717
water conservation measures that would ~~significantly reduce result~~ 43718
in energy consumption and, water, or wastewater cost savings, 43719
operating costs in buildings owned by cost savings, or avoided 43720
capital costs for the institution. The report shall include 43721

estimates of all costs of such installations, including the costs 43722
of design, engineering, installation, maintenance, repairs, and 43723
debt service, and estimates of the ~~amounts by which~~ energy 43724
~~consumption and, water, or wastewater cost savings,~~ operating 43725
~~costs would be reduced~~ cost savings, and avoided capital costs 43726
created. 43727

Sec. 3345.63. If the board of trustees of a state institution 43728
of higher education wishes to enter into a contract, other than an 43729
installment payment contract provided under section 3345.64 of the 43730
Revised Code, to implement one or more energy or water saving 43731
measures, the board may proceed under the applicable competitive 43732
bidding requirements in Chapter 153. or section 3354.16, 3355.12, 43733
3357.16, or 3358.10 of the Revised Code or, notwithstanding those 43734
requirements, may enter into such a contract as provided in 43735
section 3345.65 of the Revised Code. 43736

Sec. 3345.64. In accordance with this section, the board of 43737
trustees of a state institution of higher education may enter into 43738
an installment payment contract for the implementation of one or 43739
more energy or water saving measures. Any such contract shall be 43740
subject to the competitive bidding requirements of Chapter 153. or 43741
section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, 43742
as applicable to each such board, except as follows: 43743

(A) If the board does not exempt the entire installment 43744
payment contract from the applicable competitive bidding 43745
requirements pursuant to division (B) of this section, the 43746
provisions of the contract dealing with interest charges and 43747
financing terms shall not be subject to the applicable competitive 43748
bidding requirements. Each such contract shall require repayment 43749
on the following terms: 43750

(1) Not less than one-~~tenth~~ fifteenth of the costs of the 43751

contract shall be paid within two years from the date of purchase; 43752

~~(2)(a) The remaining balance of the costs of the contract, in 43753
the case of an installment payment contract for a cogeneration 43754
system described in division (B)(8) of section 3345.61 of the 43755
Revised Code, shall be paid within ~~five~~ fifteen years from the 43756
date of purchase. 43757~~

~~(b) The remaining balance of the costs of the contract, in 43758
the case of an installment payment contract for an energy saving 43759
measure that is not a cogeneration system, shall be paid within 43760
ten years from the date of purchase. 43761~~

(B) The board by majority vote may exempt from the applicable 43762
competitive bidding requirements an entire installment payment 43763
contract for the implementation of energy or water saving measures 43764
pursuant to this section and instead of those requirements shall 43765
enter into the contract as provided in section 3345.65 of the 43766
Revised Code. 43767

Sec. 3345.65. To enter into a contract under this section 43768
pursuant to section 3345.63 or division (B) of section 3345.64 of 43769
the Revised Code, a board of trustees of a state institution of 43770
higher education shall request proposals from at least three 43771
parties for the implementation of energy or water saving measures. 43772
Prior to providing any interested party a copy of any such 43773
request, the board shall advertise, in a newspaper of general 43774
circulation in the county where the contract is to be performed, 43775
its intent to request proposals for the implementation of energy 43776
or water saving measures. The notice shall invite interested 43777
parties to submit proposals for consideration and shall be 43778
published at least thirty days prior to the date for accepting 43779
proposals. 43780

Upon receiving the proposals, the board shall analyze them. 43781
After considering the cost estimates of each proposal, how 43782

qualified each party submitting a proposal is to implement its 43783
proposal, and the institution's ability to pay for each with 43784
current revenues or by financing the cost of each, the board may 43785
select one or more proposals or, instead, reject all proposals. In 43786
selecting proposals, the board shall select the proposal or 43787
proposals most likely to result in the greatest savings when the 43788
cost of the proposal is compared to the ~~reduced energy and, water,~~ 43789
or wastewater cost savings, operating cost savings, and avoided 43790
capital costs that will result from implementing the proposal. 43791

No board shall award a contract to implement energy or water 43792
saving measures under this section unless the board finds that ~~one~~ 43793
~~or both of the following circumstances exists, as applicable:~~ 43794

~~(A) In the case of a contract for a cogeneration system~~ 43795
~~described in division (B)(8) of section 3345.61 of the Revised~~ 43796
~~Code,~~ the cost of the contract is not likely to exceed the amount 43797
of ~~money the board would save in energy and, water, or wastewater~~ 43798
savings, operating cost savings, and avoided capital costs over no 43799
more than ~~five~~ fifteen years; 43800

~~(B) In the case of any contract for any energy saving measure~~ 43801
~~other than a cogeneration system, the cost of the contract is not~~ 43802
~~likely to exceed the amount of money the board would save in~~ 43803
~~energy and operating costs over no more than ten years.~~ 43804

Sec. 3345.66. The board of trustees of a state institution of 43805
higher education may issue notes of the institution signed by the 43806
~~chairman~~ chairperson and treasurer or other chief fiscal officer 43807
of the board and specifying the terms of the purchase and securing 43808
the payments provided in section 3345.64 of the Revised Code, 43809
payable at the times provided and bearing interest at a rate not 43810
exceeding a rate determined under section 9.95 of the Revised 43811
Code. The notes may contain an option for prepayment and are not 43812
subject to Chapter 133. of the Revised Code. Revenues derived from 43813

any source, other than money appropriated by the general assembly, 43814
that may be used for the purpose of ~~conserving~~ implementing energy 43815
or water saving measures or for defraying the current operating 43816
expenses of the institution may be pledged to the payment of 43817
interest and the retirement of such notes. The notes may be sold 43818
at private sale or given to the contractor under the installment 43819
payment contract authorized by section 3345.64 of the Revised 43820
Code. 43821

Sec. 3365.04. The rules adopted under section 3365.02 of the 43822
Revised Code shall provide for students to enroll in courses under 43823
either of the following options: 43824

(A) The student may elect at the time of enrollment to be 43825
responsible for payment of all tuition and the cost of all 43826
textbooks, materials, and fees associated with the course. The 43827
college shall notify the student about payment of tuition and fees 43828
in the customary manner followed by the college. A student 43829
electing this option also shall elect, at the time of enrollment, 43830
whether to receive only college credit or high school credit and 43831
college credit for the course. 43832

(1) The student may elect to receive only college credit for 43833
the course. Except as provided in section 3365.041 of the Revised 43834
Code, if the student successfully completes the course, the 43835
college shall award the student full credit for the course, but 43836
the board of education, community school governing authority, STEM 43837
school, or nonpublic participating school shall not award the high 43838
school credit. 43839

(2) The student may elect to receive both high school credit 43840
and college credit for the course. Except as provided in section 43841
3365.041 of the Revised Code, if the student successfully 43842
completes the course, the college shall award the student full 43843
credit for the course and the board of education, community school 43844

governing authority, STEM school, or nonpublic school shall award 43845
the student high school credit. 43846

(B) The student may elect at the time of enrollment for each 43847
course to have the college reimbursed under section 3365.07 of the 43848
Revised Code or as provided in alternative funding agreements 43849
entered into under rules adopted under section 3365.12 of the 43850
Revised Code. Except as provided in section 3365.041 of the 43851
Revised Code, if the student successfully completes the course, 43852
the college shall award the student full credit for the course, 43853
the board of education, community school governing authority, STEM 43854
school, or nonpublic school shall award the student high school 43855
credit, and the college shall be reimbursed in accordance with 43856
section 3365.07 of the Revised Code or alternative funding 43857
agreements entered into under rules adopted under section 3365.12 43858
of the Revised Code. 43859

When determining a school district's formula ADM under 43860
section 3317.03 of the Revised Code, the time a participant is 43861
attending courses under division (A) of this section shall be 43862
considered as time the participant is not attending or enrolled in 43863
school anywhere, and the time a participant is attending courses 43864
under division (B) of this section shall be considered as time the 43865
participant is attending or enrolled in the district's schools. 43866

Sec. 3365.041. (A) When a school district superintendent, the 43867
governing authority of a community school, or the chief 43868
administrative officer of a STEM school expels a student under 43869
division (B) of section 3313.66 of the Revised Code, the district 43870
superintendent, governing authority, or chief administrative 43871
officer shall send a written notice of the expulsion to any 43872
college in which the expelled student is enrolled under section 43873
3365.03 of the Revised Code at the time the expulsion is imposed. 43874
The notice shall indicate the date the expulsion is scheduled to 43875

expire. The notice also shall indicate whether the district board 43876
of education, community school governing authority, or the STEM 43877
school has adopted a policy under section 3313.613 of the Revised 43878
Code to deny high school credit for post-secondary courses taken 43879
during an expulsion. If the expulsion is extended under division 43880
(F) of section 3313.66 of the Revised Code, the district 43881
superintendent, community school governing authority, or STEM 43882
school chief administrative officer shall notify the college of 43883
the extension. 43884

(B) A college may withdraw its acceptance under section 43885
3365.03 of the Revised Code of a student who is expelled from 43886
school under division (B) of section 3313.66 of the Revised Code. 43887
As provided in section 3365.03 of the Revised Code, regardless of 43888
whether the college withdraws its acceptance of the student for 43889
the college term in which the student is expelled, the student is 43890
ineligible to enroll in a college under that section for 43891
subsequent college terms during the period of the expulsion, 43892
unless the student enrolls in another school district or community 43893
school, or a participating nonpublic school during that period. 43894

If a college withdraws its acceptance of an expelled student 43895
who elected either option of division (A)(1) or (2) of section 43896
3365.04 of the Revised Code, the college shall refund tuition and 43897
fees paid by the student in the same proportion that it refunds 43898
tuition and fees to students who voluntarily withdraw from the 43899
college at the same time in the term. 43900

If a college withdraws its acceptance of an expelled student 43901
who elected the option of division (B) of section 3365.04 of the 43902
Revised Code, the school district, community school, or STEM 43903
school shall not award high school credit for the college courses 43904
in which the student was enrolled at the time the college withdrew 43905
its acceptance, and any reimbursement under section 3365.07 of the 43906
Revised Code or through alternative funding agreements entered 43907

into under rules adopted under section 3365.12 of the Revised Code 43908
for the student's attendance prior to the withdrawal shall be the 43909
same as would be paid for a student who voluntarily withdrew from 43910
the college at the same time in the term. If the withdrawal 43911
results in the college's receiving no reimbursement, the college 43912
may require the student to return or pay for the textbooks and 43913
materials it provided the student free of charge under section 43914
3365.08 of the Revised Code. 43915

(C) When a student who elected the option of division (B) of 43916
section 3365.04 of the Revised Code is expelled under division (B) 43917
of section 3313.66 of the Revised Code from a school district, 43918
community school, or STEM school that has adopted a policy under 43919
section 3313.613 of the Revised Code, that election is 43920
automatically revoked for all college courses in which the student 43921
is enrolled during the college term in which the expulsion is 43922
imposed. Any reimbursement under section 3365.07 of the Revised 43923
Code or through alternative funding agreements entered into under 43924
rules adopted under section 3365.12 of the Revised Code for the 43925
student's attendance prior to the expulsion shall be the same as 43926
would be paid for a student who voluntarily withdrew from the 43927
college at the same time in the term. If the revocation results in 43928
the college's receiving no reimbursement, the college may require 43929
the student to return or pay for the textbooks and materials it 43930
provided the student free of charge under section 3365.08 of the 43931
Revised Code. 43932

No later than five days after receiving an expulsion notice 43933
from the superintendent of a district, the governing authority of 43934
a community school, or the chief administrative officer of a STEM 43935
school that has adopted a policy under section 3313.613 of the 43936
Revised Code, the college shall send a written notice to the 43937
expelled student that the student's election of division (B) of 43938
section 3365.04 of the Revised Code is revoked. If the college 43939

elects not to withdraw its acceptance of the student, the student 43940
shall pay all applicable tuition and fees for the college courses 43941
and shall pay for the textbooks and materials that the college 43942
provided under section 3365.08 of the Revised Code. 43943

Sec. 3365.07. (A) The rules adopted under section 3365.02 of 43944
the Revised Code shall specify a method for each of the following: 43945

(1) Determining, with respect to any participant, the 43946
percentage of a full-time educational program constituted by the 43947
participant's total educational program. That percentage shall be 43948
the participant's full-time equivalency percentage for purposes of 43949
the computation required by division (B)(1) of this section. 43950

(2) In the case of a participant who is not enrolled in a 43951
participating nonpublic school, determining the percentage of a 43952
participant's school day during which the participant is 43953
participating in each of the following: 43954

(a) Programs provided by the city, local, or exempted village 43955
school district, a community school, or a STEM school; 43956

(b) Programs provided by a joint vocational school district; 43957

(c) Programs provided by a college under division (B) of 43958
section 3365.04 of the Revised Code. 43959

The sum of divisions (A)(2)(a) to (c) of this section shall equal 43960
one hundred per cent. 43961

(3) In the case of a participant who is not enrolled in a 43962
participating nonpublic school, determining the percentage of a 43963
participant's enrollment that shall be deemed to be enrollment in 43964
a joint vocational school district and the percentage that shall 43965
be deemed to be enrollment in a city, local, or exempted village 43966
school district. The sum of such percentages shall equal one 43967
hundred per cent. 43968

(4) In the case of a participant who is enrolled in a 43969

participating nonpublic school, determining the percentage of a 43970
participant's school day during which the participant is 43971
participating in programs provided by a college under division (B) 43972
of section 3365.04 of the Revised Code. 43973

(B) Each July, unless provided otherwise in an alternative 43974
funding agreement entered into under rules adopted under section 43975
3365.12 of the Revised Code, the department of education shall pay 43976
each college for any participant enrolled in the college in the 43977
prior school year under division (B) of section 3365.04 of the 43978
Revised Code an amount computed as follows: 43979

(1) Multiply the tuition base by the participant's full-time 43980
equivalency percentage and multiply the resulting amount by a 43981
percentage equal to the percentage of the participant's school day 43982
apportioned to the college under division (A)(2)(c) or (4) of this 43983
section, as applicable. 43984

(2) Pay the college the lesser of: 43985

(a) The amount computed under division (B)(1) of this 43986
section; 43987

(b) The actual costs that would have been the responsibility 43988
of the participant had the participant elected to enroll under 43989
division (A) of section 3365.04 of the Revised Code, as verified 43990
by the department, of tuition, textbooks, materials, and fees 43991
directly related to any courses elected by the participant during 43992
the prior school year under division (B) of section 3365.04 of the 43993
Revised Code. 43994

(C) The department shall not reimburse any college for any 43995
course taken by a participant under division (A) of section 43996
3365.04 of the Revised Code. 43997

(D) If the participant was not enrolled in a participating 43998
nonpublic school, the amount paid under division (B) of this 43999
section for each participant shall be subtracted from the school 44000

foundation payments made to the participant's school district or, 44001
if the participant was enrolled in a community school or a STEM 44002
school, from the payments made to the participant's school under 44003
section 3314.08 or 3326.33 of the Revised Code. If the participant 44004
was enrolled in a joint vocational school district, a portion of 44005
the amount shall be subtracted from the payments to the joint 44006
vocational school district and a portion shall be subtracted from 44007
the payments to the participant's city, local, or exempted village 44008
school district. The amount of the payment subtracted from the 44009
city, local, or exempted village school district shall be computed 44010
as follows: 44011

(1) Add the following: 44012

(a) The percentage of the participant's enrollment in the 44013
school district, determined under division (A)(3) of this section; 44014
and 44015

(b) Twenty-five per cent times the percentage of the 44016
participant's enrollment in the joint vocational school district, 44017
determined under division (A)(3) of this section. 44018

(2) Multiply the sum obtained under division (D)(1) of this 44019
section by the amount computed under division (B)(2) of this 44020
section. 44021

The balance of the payment shall be subtracted from the joint 44022
vocational district's school foundation payments. 44023

(E) If the participant was enrolled in a participating 44024
nonpublic school, the amount paid under division (B) of this 44025
section shall be subtracted from moneys set aside by the general 44026
assembly for such purpose from funds appropriated for the purposes 44027
of section 3317.06 of the Revised Code. 44028

Sec. 3365.08. (A) A college that expects to receive or 44029
receives reimbursement under section 3365.07 of the Revised Code 44030

or through alternative funding agreements entered into under rules 44031
adopted under section 3365.12 of the Revised Code shall furnish to 44032
a participant all textbooks and materials directly related to a 44033
course taken by the participant under division (B) of section 44034
3365.04 of the Revised Code. No college shall charge such 44035
participant for tuition, textbooks, materials, or other fees 44036
directly related to any such course. 44037

(B) No student enrolled under this chapter in a course for 44038
which credit toward high school graduation is awarded shall 44039
receive direct financial aid through any state or federal program. 44040

(C) If a school district provides transportation for resident 44041
school students in grades eleven and twelve under section 3327.01 44042
of the Revised Code, a parent of a pupil enrolled in a course 44043
under division (A)(2) or (B) of section 3365.04 of the Revised 44044
Code may apply to the board of education for full or partial 44045
reimbursement for the necessary costs of transporting the student 44046
between the secondary school the student attends and the college 44047
in which the student is enrolled. Reimbursement may be paid solely 44048
from funds received by the district under division (D) of section 44049
3317.022 of the Revised Code. The state board of education shall 44050
establish guidelines, based on financial need, under which a 44051
district may provide such reimbursement. 44052

(D) If a community school provides or arranges transportation 44053
for its pupils in grades nine through twelve under section 44054
3314.091 of the Revised Code, a parent of a pupil of the community 44055
school who is enrolled in a course under division (A)(2) or (B) of 44056
section 3365.04 of the Revised Code may apply to the governing 44057
authority of the community school for full or partial 44058
reimbursement of the necessary costs of transporting the student 44059
between the community school and the college. The governing 44060
authority may pay the reimbursement in accordance with the state 44061

board's rules adopted under division (C) of this section solely 44062
from funds paid to it under section 3314.091 of the Revised Code. 44063

Sec. 3365.09. Section 3365.07 ~~and~~, divisions (A) and (C) of 44064
section 3365.08, and agreements entered into under rules adopted 44065
under section 3365.12 of the Revised Code do not apply to any 44066
college course in which a student is enrolled if during the term 44067
such student is enrolled in the college course the student is also 44068
a full-time student in the student's district, community school, 44069
STEM school, or nonpublic school. The rules adopted under section 44070
3365.02 of the Revised Code shall prescribe a method for 44071
determining whether a student is enrolled full-time in the 44072
student's district, community school, STEM school, or nonpublic 44073
school. 44074

Sec. 3365.10. As used in this section, the "base amount" for 44075
any school year is one million dollars. "Full-time equivalency 44076
percentage" and "percentage of the school day" enrolled in college 44077
shall be determined under the rules described by divisions (A)(1) 44078
and (4) of section 3365.07 of the Revised Code or the rules 44079
adopted under section 3365.12 of the Revised Code. 44080

(A) Each nonpublic school student who wishes to become a 44081
participant in any school year shall send to the department of 44082
education a copy of ~~his~~ the student's acceptance from a college 44083
and an application. The application shall be made on forms 44084
provided by the state board and shall include information about 44085
the student's proposed participation, including the school year in 44086
which ~~he~~ the student wishes to participate; the semesters or terms 44087
the student wishes to enroll during such year; the student's 44088
expected full-time equivalency percentage for each such semester 44089
or term; and the percentage of the school day each such semester 44090
or term that the student expects to be enrolled in programs 44091
provided by a college under division (B) of section 3365.04 of the 44092

Revised Code. The department shall mark each application with the date and time of receipt.

(B) Calculations involving applications under this division shall be made in the order in which the applications are received.

Upon receipt of an application under division (A) of this section, the department shall calculate the amount the college would be paid under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code for the student's expected participation. The For calculations made under division (B) of section 3365.07 of the Revised Code, the department shall subtract each such calculated amount from the base amount for that year, or the amount remaining for that year after the subtraction from the base amount of amounts previously calculated under this division as a result of prior applications for participation in that year, whichever is the lesser amount.

(C) If such a subtraction under division (B) of this section results in a positive number, the department shall notify the applicant within three weeks of the receipt of ~~his~~ the application that ~~he~~ such applicant may participate in the post-secondary enrollment options program to the extent indicated in the application.

(D) If such a subtraction under division (B) of this section results in a negative number, the department shall, within one week of the receipt of such application, notify the applicant, the applicant's nonpublic school, and the college accepting the applicant that funds will not be available for the applicant's participation in the program during the year for which the application was made. The department shall also notify all applicants whose applications for that year are subsequently received, their nonpublic schools, and the colleges accepting them of the same fact.

(E) No applicant receiving notification under division (D) of 44125
this section may become a participant under division (B) of 44126
section 3365.04 of the Revised Code for the year for which ~~he~~ the 44127
applicant applied and no college shall be paid under division (B) 44128
of section 3365.07 of the Revised Code or through alternative 44129
funding agreements entered into under rules adopted under section 44130
3365.12 of the Revised Code for participation by any such 44131
applicant in such year. 44132

Sec. 3365.12. The superintendent of public instruction and 44133
the chancellor of the Ohio board of regents jointly may adopt 44134
rules in accordance with Chapter 119. of the Revised Code 44135
permitting a board of education of a school district or joint 44136
vocational school district, governing authority of a community 44137
school, governing body of a STEM school, or governing authority of 44138
a participating nonpublic school to enter into an agreement with a 44139
college or university to use an alternate funding formula to 44140
calculate, or an alternate method to transmit, the amount the 44141
college or university would be paid for a student participating in 44142
a program under this chapter, including the program known as 44143
seniors to sophomores. 44144

Rules adopted under this section may include, but need not be 44145
limited to, any of the following alternative funding options: 44146

(A) Direct payment of funds necessary to support students 44147
participating in a program under this chapter, including the 44148
seniors to sophomores program, by the school district, joint 44149
vocational school district, community school, STEM school, or any 44150
combination thereof, to the college or university in which the 44151
student enrolled; 44152

(B) Alternate funding formulas to calculate the amount of 44153
money to be paid to colleges for participants; 44154

(C) A negotiated amount to be paid, as agreed by the school 44155

district, joint vocational school district, community school, or 44156
STEM school and the college or university. 44157

Sec. 3375.481. (A) There is hereby created a statewide 44158
consortium of county law library resources boards. The statewide 44159
consortium shall be comprised of the county law library resources 44160
board of each county. 44161

(B) The statewide consortium board shall consist of five 44162
voting members, one of whom shall be the librarian of the supreme 44163
court of Ohio, or, if the librarian of the supreme court is 44164
unavailable, the chief justice's designee, and the other four 44165
members shall be appointed as follows: 44166

(1) The ~~Ohio judicial conference~~ chief justice of the supreme 44167
court shall appoint one member. 44168

(2) The county commissioners association of Ohio shall 44169
appoint two members, one of whom shall be the chief administrator 44170
of a county law library resources board. 44171

(3) The Ohio state bar association shall appoint one member. 44172

(C) Initial appointments to the statewide consortium board 44173
shall be made on or before July 1, 2010. Of the initial 44174
appointments, the initial term of the member appointed by the 44175
county commissioners association who is not the chief 44176
administrator of a county library resources board and the member 44177
appointed by the ~~Ohio judicial conference~~ chief justice of the 44178
supreme court shall be for a term ending December 31, 2014. The 44179
initial term of the member appointed by the Ohio state bar 44180
association and the member appointed by the county commissioners 44181
association who is the chief administrator of a county law library 44182
resources board shall be for a term ending December 31, 2016. 44183
Thereafter, terms for all members shall be for five years, with 44184
each term ending on the same day of the same month as did the term 44185

that it succeeds. 44186

Each member appointed pursuant to division (B) of this 44187
section shall hold office from the date of the member's 44188
appointment until the end of the term for which the member was 44189
appointed. Vacancies shall be filled within sixty days after the 44190
vacancy occurs and shall be filled in the manner provided for 44191
original appointments. Any member appointed to fill a vacancy 44192
occurring prior to the expiration date of the term for which the 44193
member's predecessor was appointed shall hold office as a member 44194
for the remainder of that term. A member shall continue in office 44195
subsequent to the expiration date of the member's term until the 44196
member's successor takes office or until a period of sixty days 44197
has elapsed, whichever occurs first. 44198

(D) The statewide consortium board shall do all of the 44199
following for the benefit of the members of the statewide 44200
consortium: 44201

(1) Negotiate contracts that each county law library 44202
resources board may use for purchasing or obtaining access to 44203
legal research and reference materials available in any medium; 44204

(2) Catalogue existing resources held by county law library 44205
resources boards and facilitate the sharing of those resources by 44206
the county law library resources boards; 44207

(3) Develop and recommend guidelines for the collection of or 44208
access to legal resources that ought to be provided by a county 44209
law library resources board; 44210

(4) Provide consultation and assistance to county law library 44211
resources boards; 44212

(5) Issue an annual report of its activities to each county 44213
law library resources board. 44214

(E)(1) There is hereby created in the state treasury the 44215

statewide consortium of county law library resources boards fund. 44216
Commencing in calendar year 2011, each county treasurer shall 44217
deposit on or before the fifteenth day of February of each 44218
calendar year two per cent of the funds deposited pursuant to 44219
section 307.515 of the Revised Code into the county law library 44220
resources fund of the treasurer's county, established under 44221
section 307.514 of the Revised Code, from the immediately 44222
preceding calendar year into the statewide consortium of county 44223
law library resources boards fund. The statewide consortium board 44224
may recommend in writing and submit to each county law library 44225
resources board an increase or decrease in the percentage of funds 44226
that must be deposited into the statewide consortium fund by 44227
county treasurers pursuant to the division. Upon the receipt of 44228
written approval of the recommendation from a majority of the 44229
county law library resources boards, the recommendation shall 44230
become effective on January 1 of the succeeding year. The 44231
statewide consortium board of the county law library resources 44232
boards shall make any recommendations not later than the first day 44233
of April for the proceeding fiscal year, and any action by a 44234
county law library resources board on the recommendation shall be 44235
certified to the statewide consortium board not later than the 44236
first day of June of that year. 44237

44238
(2) The statewide consortium board may use the money 44239
deposited in the fund for the operation of the statewide 44240
consortium board and may provide grants to county law library 44241
resources boards. 44242

(F) The statewide consortium board may create an advisory 44243
council that is comprised of persons with expertise in the 44244
operation and funding of law libraries. 44245

(G) The statewide consortium board shall determine the 44246
necessary qualifications of staff and the facilities and equipment 44247

necessary for the operation of the statewide consortium. 44248

44249

(H) The statewide consortium board shall elect a chairperson 44250
from its membership. The statewide consortium board shall meet at 44251
least four times per year and shall keep a record of its 44252
proceedings. The record of its proceedings shall be open to the 44253
public for inspection. The chairperson or the chairperson's 44254
designee shall send a written notice of the time and place of each 44255
meeting to each member. A majority of the members of the statewide 44256
consortium board shall constitute a quorum. 44257

Sec. 3375.79. There is hereby created in the state treasury 44258
the Bill and Melinda Gates foundation grant fund consisting of 44259
Bill and Melinda Gates foundation grants awarded to the state 44260
library of Ohio. The state library board shall use the fund for 44261
the improvement of public library services, interlibrary 44262
cooperation, or other library purposes. All investment earnings of 44263
the fund shall be credited to the fund. 44264

Sec. 3501.17. (A) The expenses of the board of elections 44265
shall be paid from the county treasury, in pursuance of 44266
appropriations by the board of county commissioners, in the same 44267
manner as other county expenses are paid. If the board of county 44268
commissioners fails to appropriate an amount sufficient to provide 44269
for the necessary and proper expenses of the board of elections 44270
pertaining to the conduct of elections, the board of elections may 44271
apply to the court of common pleas within the county, which shall 44272
fix the amount necessary to be appropriated and the amount shall 44273
be appropriated. Payments shall be made upon vouchers of the board 44274
of elections certified to by its chairperson or acting chairperson 44275
and the director or deputy director, upon warrants of the county 44276
auditor. 44277

The board of elections shall not incur any obligation 44278
involving the expenditure of money unless there are moneys 44279
sufficient in the funds appropriated therefor to meet the 44280
obligation. If the board of elections requests a transfer of funds 44281
from one of its appropriation items to another, the board of 44282
county commissioners shall adopt a resolution providing for the 44283
transfer except as otherwise provided in section 5705.40 of the 44284
Revised Code. The expenses of the board of elections shall be 44285
apportioned among the county and the various subdivisions as 44286
provided in this section, and the amount chargeable to each 44287
subdivision shall be withheld by the auditor from the moneys 44288
payable thereto at the time of the next tax settlement. At the 44289
time of submitting budget estimates in each year, the board of 44290
elections shall submit to the taxing authority of each 44291
subdivision, upon the request of the subdivision, an estimate of 44292
the amount to be withheld from the subdivision during the next 44293
fiscal year. 44294

(B) Except as otherwise provided in division (F) of this 44295
section, the compensation of the members of the board of elections 44296
and of the director, deputy director, and regular employees in the 44297
board's offices, other than compensation for overtime worked; the 44298
expenditures for the rental, furnishing, and equipping of the 44299
office of the board and for the necessary office supplies for the 44300
use of the board; the expenditures for the acquisition, repair, 44301
care, and custody of the polling places, booths, guardrails, and 44302
other equipment for polling places; the cost of tally sheets, 44303
maps, flags, ballot boxes, and all other permanent records and 44304
equipment; the cost of all elections held in and for the state and 44305
county; and all other expenses of the board which are not 44306
chargeable to a political subdivision in accordance with this 44307
section shall be paid in the same manner as other county expenses 44308
are paid. 44309

(C) The compensation of judges of elections and intermittent employees in the board's offices; the cost of renting, moving, heating, and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof, including voting machines, marking devices, and automatic tabulating equipment; the cost of printing and delivering ballots, cards of instructions, registration lists required under section 3503.23 of the Revised Code, and other election supplies, including the supplies required to comply with division (H) of section 3506.01 of the Revised Code; the cost of contractors engaged by the board to prepare, program, test, and operate voting machines, marking devices, and automatic tabulating equipment; and all other expenses of conducting primaries and elections in the odd-numbered years shall be charged to the subdivisions in and for which such primaries or elections are held. The charge for each primary or general election in odd-numbered years for each subdivision shall be determined in the following manner: first, the total cost of all chargeable items used in conducting such elections shall be ascertained; second, the total charge shall be divided by the number of precincts participating in such election, in order to fix the cost per precinct; third, the cost per precinct shall be prorated by the board of elections to the subdivisions conducting elections for the nomination or election of offices in such precinct; fourth, the total cost for each subdivision shall be determined by adding the charges prorated to it in each precinct within the subdivision.

(D) The entire cost of special elections held on a day other than the day of a primary or general election, both in odd-numbered or in even-numbered years, shall be charged to the subdivision. Where a special election is held on the same day as a primary or general election in an even-numbered year, the subdivision submitting the special election shall be charged only for the cost of ballots and advertising. Where a special election

is held on the same day as a primary or general election in an 44343
odd-numbered year, the subdivision submitting the special election 44344
shall be charged for the cost of ballots and advertising for such 44345
special election, in addition to the charges prorated to such 44346
subdivision for the election or nomination of candidates in each 44347
precinct within the subdivision, as set forth in the preceding 44348
paragraph. 44349

(E) Where a special election is held on the day specified by 44350
division (E) of section 3501.01 of the Revised Code for the 44351
holding of a primary election, for the purpose of submitting to 44352
the voters of the state constitutional amendments proposed by the 44353
general assembly, and a subdivision conducts a special election on 44354
the same day, the entire cost of the special election shall be 44355
divided proportionally between the state and the subdivision based 44356
upon a ratio determined by the number of issues placed on the 44357
ballot by each, except as otherwise provided in division (G) of 44358
this section. Such proportional division of cost shall be made 44359
only to the extent funds are available for such purpose from 44360
amounts appropriated by the general assembly to the secretary of 44361
state. If a primary election is also being conducted in the 44362
subdivision, the costs shall be apportioned as otherwise provided 44363
in this section. 44364

(F) When a precinct is open during a general, primary, or 44365
special election solely for the purpose of submitting to the 44366
voters a statewide ballot issue, the state shall bear the entire 44367
cost of the election in that precinct and shall reimburse the 44368
county for all expenses incurred in opening the precinct. 44369

(G)(1) The state shall bear the entire cost of advertising in 44370
newspapers statewide ballot issues, explanations of those issues, 44371
and arguments for or against those issues, as required by Section 44372
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 44373
and any other section of law. Appropriations made to the 44374

controlling board shall be used to reimburse the secretary of 44375
state for all expenses the secretary of state incurs for such 44376
advertising under division (G) of section 3505.062 of the Revised 44377
Code. 44378

(2) There is hereby created in the state treasury the 44379
statewide ballot advertising fund. The fund shall receive 44380
transfers approved by the controlling board, and shall be used by 44381
the secretary of state to pay the costs of advertising state 44382
ballot issues as required under division (G)(1) of this section. 44383
Any such transfers may be requested from and approved by the 44384
controlling board prior to placing the advertising, in order to 44385
facilitate timely provision of the required advertising. 44386

(H) The cost of renting, heating, and lighting registration 44387
places; the cost of the necessary books, forms, and supplies for 44388
the conduct of registration; and the cost of printing and posting 44389
precinct registration lists shall be charged to the subdivision in 44390
which such registration is held. 44391

(I) At the request of a majority of the members of the board 44392
of elections, the board of county commissioners may, by 44393
resolution, establish an elections revenue fund. Except as 44394
otherwise provided in this division, the purpose of the fund shall 44395
be to accumulate revenue withheld by or paid to the county under 44396
this section for the payment of any expense related to the duties 44397
of the board of elections specified in section 3501.11 of the 44398
Revised Code, upon approval of a majority of the members of the 44399
board of elections. The fund shall not accumulate any revenue 44400
withheld by or paid to the county under this section for the 44401
compensation of the members of the board of elections or of the 44402
director, deputy director, or other regular employees in the 44403
board's offices, other than compensation for overtime worked. 44404

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 44405
Revised Code, the board of county commissioners may, by 44406

resolution, transfer money to the elections revenue fund from any 44407
other fund of the political subdivision from which such payments 44408
lawfully may be made. Following an affirmative vote of a majority 44409
of the members of the board of elections, the board of county 44410
commissioners may, by resolution, rescind an elections revenue 44411
fund established under this division. If an elections revenue fund 44412
is rescinded, money that has accumulated in the fund shall be 44413
transferred to the county general fund. 44414

(J) As used in this section: 44415

(1) "Political subdivision" and "subdivision" mean any board 44416
of county commissioners, board of township trustees, legislative 44417
authority of a municipal corporation, board of education, or any 44418
other board, commission, district, or authority that is empowered 44419
to levy taxes or permitted to receive the proceeds of a tax levy, 44420
regardless of whether the entity receives tax settlement moneys as 44421
described in division (A) of this section; 44422

(2) "Statewide ballot issue" means any ballot issue, whether 44423
proposed by the general assembly or by initiative or referendum, 44424
that is submitted to the voters throughout the state. 44425

Sec. 3503.15. (A) The secretary of state shall establish and 44426
maintain a statewide voter registration database that shall be 44427
continuously available to each board of elections and to other 44428
agencies as authorized by law. 44429

(B) The statewide voter registration database established 44430
under this section shall be the official list of registered voters 44431
for all elections conducted in this state. 44432

(C) The statewide voter registration database established 44433
under this section shall, at a minimum, include all of the 44434
following: 44435

(1) An electronic network that connects all board of 44436

elections offices with the office of the secretary of state and 44437
with the offices of all other boards of elections; 44438

(2) A computer program that harmonizes the records contained 44439
in the database with records maintained by each board of 44440
elections; 44441

(3) An interactive computer program that allows access to the 44442
records contained in the database by each board of elections and 44443
by any persons authorized by the secretary of state to add, 44444
delete, modify, or print database records, and to conduct updates 44445
of the database; 44446

(4) A search program capable of verifying registered voters 44447
and their registration information by name, driver's license 44448
number, birth date, social security number, or current address; 44449

(5) Safeguards and components to ensure that the integrity, 44450
security, and confidentiality of the voter registration 44451
information is maintained. 44452

(D) The secretary of state shall adopt rules pursuant to 44453
Chapter 119. of the Revised Code doing all of the following: 44454

(1) Specifying the manner in which existing voter 44455
registration records maintained by boards of elections shall be 44456
converted to electronic files for inclusion in the statewide voter 44457
registration database; 44458

(2) Establishing a uniform method for entering voter 44459
registration records into the statewide voter registration 44460
database on an expedited basis, but not less than once per day, if 44461
new registration information is received; 44462

(3) Establishing a uniform method for purging canceled voter 44463
registration records from the statewide voter registration 44464
database in accordance with section 3503.21 of the Revised Code; 44465

(4) Specifying the persons authorized to add, delete, modify, 44466

or print records contained in the statewide voter registration database and to make updates of that database;

(5) Establishing a process for annually auditing the information contained in the statewide voter registration database.

(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D)(3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.

(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.

(G)(1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:

(a) Except as otherwise provided in division (G)(1)(b) of this section, only the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:

- (i) The voter's name;
- (ii) The voter's address;
- (iii) The voter's precinct number;
- (iv) The voter's voting history.

(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the

polling location at which that voter may cast a ballot. 44497

(2) The secretary of state shall establish, by rule adopted 44498
under Chapter 119. of the Revised Code, a process for boards of 44499
elections to notify the secretary of state of changes in the 44500
locations of precinct polling places for the purpose of updating 44501
the information made available on the secretary of state's web 44502
site under division (G)(1)(b) of this section. Those rules shall 44503
require a board of elections, during the thirty days before the 44504
day of a primary or general election, to notify the secretary of 44505
state within one business day of any change to the location of a 44506
precinct polling place within the county. 44507

(3) During the thirty days before the day of a primary or 44508
general election, not later than one business day after receiving 44509
a notification from a county pursuant to division (G)(2) of this 44510
section that the location of a precinct polling place has changed, 44511
the secretary of state shall update that information on the 44512
secretary of state's web site for the purpose of division 44513
(G)(1)(b) of this section. 44514

(H)(1) As used in division (H) of this section, "mismatch" 44515
means any of the following data fields that are not identical to 44516
one another with respect to a particular individual when 44517
information in the statewide voter registration database is 44518
compared to motor vehicle records: 44519

(a) Driver's license number; 44520

(b) Social security number; 44521

(c) Date of birth. 44522

(2) On or before the effective date of this amendment, the 44523
secretary of state and the registrar of motor vehicles shall enter 44524
into an agreement to match information in the statewide voter 44525
registration database with motor vehicle records for the purpose 44526
of verifying the accuracy of the information in the statewide 44527

voter registration database and the information provided on voter registration applications, as required under 42 U.S.C. 15483. 44528
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(3) Not later than December 31, 2009, and not later than the first day of July of each year thereafter, the secretary of state shall identify any mismatches between voter registration information and motor vehicle records that the secretary of state receives under division (H)(2) of this section regarding persons registered to vote in each county, and shall notify the applicable board of elections of any mismatches not later than fifteen days after they are identified. 44531
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(4) Upon notification of mismatches by the secretary of state under division (H)(3) of this section, the board of elections shall notify each affected voter of the mismatch regarding the voter's information. The board shall provide the voter with the opportunity to verify and correct the mismatched information. Each board of elections, by majority vote, shall establish procedures to notify affected voters of mismatches and to provide those voters with the opportunity to verify and correct the mismatched information. The procedures shall conform to the voluntary guidelines for implementing statewide voter registration lists adopted by the United States election assistance commission. 44539
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(5) Notwithstanding any provision of the Revised Code to the contrary, a mismatch shall not be the sole reason for the removal of a voter from the statewide voter registration database or for rendering the voter ineligible to vote. 44551
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~~Sec. 3503.18. The chief health officer of each political subdivision and the director of health shall file with the board of elections, at least once each month, the names, dates of birth, dates of death, and residences of all persons, over eighteen years~~ 44555
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~~of age, who have died within such subdivision or within this state~~ 44559
~~or another state, respectively, within such month.~~ At least once 44560
each month ~~the~~, each probate judge in this state shall file with 44561
the board of elections the names and residence addresses of all 44562
persons over eighteen years of age who have been adjudicated 44563
incompetent for the purpose of voting, as provided in section 44564
5122.301 of the Revised Code. At least once each month the clerk 44565
of the court of common pleas shall file with the board the names 44566
and residence addresses of all persons who have been convicted 44567
during the previous month of crimes that would disfranchise such 44568
persons under existing laws of the state. Reports of conviction of 44569
crimes under the laws of the United States that would disfranchise 44570
an elector and that are provided to the secretary of state by any 44571
United States attorney shall be forwarded by the secretary of 44572
state to the appropriate board of elections. 44573

Upon receiving ~~any~~ a report ~~described in~~ required by this 44574
section or section 3705.031 of the Revised Code, the board of 44575
elections shall promptly cancel ~~the~~ the registration of ~~the~~ each 44576
elector named in the report. If the report contains a residence 44577
address of an elector in a county other than the county in which 44578
the board of elections is located, the director shall promptly 44579
send a copy of the report to the appropriate board of elections, 44580
which shall cancel the registration. 44581

Sec. 3503.21. (A) The registration of a registered elector 44582
shall be canceled upon the occurrence of any of the following: 44583

(1) The filing by a registered elector of a written request 44584
with a board of elections, on a form prescribed by the secretary 44585
of state and signed by the elector, that the registration be 44586
canceled. The filing of such a request does not prohibit an 44587
otherwise qualified elector from reregistering to vote at any 44588
time. 44589

(2) The filing of a notice of the death of the registered elector as provided in section 3503.18 of the Revised Code;	44590 44591
(3) The conviction of the registered elector of a felony under the laws of this state, any other state, or the United States as provided in section 2961.01 of the Revised Code;	44592 44593 44594
(4) (3) The adjudication of incompetency of the registered elector for the purpose of voting as provided in section 5122.301 of the Revised Code;	44595 44596 44597
<u>(4) The receipt by a board of elections of a report required by section 3705.031 of the Revised Code that contains the name of the registered elector;</u>	44598 44599 44600
(5) The change of residence of the registered elector to a location outside the county of registration in accordance with division (B) of this section;	44601 44602 44603
(6) The failure of the registered elector, after having been mailed a confirmation notice, to do either of the following:	44604 44605
(a) Respond to such a notice and vote at least once during a period of four consecutive years, which period shall include two general federal elections;	44606 44607 44608
(b) Update the elector's registration and vote at least once during a period of four consecutive years, which period shall include two general federal elections.	44609 44610 44611
(B)(1) The secretary of state shall prescribe procedures to identify and cancel the registration in a prior county of residence of any registrant who changes the registrant's voting residence to a location outside the registrant's current county of registration. Any procedures prescribed in this division shall be uniform and nondiscriminatory, and shall comply with the Voting Rights Act of 1965. The secretary of state may prescribe procedures under this division that include the use of the	44612 44613 44614 44615 44616 44617 44618 44619

national change of address service provided by the United States 44620
postal system through its licensees. Any program so prescribed 44621
shall be completed not later than ninety days prior to the date of 44622
any primary or general election for federal office. 44623

(2) The registration of any elector identified as having 44624
changed the elector's voting residence to a location outside the 44625
elector's current county of registration shall not be canceled 44626
unless the registrant is sent a confirmation notice on a form 44627
prescribed by the secretary of state and the registrant fails to 44628
respond to the confirmation notice or otherwise update the 44629
registration and fails to vote in any election during the period 44630
of two federal elections subsequent to the mailing of the 44631
confirmation notice. 44632

(C) The registration of a registered elector shall not be 44633
canceled except as provided in this section, division (Q) of 44634
section 3501.05 of the Revised Code, division (C)(2) of section 44635
3503.19 of the Revised Code, or division (C) of section 3503.24 of 44636
the Revised Code. 44637

(D) Boards of elections shall send their voter registration 44638
information to the secretary of state as required under section 44639
3503.15 of the Revised Code. In the first quarter of each 44640
odd-numbered year, the secretary of state shall send the 44641
information to the national change of address service described in 44642
division (B) of this section and request that service to provide 44643
the secretary of state with a list of any voters sent by the 44644
secretary of state who have moved within the last thirty-six 44645
months. The secretary of state shall transmit to each appropriate 44646
board of elections whatever lists the secretary of state receives 44647
from that service. The board shall send a notice to each person on 44648
the list transmitted by the secretary of state requesting 44649
confirmation of the person's change of address, together with a 44650
postage prepaid, preaddressed return envelope containing a form on 44651

which the voter may verify or correct the change of address 44652
information. 44653

(E) The registration of a registered elector described in 44654
division (A)(6) or (B)(2) of this section shall be canceled not 44655
later than one hundred twenty days after the date of the second 44656
general federal election in which the elector fails to vote or not 44657
later than one hundred twenty days after the expiration of the 44658
four-year period in which the elector fails to vote or respond to 44659
a confirmation notice, whichever is later. 44660

Sec. 3701.021. (A) The public health council shall adopt, in 44661
accordance with Chapter 119. of the Revised Code, such rules as 44662
are necessary to carry out sections 3701.021 to 3701.0210 of the 44663
Revised Code, including, but not limited to, rules to establish 44664
the following: 44665

(1) Medical and financial eligibility requirements for the 44666
program for medically handicapped children; 44667

(2) Eligibility requirements for providers of services for 44668
medically handicapped children; 44669

(3) Procedures to be followed by the department of health in 44670
disqualifying providers for violating requirements adopted under 44671
division (A)(2) of this section; 44672

(4) Procedures to be used by the department regarding 44673
application for diagnostic services under division (B) of section 44674
3701.023 of the Revised Code and payment for those services under 44675
division (E) of that section; 44676

(5) Standards for the provision of service coordination by 44677
the department of health and city and general health districts; 44678

(6) Procedures for the department to use to determine the 44679
amount to be paid annually by each county for services for 44680
medically handicapped children and to allow counties to retain 44681

funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code; 44682
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(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis; 44684
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(8) Criteria for payment of approved providers who provide services for medically handicapped children; 44687
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(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective; 44689
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(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services; 44692
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(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code; 44695
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(12) Eligibility requirements for the hemophilia program, including income and hardship requirements. 44698
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(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code. 44700
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(C) The director of health may adopt rules to establish a drug rebate program for medically handicapped children that is substantially similar to the medicaid supplemental drug rebate program established under section 5111.081 of the Revised Code. 44704
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If the director establishes a drug rebate program for medically handicapped children, the director shall consult with drug manufacturers regarding the implementation of the program. A drug manufacturer participating in the program shall provide drug 44708
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rebates to the program for medically handicapped children in 44712
accordance with rules adopted under this section. 44713

The director may cooperate with the director of job and 44714
family services to obtain rebates for all drugs that are covered 44715
by the program established under this section and the medicaid 44716
supplemental drug rebate program established under section 44717
5111.081 of the Revised Code. 44718

Sec. 3701.0212. The drug rebate for medically handicapped 44719
children fund is hereby created in the state treasury. All rebates 44720
received for purposes of any drug rebate program established under 44721
section 3701.021 of the Revised Code, including any funds 44722
collected for the program by the department of job and family 44723
services under section 5111.081 of the Revised Code, shall be 44724
credited to the fund. The department of health shall use money 44725
credited to the fund for the administration of the program for 44726
medically handicapped children. 44727

Sec. 3701.045. (A) The department of health, in consultation 44728
with the children's trust fund board established under section 44729
3109.15 of the Revised Code and any bodies acting as child 44730
fatality review boards on ~~the effective date of this section~~ 44731
October 5, 2000, shall adopt rules in accordance with Chapter 119. 44732
of the Revised Code that establish a procedure for child fatality 44733
review boards to follow in conducting a review of the death of a 44734
child. The rules shall do all of the following: 44735

(1) Establish the format for the annual reports required by 44736
section 307.626 of the Revised Code; 44737

(2) Establish guidelines for a child fatality review board to 44738
follow in compiling statistics for annual reports so that the 44739
reports do not contain any information that would permit any 44740
person's identity to be ascertained from a report; 44741

(3) Establish guidelines for a child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by child fatality review boards in their annual reports for the previous calendar year, and ~~recommending~~ recommendations for any changes to law and policy that might prevent future deaths. The department and the children's trust fund board jointly shall provide a copy of the report to the governor, the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and the senate, each county or regional child fatality review board, and each county or regional family and children first council.

Sec. 3701.07. (A) The public health council shall adopt rules 44773
in accordance with Chapter 119. of the Revised Code defining and 44774
classifying hospitals and dispensaries and providing for the 44775
reporting of information by hospitals and dispensaries. Except as 44776
otherwise provided in the Revised Code, the rules providing for 44777
the reporting of information shall not require inclusion of any 44778
confidential patient data or any information concerning the 44779
financial condition, income, expenses, or net worth of the 44780
facilities other than that financial information already contained 44781
in those portions of the medicare or medicaid cost report that is 44782
necessary for the department of health to certify the per diem 44783
cost under section 3701.62 of the Revised Code. The rules may 44784
require the reporting of information in the following categories: 44785

(1) Information needed to identify and classify the 44786
institution; 44787

(2) Information on facilities and type and volume of services 44788
provided by the institution; 44789

(3) The number of beds listed by category of care provided; 44790

(4) The number of licensed or certified professional 44791
employees by classification; 44792

(5) The number of births that occurred at the institution the 44793
previous calendar year; 44794

(6) Any other information that the council considers relevant 44795
to the safety of patients served by the institution. 44796

Every hospital and dispensary, public or private, annually 44797
shall register with and report to the department of health. 44798
Reports shall be submitted in the manner prescribed in rules 44799
adopted under this division. 44800

(B) Every governmental entity or private nonprofit 44801
corporation or association whose employees or representatives are 44802

defined as residents' rights advocates under divisions (E)(1) and 44803
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 44804
the Revised Code shall register with the department of health on 44805
forms furnished by the director of health and shall provide such 44806
reasonable identifying information as the director may prescribe. 44807

The department shall compile a list of the governmental 44808
entities, corporations, or associations registering under this 44809
division and shall update the list annually. Copies of the list 44810
shall be made available to nursing home administrators as defined 44811
in division (C) of section 3721.10 of the Revised Code and to 44812
adult care facility managers as defined in section 3722.01 of the 44813
Revised Code. 44814

~~(C) Every governmental entity or private nonprofit 44815
corporation or association whose employees or representatives act 44816
as residents' rights advocates for community alternative homes 44817
pursuant to section 3724.08 of the Revised Code shall register 44818
with the department of health on forms furnished by the director 44819
of health and shall provide such reasonable identifying 44820
information as the director may prescribe. 44821~~

~~The department shall compile a list of the governmental 44822
entities, corporations, and associations registering under this 44823
division and shall update the list annually. Copies of the list 44824
shall be made available to operators or residence managers of 44825
community alternative homes as defined in section 3724.01 of the 44826
Revised Code. 44827~~

Sec. 3701.242. (A) An HIV test shall may be performed only 44828
~~if, prior to the test, informed consent is obtained either by the 44829
person or agency of state or local government ordering the test or 44830
by the person or agency performing the test. Consent may be given 44831
orally or in writing after the person or agency performing or 44832
ordering the test has given the individual to be tested or his 44833~~

~~guardian the following information:~~ 44834

~~(1) An oral or written explanation of the test and testing procedures, including the purposes and limitations of the test and the meaning of its results;~~ 44835
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~~(2) An oral or written explanation that the test is voluntary, that consent to be tested may be withdrawn, if the test is performed on an outpatient basis, at any time before the individual tested leaves the premises where blood is taken for the test, or, if the test is performed on an inpatient basis, within one hour after the blood is taken for the test, and that the individual or guardian may elect to have an anonymous test;~~ 44838
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~~(3) An oral or written explanation about behaviors known to pose risks for transmission of HIV infection.~~ 44845
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~~The public health council shall adopt rules, pursuant to recommendations of the director of health and in accordance with Chapter 119. of the Revised Code, specifying the information required by this section to be given to an individual before he is given an HIV test. The rules shall contain specifications for an informed consent form that includes the required information. The director of health shall prepare and distribute the form. A person or government agency required by division (A) of this section to give information to an individual may satisfy the requirement by obtaining the signature of the individual on the form prepared by the director by or on the order of a health care provider who, in the exercise of the provider's professional judgment, determines the test to be necessary for providing diagnosis and treatment to the individual to be tested, if the individual or the individual's parent or guardian has given consent to the provider for medical or other health care treatment. The health care provider shall inform the individual of the individual's right under division (D) of this section to an anonymous test.~~ 44847
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(B) A minor may consent to be given an HIV test. The consent is not subject to disaffirmance because of minority. The parents or guardian of a minor giving consent under this division are not liable for payment and shall not be charged for an HIV test given to the minor without the consent of a parent or the guardian.

(C) ~~The person or government agency~~ health care provider ordering an HIV test shall provide post-test counseling for ~~the an~~ individual who ~~was tested at the time he is told the result of the test or informed of a diagnosis of AIDS or of an AIDS-related condition~~ receives an HIV-positive test result. ~~If the test was performed on the order of the individual tested, the person or government agency that performed the test shall provide counseling. The individual shall be given an oral or written explanation of the nature of AIDS and AIDS-related conditions and the relationship between the HIV test and those diseases and a list of resources for further counseling or support. When necessary, the individual shall be referred for further counseling to help him cope with the emotional consequences of learning the test result~~ The public health council may adopt rules, pursuant to recommendations from the director of health and in accordance with Chapter 119. of the Revised Code, specifying the information to be provided in post-test counseling.

(D) ~~Any~~ An individual ~~seeking an HIV test~~ shall have the right, ~~on his request,~~ to an anonymous test. A health care facility or health care provider that does not provide anonymous testing shall refer an individual requesting an anonymous test to a site where it is available.

(E) Divisions ~~(A)~~ (B) to (D) of this section do not apply to the performance of an HIV test in any of the following circumstances:

(1) When the test is performed in a medical emergency by a

nurse or physician and the test results are medically necessary to avoid or minimize an immediate danger to the health or safety of the individual to be tested or another individual, except that post-test counseling shall be given to the individual ~~as soon as possible after the emergency is over~~ if the individual receives an HIV-positive test result;

(2) When the test is performed for the purpose of research if the researcher does not know and cannot determine the identity of the individual tested;

(3) When the test is performed by a person who procures, processes, distributes, or uses a human body part from a deceased person donated for a purpose specified in Chapter 2108. of the Revised Code, if the test is medically necessary to ensure that the body part is acceptable for its intended purpose;

(4) When the test is performed on a person incarcerated in a correctional institution under the control of the department of rehabilitation and correction if the head of the institution has determined, based on good cause, that a test is necessary;

(5) When the test is performed ~~by or on the order of a physician who, in the exercise of his professional judgment, determines the test to be necessary for providing diagnosis and treatment to the individual to be tested, if the individual or his parent or guardian has given consent to the physician for medical treatment~~ in accordance with section 2907.27 of the Revised Code;

(6) When the test is performed on an individual after the infection control committee of a health care facility, or other body of a health care facility performing a similar function determines that a health care provider, emergency medical services worker, or peace officer, while rendering health or emergency care to an individual, has sustained a significant exposure to the body fluids of that individual, and the individual has refused to give

consent for testing. 44928

~~(F) If the requirements of division (A) of this section have 44929
been met, consent to be tested given under that division shall be 44930
presumed to be valid and effective, and no evidence is admissible 44931
in a civil action to impeach, modify, or limit the consent. 44932~~

~~(G) The consent of the individual to be tested is not 44933
required, and the individual or guardian may not elect to have an 44934
anonymous test, when the test is ordered by a court in connection 44935
with a criminal investigation. 44936~~

Sec. 3701.247. (A)(1) Any of the following persons may bring 44937
an action in a probate court for an order compelling another 44938
person to undergo HIV testing: 44939

(a) A person who believes ~~he~~ the person may have been exposed 44940
to HIV infection while rendering health or emergency care to the 44941
other person; 44942

(b) A peace officer who believes ~~he~~ the peace officer may 44943
have been exposed to HIV infection while dealing with the other 44944
person in the performance of ~~his~~ official duties. 44945

(2) The complaint in the action shall be accompanied by an 44946
affidavit in which the plaintiff attests to all of the following: 44947

(a) While rendering health or emergency care to the 44948
defendant, or while dealing with the defendant in the performance 44949
of ~~his~~ the plaintiff's duties, the plaintiff sustained a 44950
significant exposure to body fluids of the defendant that are 44951
known to transmit HIV; 44952

(b) The plaintiff has reason to believe the defendant may 44953
have an HIV infection; 44954

(c) The plaintiff made a reasonable attempt to have the 44955
defendant submit to HIV testing in accordance with section 44956
3701.242 of the Revised Code, and notified the defendant that ~~he~~ 44957

the plaintiff would bring an action under this section on the 44958
defendant's refusal or failure to be tested, but the defendant has 44959
not been tested; 44960

(d) Within seven days after the exposure, the plaintiff took 44961
an HIV test ~~and also has received counseling pursuant to section~~ 44962
~~3701.242 of the Revised Code.~~ 44963

In the complaint, the defendant shall be identified by a 44964
pseudonym and ~~his~~ the defendant's name communicated to the court 44965
confidentially pursuant to a court order restricting the use of 44966
the name. Proceedings shall be conducted in chambers unless the 44967
defendant agrees to a hearing in open court. 44968

(B) The court shall hold a hearing on the complaint at the 44969
earliest possible time but not later than the third business day 44970
after the day the defendant is served with the complaint and 44971
notice of the hearing. The court shall enter judgment on the 44972
complaint on the day the hearing is concluded. 44973

(C) Notwithstanding division (A) of section 3701.242 of the 44974
Revised Code, the court may order the defendant to undergo HIV 44975
testing if it finds by clear and convincing evidence that the 44976
plaintiff has proved the matters attested to in ~~his~~ the 44977
plaintiff's affidavit and has demonstrated that ~~he~~ the plaintiff 44978
has a compelling need for the results of the test and no other 44979
means exist to accommodate the need. If granted, the order shall 44980
guard against unauthorized disclosure of the test results by 44981
specifying the persons and governmental entities that may have 44982
access to the results and by limiting further disclosure. The 44983
court shall require that the defendant be given test results and, 44984
if the defendant's test results are HIV-positive, that post-test 44985
counseling be provided ~~him~~ the defendant in accordance with 44986
division (C) of section 3701.242 of the Revised Code. The court 44987
may order the plaintiff to pay the cost of the defendant's testing 44988
and counseling. 44989

Sec. 3701.344. As used in this section and sections 3701.345, 44990
3701.346, and 3701.347 of the Revised Code: 44991

(A) "Private water system" means any water system for the 44992
provision of water for human consumption, if such system has fewer 44993
than fifteen service connections and does not regularly serve an 44994
average of at least twenty-five individuals daily at least sixty 44995
days out of the year. A private water system includes any well, 44996
spring, cistern, pond, or hauled water and any equipment for the 44997
collection, transportation, filtration, disinfection, treatment, 44998
or storage of such water extending from and including the source 44999
of the water to the point of discharge from any pressure tank or 45000
other storage vessel; to the point of discharge from the water 45001
pump where no pressure tank or other storage vessel is present; 45002
or, in the case of multiple service connections serving more than 45003
one dwelling, to the point of discharge from each service 45004
connection. ~~A private~~ "Private water system" does not include the 45005
water service line extending from the point of discharge to a 45006
structure. 45007

(B) Notwithstanding section 3701.347 of the Revised Code and 45008
subject to division (C) of this section, rules adopted by the 45009
public health council regarding private water systems shall 45010
provide for the following: 45011

(1) Except as otherwise provided in this division, boards of 45012
health of city or general health districts shall be given the 45013
exclusive power to establish fees in accordance with section 45014
3709.09 of the Revised Code for administering and enforcing such 45015
rules. Such fees shall establish a different rate for 45016
administering and enforcing the rules relative to private water 45017
systems serving single-family dwelling houses and nonsingle-family 45018
dwelling houses. Except for an amount established by the public 45019
health council, pursuant to division (B)(5) of this section, for 45020

each new private water system installation, no portion of any fee 45021
for administering and enforcing such rules shall be returned to 45022
the department of health. If the director of health determines 45023
that a board of health of a city or general health district is 45024
unable to administer and enforce a private water system program in 45025
the district, the director shall administer and enforce such a 45026
program in the district and establish fees for such administration 45027
and enforcement. 45028

(2) Boards of health of city or general health districts 45029
shall be given the exclusive power to determine the number of 45030
inspections necessary for determining the safe drinking 45031
characteristics of a private water system. 45032

(3) Private water systems contractors, as a condition of 45033
doing business in this state, shall annually register with, and 45034
comply with surety bonding requirements of, the department of 45035
health. No such contractor shall be permitted to register if ~~he~~ 45036
the contractor fails to comply with all applicable rules adopted 45037
by the public health council and the board of health of the city 45038
or general health district. The annual registration fee for 45039
private water systems contractors shall be sixty-five dollars. The 45040
public health council, by rule adopted in accordance with Chapter 45041
119. of the Revised Code, may increase the annual registration 45042
fee. Before January 1, 1993, the fee shall not be increased by 45043
more than fifty per cent of the amount prescribed by this section. 45044

(4) Boards of health of city or general health districts 45045
subject to such rules of the public health council shall have the 45046
option of determining whether bacteriological examinations shall 45047
be performed at approved laboratories of the state or at approved 45048
private laboratories. 45049

(5) The public health council may establish fees for each new 45050
private water system installation, which shall be collected by the 45051
appropriate city or general health district and returned to the 45052

department of health. 45053

(6) All fees collected by the director of health under 45054
divisions (B)(1), (3), and (5) of this section shall be deposited 45055
in the state treasury to the credit of the general operations fund 45056
created in section 3701.83 of the Revised Code for use in the 45057
administration and enforcement of sections 3701.344 to 3701.347 of 45058
the Revised Code and the rules pertaining to private water systems 45059
adopted under those sections or section 3701.34 of the Revised 45060
Code. 45061

(C) To the extent that rules adopted under division (B) of 45062
this section require health districts to follow specific 45063
procedures or use prescribed forms, no such procedure or form 45064
shall be implemented until it is approved by majority vote of an 45065
approval board of health commissioners, hereby created. Members of 45066
the board shall be the officers of the association of Ohio health 45067
commissioners, or any successor organization, and membership on 45068
the board shall be coterminous with holding an office of the 45069
association. No health district is required to follow a procedure 45070
or use a form required by a rule adopted under division (B) of 45071
this section without the approval of the board. 45072

(D) A board of health shall collect well log filing fees on 45073
behalf of the division of soil and water resources in the 45074
department of natural resources in accordance with section 1521.05 45075
of the Revised Code and rules adopted under it. The fees shall be 45076
submitted to the division quarterly as provided in those rules. 45077
45078

Sec. 3701.611. (A) The governor shall create the help me grow 45079
advisory council in accordance with 20 U.S.C. 1441, which shall 45080
serve as the state interagency coordinating council, as described 45081
in 20 U.S.C. 1441. Members of the council shall reasonably 45082
represent the population of this state. The governor shall appoint 45083

as a member of the council a representative of a board of health 45084
of a city or general health district or an authority having the 45085
duties of a board of health under section 3709.05 of the Revised 45086
Code. 45087

The governor shall appoint one of the council members to 45088
serve as chairperson of the council, or the governor may delegate 45089
appointment of the chairperson to the council. No member of the 45090
council representing the department of health shall serve as 45091
chairperson. 45092

(B) The council shall meet at least once in each quarter of 45093
the calendar year. The chairperson may call additional meetings if 45094
necessary. 45095

(C) A member of the council shall not vote on any matter that 45096
is likely to provide a direct financial benefit to that member or 45097
otherwise be a conflict of interest. 45098

(D) The governor may reimburse members of the council for 45099
actual and necessary expenses incurred in the performance of their 45100
official duties, including child care for the parent 45101
representatives described in 20 U.S.C. 1441(b)(1)(A). The governor 45102
also may compensate members of the council who are not employed or 45103
who must forfeit wages from other employment when performing 45104
official council business. 45105

(E) The department of health shall serve as the "lead 45106
agency," as described by 20 U.S.C. 1435(a)(10). 45107

(F) The help me grow advisory council shall do all of the 45108
following: 45109

(1) Advise and assist the department of health in the 45110
performance of the responsibilities described in 20 U.S.C. 45111
1435(a)(10), including the following: 45112

(a) Identification of the sources of fiscal and other support 45113

<u>for services for early intervention programs;</u>	45114
<u>(b) Assignment of financial responsibility to the appropriate agency, in accordance with 20 U.S.C. 1437(a)(2);</u>	45115
<u>(c) Promotion of formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services and procedures for resolving disputes;</u>	45117
<u>(2) Advise and assist the department of health in the preparation and amendment of applications related to the department of health's responsibilities described in 20 U.S.C. 1435(a)(10);</u>	45120
<u>(3) Advise and assist the department of education regarding the transition of toddlers with disabilities to preschool and other appropriate services;</u>	45124
<u>(4) Prepare and submit an annual report to the governor, before the thirtieth day of September, on the status of early intervention programs for infants and toddlers with disabilities and their families operated within this state during the most recent fiscal year.</u>	45127
<u>(G) The help me grow advisory council may advise and assist the department of health and the department of education regarding the provision of appropriate services for children age five and younger. The council may advise appropriate agencies about the integration of services for infants and toddlers with disabilities, and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services.</u>	45132
<u>(H) The help me grow advisory council shall promote family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.</u>	45140

Sec. 3701.78. (A) There is hereby created the commission on 45145
minority health, consisting of ~~eighteen~~ twenty-one members. The 45146
governor shall appoint to the commission nine members from among 45147
health researchers, health planners, and health professionals. The 45148
governor also shall appoint two members who are representatives of 45149
the lupus awareness and education program. The speaker of the 45150
house of representatives shall appoint to the commission two 45151
members of the house of representatives, not more than one of whom 45152
is a member of the same political party, and the president of the 45153
senate shall appoint to the commission two members of the senate, 45154
not more than one of whom is a member of the same political party. 45155
The directors of health, mental health, mental retardation and 45156
developmental disabilities, alcohol and drug addiction services, 45157
and job and family services, or their designees, and the 45158
superintendent of public instruction, or the superintendent's 45159
designee, shall be members of the commission. The commission shall 45160
elect a chairperson from among its members. Of the members 45161
appointed by the governor, five shall be appointed to initial 45162
terms of one year, and four shall be appointed to initial terms of 45163
two years. Thereafter, all members appointed by the governor shall 45164
be appointed to terms of two years. All members of the commission 45165
appointed by the speaker of the house of representatives or the 45166
president of the senate shall be nonvoting members of the 45167
commission and be appointed within thirty days after the 45168
commencement of the first regular session of each general 45169
assembly, and shall serve until the expiration of the session of 45170
the general assembly during which they were appointed. Members of 45171
the commission shall serve without compensation, but shall be 45172
reimbursed for the actual and necessary expenses they incur in the 45173
performance of their official duties. 45174

(B) The commission shall promote health and the prevention of 45175
disease among members of minority groups. Each year the commission 45176

shall distribute grants from available funds to community-based 45177
health groups to be used to promote health and the prevention of 45178
disease among members of minority groups. As used in this 45179
division, "minority group" means any of the following economically 45180
disadvantaged groups: Blacks, American Indians, Hispanics, and 45181
Orientals. The commission shall adopt and maintain rules pursuant 45182
to Chapter 119. of the Revised Code to provide for the 45183
distribution of these grants. No group shall qualify to receive a 45184
grant from the commission unless it receives at least twenty per 45185
cent of its funds from sources other than grants distributed under 45186
this section. 45187

(C) The commission may appoint such employees as it considers 45188
necessary to carry out its duties under this section. The 45189
department of health shall provide office space for the 45190
commission. 45191

(D) The commission shall meet at the call of its chairperson 45192
to conduct its official business. A majority of the voting members 45193
of the commission constitute a quorum. The votes of at least eight 45194
voting members of the commission are necessary for the commission 45195
to take any official action or to approve the distribution of 45196
grants under this section. 45197

Sec. 3701.83. (A) There is hereby created in the state 45198
treasury the general operations fund. Moneys in the fund shall be 45199
used for the purposes specified in sections 3701.04, 3701.344, 45200
3702.20, 3710.15, 3711.16, 3717.25, 3717.45, 3718.06, 3721.02, 45201
3722.04, 3729.07, 3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 45202
3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 45203
4769.09 of the Revised Code. 45204

(B) The alcohol testing program fund is hereby created in the 45205
state treasury. The director of health shall use the fund to 45206
administer and enforce the alcohol testing and permit program 45207

authorized by section 3701.143 of the Revised Code. 45208

The fund shall receive transfers from the liquor control fund 45209
created under section 4301.12 of the Revised Code. All investment 45210
earnings of the alcohol testing program fund shall be credited to 45211
the fund. 45212

Sec. 3702.30. (A) As used in this section: 45213

(1) "Ambulatory surgical facility" means a facility, whether 45214
or not part of the same organization as a hospital, that is 45215
located in a building distinct from another in which inpatient 45216
care is provided, and to which any of the following apply: 45217

(a) Outpatient surgery is routinely performed in the 45218
facility, and the facility functions separately from a hospital's 45219
inpatient surgical service and from the offices of private 45220
physicians, podiatrists, and dentists. 45221

(b) Anesthesia is administered in the facility by an 45222
anesthesiologist or certified registered nurse anesthetist, and 45223
the facility functions separately from a hospital's inpatient 45224
surgical service and from the offices of private physicians, 45225
podiatrists, and dentists. 45226

(c) The facility applies to be certified by the United States 45227
centers for medicare and medicaid services as an ambulatory 45228
surgical center for purposes of reimbursement under Part B of the 45229
medicare program, Part B of Title XVIII of the "Social Security 45230
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 45231

(d) The facility applies to be certified by a national 45232
accrediting body approved by the centers for medicare and medicaid 45233
services for purposes of deemed compliance with the conditions for 45234
participating in the medicare program as an ambulatory surgical 45235
center. 45236

(e) The facility bills or receives from any third-party 45237

payer, governmental health care program, or other person or 45238
government entity any ambulatory surgical facility fee that is 45239
billed or paid in addition to any fee for professional services. 45240

(f) The facility is held out to any person or government 45241
entity as an ambulatory surgical facility or similar facility by 45242
means of signage, advertising, or other promotional efforts. 45243

"Ambulatory surgical facility" does not include a hospital 45244
emergency department. 45245

(2) "Ambulatory surgical facility fee" means a fee for 45246
certain overhead costs associated with providing surgical services 45247
in an outpatient setting. A fee is an ambulatory surgical facility 45248
fee only if it directly or indirectly pays for costs associated 45249
with any of the following: 45250

(a) Use of operating and recovery rooms, preparation areas, 45251
and waiting rooms and lounges for patients and relatives; 45252

(b) Administrative functions, record keeping, housekeeping, 45253
utilities, and rent; 45254

(c) Services provided by nurses, orderlies, technical 45255
personnel, and others involved in patient care related to 45256
providing surgery. 45257

"Ambulatory surgical facility fee" does not include any 45258
additional payment in excess of a professional fee that is 45259
provided to encourage physicians, podiatrists, and dentists to 45260
perform certain surgical procedures in their office or their group 45261
practice's office rather than a health care facility, if the 45262
purpose of the additional fee is to compensate for additional cost 45263
incurred in performing office-based surgery. 45264

(3) "Governmental health care program" has the same meaning 45265
as in section 4731.65 of the Revised Code. 45266

(4) "Health care facility" means any of the following: 45267

(a) An ambulatory surgical facility;	45268
(b) A freestanding dialysis center;	45269
(c) A freestanding inpatient rehabilitation facility;	45270
(d) A freestanding birthing center;	45271
(e) A freestanding radiation therapy center;	45272
(f) A freestanding or mobile diagnostic imaging center.	45273
(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.	45274 45275
(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.	45276 45277 45278 45279 45280
(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all relevant provisions in the Revised Code that relate to the obtaining of informed consent from a patient.	45281 45282 45283 45284
(D) The director shall issue a license to each health care facility that makes application for a license and demonstrates to the director that it meets the quality standards established by the rules adopted under division (B) of this section and satisfies the informed consent compliance requirements specified in division (C) of this section.	45285 45286 45287 45288 45289 45290
(E)(1) Except as provided in <u>division (H) of this section and in</u> section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.	45291 45292 45293
(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to	45294 45295 45296 45297

the state medical board, the physician, and the health care facility. 45298
45299

(3) This division does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility. 45300
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(F) The rules adopted under division (B) of this section shall include all of the following: 45307
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(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section; 45309
45310

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility; 45311
45312
45313
45314

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties. 45315
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45317
45318

(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code. 45319
45320

(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section: 45321
45322
45323

(1) A hospital registered under section 3701.07 of the Revised Code and providing diagnostic imaging; 45324
45325

(2) An entity that is reviewed as part of a hospital accreditation or certification program providing diagnostic 45326
45327

<u>imaging;</u>	45328
<u>(3) An ambulatory surgical facility providing diagnostic</u>	45329
<u>imaging during a surgical procedure.</u>	45330
Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the	45331
Revised Code:	45332
(A) "Applicant" means any person that submits an application	45333
for a certificate of need and who is designated in the application	45334
as the applicant.	45335
(B) "Person" means any individual, corporation, business	45336
trust, estate, firm, partnership, association, joint stock	45337
company, insurance company, government unit, or other entity.	45338
(C) "Certificate of need" means a written approval granted by	45339
the director of health to an applicant to authorize conducting a	45340
reviewable activity.	45341
(D) "Health service area" means a geographic region	45342
designated by the director of health under section 3702.58 of the	45343
Revised Code.	45344
(E) "Health service" means a clinically related service, such	45345
as a diagnostic, treatment, rehabilitative, or preventive service.	45346
(F) "Health service agency" means an agency designated to	45347
serve a health service area in accordance with section 3702.58 of	45348
the Revised Code.	45349
(G) "Health care facility" means:	45350
(1) A hospital registered under section 3701.07 of the	45351
Revised Code;	45352
(2) A nursing home licensed under section 3721.02 of the	45353
Revised Code, or by a political subdivision certified under	45354
section 3721.09 of the Revised Code;	45355
(3) A county home or a county nursing home as defined in	45356

section 5155.31 of the Revised Code that is certified under Title 45357
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 45358
U.S.C.A. 301, as amended; 45359

(4) A freestanding dialysis center; 45360

(5) A freestanding inpatient rehabilitation facility; 45361

(6) An ambulatory surgical facility; 45362

(7) A freestanding cardiac catheterization facility; 45363

(8) A freestanding birthing center; 45364

(9) A freestanding or mobile diagnostic imaging center; 45365

(10) A freestanding radiation therapy center. 45366

A health care facility does not include the offices of 45367
private physicians and dentists whether for individual or group 45368
practice, residential facilities licensed under section 5123.19 of 45369
the Revised Code, or an institution for the sick that is operated 45370
exclusively for patients who use spiritual means for healing and 45371
for whom the acceptance of medical care is inconsistent with their 45372
religious beliefs, accredited by a national accrediting 45373
organization, exempt from federal income taxation under section 45374
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 45375
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 45376
care pursuant to the exemption in division (E) of section 4723.32 45377
of the Revised Code from the licensing requirements of Chapter 45378
4723. of the Revised Code. 45379

(H) "Medical equipment" means a single unit of medical 45380
equipment or a single system of components with related functions 45381
that is used to provide health services. 45382

(I) "Third-party payer" means a health insuring corporation 45383
licensed under Chapter 1751. of the Revised Code, a health 45384
maintenance organization as defined in division (K) of this 45385
section, an insurance company that issues sickness and accident 45386

insurance in conformity with Chapter 3923. of the Revised Code, a 45387
state-financed health insurance program under Chapter 3701., 45388
4123., or 5111. of the Revised Code, or any self-insurance plan. 45389

(J) "Government unit" means the state and any county, 45390
municipal corporation, township, or other political subdivision of 45391
the state, or any department, division, board, or other agency of 45392
the state or a political subdivision. 45393

(K) "Health maintenance organization" means a public or 45394
private organization organized under the law of any state that is 45395
qualified under section 1310(d) of Title XIII of the "Public 45396
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 45397

(L) "Existing health care facility" means either of the 45398
following: 45399

(1) A health care facility that is licensed or otherwise 45400
authorized to operate in this state in accordance with applicable 45401
law, including a county home or a county nursing home that is 45402
certified as of February 1, 2008, under Title XVIII or Title XIX 45403
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 45404
as amended, is staffed and equipped to provide health care 45405
services, and is actively providing health services; 45406

(2) A health care facility that is licensed or otherwise 45407
authorized to operate in this state in accordance with applicable 45408
law, including a county home or a county nursing home that is 45409
certified as of February 1, 2008, under Title XVIII or Title XIX 45410
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 45411
as amended, or that has beds registered under section 3701.07 of 45412
the Revised Code as skilled nursing beds or long-term care beds 45413
and has provided services for at least three hundred sixty-five 45414
consecutive days within the twenty-four months immediately 45415
preceding the date a certificate of need application is filed with 45416
the director of health. 45417

(M) "State" means the state of Ohio, including, but not 45418
limited to, the general assembly, the supreme court, the offices 45419
of all elected state officers, and all departments, boards, 45420
offices, commissions, agencies, institutions, and other 45421
instrumentalities of the state of Ohio. "State" does not include 45422
political subdivisions. 45423

(N) "Political subdivision" means a municipal corporation, 45424
township, county, school district, and all other bodies corporate 45425
and politic responsible for governmental activities only in 45426
geographic areas smaller than that of the state to which the 45427
sovereign immunity of the state attaches. 45428

(O) "Affected person" means: 45429

(1) An applicant for a certificate of need, including an 45430
applicant whose application was reviewed comparatively with the 45431
application in question; 45432

(2) The person that requested the reviewability ruling in 45433
question; 45434

(3) Any person that resides or regularly uses health care 45435
facilities within the geographic area served or to be served by 45436
the health care services that would be provided under the 45437
certificate of need or reviewability ruling in question; 45438

(4) Any health care facility that is located in the health 45439
service area where the health care services would be provided 45440
under the certificate of need or reviewability ruling in question; 45441

(5) Third-party payers that reimburse health care facilities 45442
for services in the health service area where the health care 45443
services would be provided under the certificate of need or 45444
reviewability ruling in question; 45445

(6) Any other person who testified at a public hearing held 45446
under division (B) of section 3702.52 of the Revised Code or 45447

submitted written comments in the course of review of the 45448
certificate of need application in question. 45449

(P) "Osteopathic hospital" means a hospital registered under 45450
section 3701.07 of the Revised Code that advocates osteopathic 45451
principles and the practice and perpetuation of osteopathic 45452
medicine by doing any of the following: 45453

(1) Maintaining a department or service of osteopathic 45454
medicine or a committee on the utilization of osteopathic 45455
principles and methods, under the supervision of an osteopathic 45456
physician; 45457

(2) Maintaining an active medical staff, the majority of 45458
which is comprised of osteopathic physicians; 45459

(3) Maintaining a medical staff executive committee that has 45460
osteopathic physicians as a majority of its members. 45461

(Q) "Ambulatory surgical facility" has the same meaning as in 45462
section 3702.30 of the Revised Code. 45463

(R) ~~Except as otherwise provided in division (T) of this 45464
section, and until the termination date specified in section 45465
3702.511 of the Revised Code, "reviewable activity" means any of 45466
the following:~~ 45467

~~(1) The addition by any person of any of the following health 45468
services, regardless of the amount of operating costs or capital 45469
expenditures:~~ 45470

~~(a) A heart, heart-lung, lung, liver, kidney, bowel, 45471
pancreas, or bone marrow transplantation service, a stem cell 45472
harvesting and reinfusion service, or a service for 45473
transplantation of any other organ unless transplantation of the 45474
organ is designated by public health council rule not to be a 45475
reviewable activity;~~ 45476

~~(b) A cardiac catheterization service;~~ 45477

(c) An open heart surgery service;	45478
(d) Any new, experimental medical technology that is designated by rule of the public health council.	45479 45480
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	45481 45482 45483 45484 45485
(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility or a new hospital;	45486 45487 45488
(b) The establishment, development, or construction of a new hospital or the relocation of an existing hospital;	45489 45490
(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.	45491 45492 45493
(4)(a) The replacement of an existing hospital;	45494
(b) The replacement of an existing hospital obstetric or newborn care unit or freestanding birthing center.	45495 45496
(5)(a) The renovation of a hospital that involves a capital expenditure, obligated on or after June 30, 1995, of five million dollars or more, not including expenditures for equipment, staffing, or operational costs. For purposes of division (R)(5)(a) of this section, a capital expenditure is obligated:	45497 45498 45499 45500 45501
(i) When a contract enforceable under Ohio law is entered into for the construction, acquisition, lease, or financing of a capital asset;	45502 45503 45504
(ii) When the governing body of a hospital takes formal action to commit its own funds for a construction project undertaken by the hospital as its own contractor;	45505 45506 45507

(iii) In the case of donated property, on the date the gift is completed under applicable Ohio law.	45508 45509
(b) The renovation of a hospital obstetric or newborn care unit or freestanding birthing center that involves a capital expenditure of five million dollars or more, not including expenditures for equipment, staffing, or operational costs.	45510 45511 45512 45513
(6) Any change in the health care services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, if the change is made prior to the date the activity for which the certificate was issued ceases to be a reviewable activity;	45514 45515 45516 45517 45518 45519
(7) Any of the following changes in perinatal bed capacity or pediatric intensive care bed capacity:	45520 45521
(a) An increase in bed capacity;	45522
(b) A change in service or service level designation of newborn care beds or obstetric beds in a hospital or freestanding birthing center, other than a change of service that is provided within the service level designation of newborn care or obstetric beds as registered by the department of health;	45523 45524 45525 45526 45527
(c) A relocation of perinatal or pediatric intensive care beds from one physical facility or site to another, excluding the relocation of beds within a hospital or freestanding birthing center or the relocation of beds among buildings of a hospital or freestanding birthing center at the same site.	45528 45529 45530 45531 45532
(8) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need;	45533 45534
(9) Any transfer of a certificate of need issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity	45535 45536 45537

~~is completed, any agreement that contemplates the transfer of a 45538
certificate of need issued prior to that date upon completion of 45539
the project, and any transfer of the controlling interest in an 45540
entity that holds a certificate of need issued prior to that date. 45541
However, the transfer of a certificate of need issued prior to 45542
that date or agreement to transfer such a certificate of need from 45543
the person to whom the certificate of need was issued to an 45544
affiliated or related person does not constitute a reviewable 45545
transfer of a certificate of need for the purposes of this 45546
division, unless the transfer results in a change in the person 45547
that holds the ultimate controlling interest in the certificate of 45548
need. 45549~~

~~(10)(a) The acquisition by any person of any of the following 45550
medical equipment, regardless of the amount of operating costs or 45551
capital expenditure: 45552~~

~~(i) A cobalt radiation therapy unit; 45553~~

~~(ii) A linear accelerator; 45554~~

~~(iii) A gamma knife unit. 45555~~

~~(b) The acquisition by any person of medical equipment with a 45556
cost of two million dollars or more. The cost of acquiring medical 45557
equipment includes the sum of the following: 45558~~

~~(i) The greater of its fair market value or the cost of its 45559
lease or purchase; 45560~~

~~(ii) The cost of installation and any other activities 45561
essential to the acquisition of the equipment and its placement 45562
into service. 45563~~

~~(11) The addition of another cardiac catheterization 45564
laboratory to an existing cardiac catheterization service. 45565~~

~~(S) Except as provided in division (T)(S) of this section, 45566
"reviewable activity" also means any of the following activities, 45567~~

none of which are subject to a termination date:	45568
(1) The establishment, development, or construction of a new long-term care facility;	45569 45570
(2) The replacement of an existing long-term care facility;	45571
(3) The renovation of a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;	45572 45573 45574 45575
(4) Any <u>Either</u> of the following changes in long-term care bed capacity:	45576 45577
(a) An increase in bed capacity;	45578
(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	45579 45580 45581 45582
(c) A recategorization of hospital beds registered under section 3701.07 of the Revised Code from another registration category to skilled nursing beds or long term care beds.	45583 45584 45585
(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long-term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;	45586 45587 45588 45589 45590 45591
(6) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;	45592 45593 45594
(7) Any transfer of a certificate of need that concerns long term care beds and was issued prior to April 20, 1995, from the person to whom it was issued to another person before the	45595 45596 45597

~~project that constitutes a reviewable activity is completed, any 45598
agreement that contemplates the transfer of such a certificate of 45599
need upon completion of the project, and any transfer of the 45600
controlling interest in an entity that holds such a certificate of 45601
need. However, the transfer of a certificate of need that concerns 45602
long term care beds and was issued prior to April 20, 1995, or 45603
agreement to transfer such a certificate of need from the person 45604
to whom the certificate was issued to an affiliated or related 45605
person does not constitute a reviewable transfer of a certificate 45606
of need for purposes of this division, unless the transfer results 45607
in a change in the person that holds the ultimate controlling 45608
interest in the certificate of need. 45609~~

~~(T)(S)~~ "Reviewable activity" does not include any of the 45610
following activities: 45611

(1) Acquisition of computer hardware or software; 45612

(2) Acquisition of a telephone system; 45613

(3) Construction or acquisition of parking facilities; 45614

(4) Correction of cited deficiencies that are in violation of 45615
federal, state, or local fire, building, or safety laws and rules 45616
and that constitute an imminent threat to public health or safety; 45617

(5) Acquisition of an existing health care facility that does 45618
not involve a change in the number of the beds, by service, or in 45619
the number or type of health services; 45620

(6) Correction of cited deficiencies identified by 45621
accreditation surveys of the joint commission on accreditation of 45622
healthcare organizations or of the American osteopathic 45623
association; 45624

(7) Acquisition of medical equipment to replace the same or 45625
similar equipment for which a certificate of need has been issued 45626
if the replaced equipment is removed from service; 45627

(8) Mergers, consolidations, or other corporate reorganizations of health care facilities that do not involve a change in the number of beds, by service, or in the number or type of health services; 45628
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45631

(9) Construction, repair, or renovation of bathroom facilities; 45632
45633

(10) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services; 45634
45635
45636
45637

(11) Acquisition of medical equipment to conduct research required by the United States food and drug administration or clinical trials sponsored by the national institute of health. Use of medical equipment that was acquired without a certificate of need under division ~~(F)~~(S)(11) of this section and for which premarket approval has been granted by the United States food and drug administration to provide services for which patients or reimbursement entities will be charged shall be a reviewable activity. 45638
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(12) Removal of asbestos from a health care facility. 45647

Only that portion of a project that meets the requirements of this division ~~(F) of this section~~ is not a reviewable activity. 45648
45649

~~(U)~~(T) "Small rural hospital" means a hospital that is located within a rural area, has fewer than one hundred beds, and to which fewer than four thousand persons were admitted during the most recent calendar year. 45650
45651
45652
45653

~~(V)~~(U) "Children's hospital" means any of the following: 45654

(1) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual 45655
45656
45657

inpatient discharges for the preceding two calendar years were 45658
individuals less than eighteen years of age; 45659

(2) A distinct portion of a hospital registered under section 45660
3701.07 of the Revised Code that provides general pediatric 45661
medical and surgical care, has a total of at least one hundred 45662
fifty registered pediatric special care and pediatric acute care 45663
beds, and in which at least seventy-five per cent of annual 45664
inpatient discharges for the preceding two calendar years were 45665
individuals less than eighteen years of age; 45666

(3) A distinct portion of a hospital, if the hospital is 45667
registered under section 3701.07 of the Revised Code as a 45668
children's hospital and the children's hospital meets all the 45669
requirements of division ~~(V)~~(U)(1) of this section. 45670

~~(W)~~(V) "Long-term care facility" means any of the following: 45671

(1) A nursing home licensed under section 3721.02 of the 45672
Revised Code or by a political subdivision certified under section 45673
3721.09 of the Revised Code; 45674

(2) The portion of any facility, including a county home or 45675
county nursing home, that is certified as a skilled nursing 45676
facility or a nursing facility under Title XVIII or XIX of the 45677
"Social Security Act"; 45678

(3) The portion of any hospital that contains beds registered 45679
under section 3701.07 of the Revised Code as skilled nursing beds 45680
or long-term care beds. 45681

~~(X)~~(W) "Long-term care bed" means a bed in a long-term care 45682
facility. 45683

~~(Y) "Perinatal bed" means a bed in a hospital that is 45684
registered under section 3701.07 of the Revised Code as a newborn 45685
care bed or obstetric bed, or a bed in a freestanding birthing 45686
center. 45687~~

~~(Z)~~(X) "Freestanding birthing center" means any facility in 45688
which deliveries routinely occur, regardless of whether the 45689
facility is located on the campus of another health care facility, 45690
and which is not licensed under Chapter 3711. of the Revised Code 45691
as a level one, two, or three maternity unit or a limited 45692
maternity unit. 45693

~~(AA)~~(Y)(1) "Reviewability ruling" means a ruling issued by 45694
the director of health under division (A) of section 3702.52 of 45695
the Revised Code as to whether a particular proposed project is or 45696
is not a reviewable activity. 45697

(2) "Nonreviewability ruling" means a ruling issued under 45698
that division that a particular proposed project is not a 45699
reviewable activity. 45700

~~(BB)~~(Z)(1) "Metropolitan statistical area" means an area of 45701
this state designated a metropolitan statistical area or primary 45702
metropolitan statistical area in United States office of 45703
management and budget bulletin no. 93-17, June 30, 1993, and its 45704
attachments. 45705

(2) "Rural area" means any area of this state not located 45706
within a metropolitan statistical area. 45707

~~(CC)~~(AA) "County nursing home" has the same meaning as in 45708
section 5155.31 of the Revised Code. 45709

Sec. 3702.52. The director of health shall administer a state 45710
certificate of need program in accordance with sections 3702.51 to 45711
3702.62 of the Revised Code and rules adopted under those 45712
sections. 45713

(A) The director shall issue rulings on whether a particular 45714
proposed project is a reviewable activity. The director shall 45715
issue a ruling not later than forty-five days after receiving a 45716
request for a ruling accompanied by the information needed to make 45717

the ruling. If the director does not issue a ruling in that time, 45718
the project shall be considered to have been ruled not a 45719
reviewable activity. 45720

(B) The director shall review applications for certificates 45721
of need. Each application shall be submitted to the director on 45722
forms prescribed by the director, shall include all information 45723
required by rules adopted under division (B) of section 3702.57 of 45724
the Revised Code, and shall be accompanied by the application fee 45725
established in rules adopted under division (G) of that section. 45726

Application fees received by the director under this division 45727
shall be deposited into the state treasury to the credit of the 45728
certificate of need fund, which is hereby created. The director 45729
shall use the fund only to pay the costs of administering sections 45730
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 45731
Code and rules adopted under those sections. 45732

The director shall mail to the applicant a written notice 45733
that the application meets the criteria for a complete application 45734
specified in rules adopted under section 3702.57 of the Revised 45735
Code, or a written request for additional information, not later 45736
than thirty days after receiving an application or a response to 45737
an earlier request for information. The director shall not make 45738
more than two requests for additional information. 45739

The director may conduct a public informational hearing in 45740
the course of reviewing any application for a certificate of need, 45741
and shall conduct one if requested to do so by any affected person 45742
not later than fifteen days after the director mails the notice 45743
that the application is complete. The hearing shall be conducted 45744
in the community in which the activities authorized by the 45745
certificate of need would be carried out. Any affected person may 45746
testify at the hearing. The director may, with the health service 45747
agency's consent, designate a health service agency to conduct the 45748
hearing. 45749

Except during a public hearing or as necessary to comply with 45750
a subpoena issued under division ~~(F)~~(E) of this section, after a 45751
notice of completeness has been received, no person shall make 45752
revisions to information that was submitted to the director before 45753
the director mailed the notice of completeness or knowingly 45754
discuss in person or by telephone the merits of the application 45755
with the director. A person may supplement an application after a 45756
notice of completeness has been received by submitting clarifying 45757
information to the director. If one or more persons request a 45758
meeting in person or by telephone, the director shall make a 45759
reasonable effort to invite interested parties to the meeting or 45760
conference call. 45761

(C) All of the following apply to the process of granting or 45762
denying a certificate of need: 45763

(1) If the project proposed in a certificate of need 45764
application meets all of the applicable certificate of need 45765
criteria for approval under sections 3702.51 to 3702.62 of the 45766
Revised Code and the rules adopted under those sections, the 45767
director shall grant a certificate of need for all or part of the 45768
entire project that is the subject of the application ~~immediately~~ 45769
~~after both of the following conditions are met:~~ 45770

~~(a) The board of trustees of the health service agency of the 45771
health service area in which the reviewable activity is proposed 45772
to be conducted recommends, prior to the deadline specified in 45773
division (C)(4) of this section or any extension of it under 45774
division (C)(5) of this section, that the certificate of need be 45775
granted;~~ 45776

~~(b) The director does not receive any written objections to 45777
the application from any affected person by the thirtieth day 45778
after the director mails the notice of completeness by the 45779
applicable deadline specified in division (C)(4) of this section 45780
or any extension of it under division (C)(5) of this section. 45781~~

~~(2) In the case of certificate of need applications under comparative review, if the projects proposed in the applications meet all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant certificates of need for the entire projects that are the subject of the applications immediately after both of the following conditions are met:~~

~~(a) The board of trustees of the health service agency of each health service area in which the reviewable activities are proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that certificates of need be granted for each of the reviewable activities to be conducted in its health service area;~~

~~(b) The director does not receive any written objections to any of the applications from any affected person by the thirtieth day after the director mails the last notice of completeness.~~

~~The~~ The director's grant of a certificate of need under division (C)(1) or (2) of this section does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities proposed to be conducted in the same or different health service areas.

(3) If the director receives written objections to an application from any affected person by the thirtieth day after mailing the notice of completeness, ~~regardless of the health service agency's recommendation,~~ the director shall notify the applicant and assign a hearing examiner to conduct an adjudication hearing concerning the application in accordance with Chapter 119. of the Revised Code. In the case of applications under comparative review, if the director receives written objections to any of the applications from any affected person by the thirtieth day after

the director mails the last notice of completeness, ~~regardless of~~ 45814
~~the health service agencies' recommendation,~~ the director shall 45815
notify all of the applicants and appoint a hearing examiner to 45816
conduct a consolidated adjudication hearing concerning the 45817
applications in accordance with Chapter 119. of the Revised Code. 45818
The hearing examiner shall be employed by or under contract with 45819
the department of health. 45820

The adjudication hearings may be conducted in the health 45821
service area in which the reviewable activity is proposed to be 45822
conducted. Consolidated adjudication hearings for applications in 45823
comparative review may be conducted in the geographic region in 45824
which all of the reviewable activities will be conducted. The 45825
applicant, the director, and the affected persons that filed 45826
objections to the application shall be parties to the hearing. If 45827
none of the affected persons that submitted written objections to 45828
the application appears or prosecutes the hearing, the hearing 45829
examiner shall dismiss the hearing and the director shall grant a 45830
certificate of need for all or part of the ~~entire~~ project that is 45831
the subject of the application if the proposed project meets all 45832
of the applicable certificate of need criteria for approval under 45833
sections 3702.51 to 3702.62 of the Revised Code and the rules 45834
adopted under those sections. The affected persons bear the burden 45835
of proving by a preponderance of evidence that the project is not 45836
needed or that granting the certificate would not be in accordance 45837
with sections 3702.51 to 3702.62 of the Revised Code or the rules 45838
adopted under those sections. 45839

(4) Except as provided in ~~divisions~~ division (C)~~(1) and~~ 45840
~~(2)(5)~~ of this section, the director shall grant or deny 45841
certificate of need applications for which an adjudication hearing 45842
is not conducted under division (C)(3) of this section not later 45843
than sixty days after mailing the notice of completeness or, in 45844
the case of an application proposing addition of long-term care 45845

beds, not later than sixty days after such other time as is 45846
specified in rules adopted under section 3702.57 of the Revised 45847
Code. ~~The~~ Except as provided in division (C)(5) of this section, 45848
the director shall grant or deny certificate of need applications 45849
for which an adjudication hearing is conducted under division 45850
(C)(3) of this section not later than thirty days after the 45851
expiration of the time for filing objections to the report and 45852
recommendation of the hearing examiner under section 119.09 of the 45853
Revised Code. The director shall base decisions concerning 45854
applications for which an adjudication hearing is conducted under 45855
division (C)(3) of this section on the report and recommendations 45856
of the hearing examiner. 45857

(5) Except as otherwise provided in division (C)~~(1), (2), or~~ 45858
(6) of this section, the director or the applicant may extend the 45859
deadline prescribed in division (C)(4) of this section once, for 45860
no longer than thirty days, by written notice before the end of 45861
the ~~original thirty day period~~ deadline prescribed by division 45862
(C)(4) of this section. An extension by the director under 45863
division (C)(5) of this section shall apply to all applications 45864
that are in comparative review. 45865

(6) No applicant in a comparative review may extend the 45866
deadline specified in division (C)(4) of this section. 45867

~~(7) Except as provided in divisions (C)(1) and (2) of this~~ 45868
~~section, the director may grant a certificate of need for all or~~ 45869
~~part of the project that is the subject of an application.~~ If the 45870
director does not grant or deny the certificate by the applicable 45871
deadline specified in division (C)(4) of this section or any 45872
extension of it under division (C)(5) of this section, the 45873
certificate shall be considered to have been granted. 45874

(8) In granting a certificate of need, the director shall 45875
specify as the maximum capital expenditure the certificate holder 45876
may obligate under the certificate a figure equal to one hundred 45877

ten per cent of the approved project cost. 45878

(9) In granting a certificate of need, the director may grant 45879
the certificate with conditions that must be met by the holder of 45880
the certificate. 45881

(D) The director shall monitor the activities of persons 45882
granted certificates of need ~~concerning long term care beds~~ during 45883
the period beginning with the granting of the certificate of need 45884
and ending five years after implementation of the activity for 45885
which the certificate was granted. 45886

~~In the case of any other certificate of need, the director 45887
shall monitor the activities of persons granted certificates of 45888
need during the period beginning with the granting of the 45889
certificate of need and ending when the activity for which the 45890
certificate was granted ceases to be a reviewable activity in 45891
accordance with section 3702.511 of the Revised Code. 45892~~

(E) When reviewing applications for certificates of need or 45893
monitoring activities of persons granted certificates of need, the 45894
director may issue and enforce, in the manner provided in section 45895
119.09 of the Revised Code, subpoenas duces tecum to compel the 45896
production of documents relevant to review of the application or 45897
monitoring of the activities. In addition, the director or the 45898
director's designee, which may include a health service agency, 45899
may visit the sites where the activities are or will be conducted. 45900

45901

(F) The director may withdraw certificates of need. 45902

(G) The director shall conduct, on a regular basis, health 45903
system data collection and analysis activities and prepare 45904
reports. The director shall make recommendations based upon these 45905
activities to the public health council concerning the adoption of 45906
appropriate rules under section 3702.57 of the Revised Code. All 45907
health care facilities and other health care providers shall 45908

submit to the director, upon request, any information that is 45909
necessary to conduct reviews of certificate of need applications 45910
and to develop recommendations for criteria for reviews, and that 45911
is prescribed by rules adopted under division (H) of section 45912
3702.57 of the Revised Code. 45913

(H) Any decision to grant or deny a certificate of need shall 45914
consider the special needs and circumstances resulting from moral 45915
and ethical values and the free exercise of religious rights of 45916
health care facilities administered by religious organizations, 45917
and the special needs and circumstances of ~~children's hospitals,~~ 45918
inner city ~~hospitals,~~ and ~~small rural hospitals~~ communities. 45919

Sec. 3702.524. (A) Except as provided in division (B) ~~or (C)~~ 45920
of this section, a certificate of need granted on or after April 45921
20, 1995, is not transferable prior to the completion of the 45922
reviewable activity for which it was granted. If any person 45923
holding a certificate of need issued on or after that date 45924
transfers the certificate of need to another person before the 45925
reviewable activity is completed, or enters into an agreement that 45926
contemplates the transfer of the certificate of need on the 45927
completion of the reviewable activity, the certificate of need is 45928
void. If the controlling interest in an entity that holds a 45929
certificate of need issued on or after that date is transferred 45930
prior to the completion of the reviewable activity, the 45931
certificate of need is void. 45932

(B) Division (A) of this section does not prohibit the 45933
transfer of a certificate of need issued on or after April 20, 45934
1995, between affiliated or related persons, as defined in rules 45935
adopted under section 3702.57 of the Revised Code, if the transfer 45936
does not result in a change in the person that holds the ultimate 45937
controlling interest, as defined in the rules, in the certificate 45938
of need. 45939

The transfer of a health care facility after the completion 45940
of a reviewable activity for which a certificate of need was 45941
issued on or after April 20, 1995, is not a transfer of the 45942
certificate of need, unless the facility is transferred pursuant 45943
to an agreement entered into prior to the completion of the 45944
reviewable activity. 45945

~~(C) Division (A) of this section does not apply to a transfer 45946
of a certificate of need that meets all of the following 45947
conditions: 45948~~

~~(1) The certificate of need is transferred for no more than 45949
the amount of money the person transferring the certificate 45950
expended for reasonable and necessary expenses incurred in 45951
applying for and obtaining the certificate; 45952~~

~~(2) The person holding the certificate of need is unable to 45953
complete the reviewable activity for which it was issued due to 45954
circumstances beyond the person's control, including zoning 45955
restrictions, natural disasters, or comparable events; 45956~~

~~(3) The director, after reviewing documentation supplied by 45957
the person transferring the certificate of need, certifies in 45958
writing prior to the transfer that the transfer meets the 45959
conditions specified in divisions (C)(1) and (2) of this section. 45960~~

~~If the person that acquires a certificate of need under this 45961
division intends to implement the project other than in 45962
substantial compliance with the approved application for the 45963
certificate, that change is a reviewable activity for which the 45964
person must obtain another certificate of need. 45965~~

Sec. 3702.525. (A) Not later than twenty-four months after 45966
the date the director of health mails the notice that the 45967
certificate of need has been granted or, if the grant or denial of 45968
the certificate of need is appealed under section 3702.60 of the 45969

Revised Code, not later than twenty-four months after issuance of 45970
an order granting the certificate that is not subject to further 45971
appeal, each person holding a certificate of need granted on or 45972
after April 20, 1995, shall: 45973

(1) If the project for which the certificate of need was 45974
granted primarily involves construction and is to be financed 45975
primarily through external borrowing of funds, secure financial 45976
commitment for the stated purpose of developing the project and 45977
commence construction that continues uninterrupted except for 45978
interruptions or delays that are unavoidable due to reasons beyond 45979
the person's control, including labor strikes, natural disasters, 45980
material shortages, or comparable events; 45981

(2) If the project for which the certificate of need was 45982
granted primarily involves construction and is to be financed 45983
primarily internally, receive formal approval from the holder's 45984
board of directors or trustees or other governing authority to 45985
commit specified funds for implementation of the project and 45986
commence construction that continues uninterrupted except for 45987
interruptions or delays that are unavoidable due to reasons beyond 45988
the person's control, including labor strikes, natural disasters, 45989
material shortages, or comparable events; 45990

(3) If the project for which the certificate of need was 45991
granted primarily involves acquisition of medical equipment, enter 45992
into a contract to purchase or lease the equipment and to accept 45993
the equipment at the site for which the certificate was granted; 45994

(4) If the project for which the certificate of need was 45995
granted involves no capital expenditure or only minor renovations 45996
to existing structures, provide the health service or activity by 45997
the means specified in the approved application for the 45998
certificate; 45999

(5) If the project for which the certificate of need was 46000

granted primarily involves leasing a building or space that 46001
requires only minor renovations to the existing space, execute a 46002
lease and provide the health service or activity by the means 46003
specified in the approved application for the certificate; 46004

(6) If the project for which the certificate of need was 46005
granted primarily involves leasing a building or space that has 46006
not been constructed or requires substantial renovations to 46007
existing space, commence construction for the purpose of 46008
implementing the reviewable activity that continues uninterrupted 46009
except for interruptions or delays that are unavoidable due to 46010
reasons beyond the person's control, including labor strikes, 46011
natural disasters, material shortages, or comparable events. 46012

(B) The twenty-four-month period specified in division (A) of 46013
this section shall not be extended by any means, including the 46014
~~transfer of a certificate of need under division (C) of section~~ 46015
~~3702.524 of the Revised Code or~~ granting of a subsequent or 46016
replacement certificate of need. Each person holding a certificate 46017
of need granted on or after April 20, 1995, shall provide the 46018
director of health documentation of compliance with that division 46019
not later than the earlier of thirty days after complying with 46020
that division or five days after the twenty-four-month period 46021
expires. Not later than the earlier of fifteen days after 46022
receiving the documentation or fifteen days after the 46023
twenty-four-month period expires, the director shall send by 46024
certified mail a notice to the holder of the certificate of need 46025
specifying whether the holder has complied with division (A) of 46026
this section. 46027

(C) Notwithstanding division (B) of this section, the 46028
twenty-four-month period specified in division (A) of this section 46029
shall be extended for an additional twenty-four months for any 46030
certificate of need granted for the purchase and relocation of 46031
licensed nursing home beds on February 26, 1999. 46032

(D) A certificate of need granted on or after April 20, 1995, 46033
expires, regardless of whether the director sends a notice under 46034
division (B) of this section, if the holder fails to comply with 46035
division (A) or (C) of this section or to provide information 46036
under division (B) of this section as necessary for the director 46037
to determine compliance. 46038

Sec. 3702.53. (A) No person shall carry out any reviewable 46039
activity unless a certificate of need for such activity has been 46040
granted under sections 3702.51 to 3702.62 of the Revised Code or 46041
the person is exempted by division ~~(T)~~(S) of section 3702.51 or 46042
section ~~3702.527, 3702.528, 3702.529,~~ 3702.5210~~7~~ or 3702.62 of the 46043
Revised Code from the requirement that a certificate of need be 46044
obtained. No person shall carry out any reviewable activity if a 46045
certificate of need authorizing that activity has been withdrawn 46046
by the director of health under section 3702.52 or 3702.526 of the 46047
Revised Code. No person shall carry out a reviewable activity if 46048
the certificate of need authorizing that activity is void pursuant 46049
to section 3702.524 of the Revised Code or has expired pursuant to 46050
section 3702.525 of the Revised Code. 46051

(B) No person shall separate portions of any proposal for any 46052
reviewable activity to evade the requirements of sections 3702.51 46053
to 3702.62 of the Revised Code. 46054

(C) No person granted a certificate of need shall carry out 46055
the reviewable activity authorized by the certificate of need 46056
other than in substantial accordance with the approved application 46057
for the certificate of need. 46058

Sec. 3702.532. When the director of health determines that a 46059
person has violated section 3702.53 of the Revised Code, the 46060
director shall send a notice to the person by certified mail, 46061
return receipt requested, specifying the activity constituting the 46062

violation and the penalties imposed under section 3702.54, or 46063
3702.541, ~~or 3702.542~~ of the Revised Code. 46064

Sec. 3702.54. Except as provided in ~~sections~~ section 3702.541 46065
~~and 3702.542 and former section 3702.543~~ of the Revised Code, 46066
divisions (A) and (B) of this section apply when the director of 46067
health determines that a person has violated section 3702.53 of 46068
the Revised Code. 46069

(A) The director shall impose a civil penalty on the person 46070
in an amount equal to the greatest of the following: 46071

(1) Three thousand dollars; 46072

(2) Five per cent of the operating cost of the activity that 46073
constitutes the violation during the period of time it was 46074
conducted in violation of section 3702.53 of the Revised Code; 46075

(3) ~~Two~~ If a certificate of need was granted, two per cent of 46076
the total approved capital cost associated with implementation of 46077
the activity for which the certificate of need was granted. 46078

In no event, however, shall the penalty exceed two hundred 46079
fifty thousand dollars. 46080

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 46081
the director shall refuse to accept for review any application for 46082
a certificate of need filed by or on behalf of the person, or any 46083
successor to the person or entity related to the person, for a 46084
period of not less than one year and not more than three years 46085
after the director mails the notice of the director's 46086
determination under section 3702.532 of the Revised Code or, if 46087
the determination is appealed under section 3702.60 of the Revised 46088
Code, the issuance of the order upholding the determination that 46089
is not subject to further appeal. In determining the length of 46090
time during which applications will not be accepted, the director 46091
may consider any of the following: 46092

(a) The nature and magnitude of the violation;	46093
(b) The ability of the person to have averted the violation;	46094
(c) Whether the person disclosed the violation to the director before the director commenced his investigation;	46095 46096
(d) The person's history of compliance with sections 3702.51 to 3702.62 and the rules adopted under section 3702.57 of the Revised Code;	46097 46098 46099
(e) Any community hardship that may result from refusing to accept future applications from the person.	46100 46101
(2) Notwithstanding the one-year minimum imposed by division (B)(1) of this section, the director may establish a period of less than one year during which the director will refuse to accept certificate of need applications if, after reviewing all information available to the director, the director determines and expressly indicates in the notice mailed under section 3702.532 of the Revised Code that refusing to accept applications for a longer period would result in hardship to the community in which the person provides health services. The director's finding of community hardship shall not affect the granting or denial of any future certificate of need application filed by the person.	46102 46103 46104 46105 46106 46107 46108 46109 46110 46111 46112
Sec. 3702.544. Each person required by section 3702.54 7 <u>or</u> 3702.541 7 <u>or</u> 3702.542 7 <u>or former section 3702.543</u> of the Revised Code to pay a civil penalty shall do so not later than sixty days after receiving the notice mailed under section 3702.532 of the Revised Code or, if the person appeals under section 3702.60 of the Revised Code the director of health's determination that a violation has occurred, not later than sixty days after the issuance of an order upholding the director's determination that is not subject to further appeal. The civil penalties shall be paid to the director. The director shall deposit them into the	46113 46114 46115 46116 46117 46118 46119 46120 46121 46122

certificate of need fund created by section 3702.52 of the Revised Code. 46123
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Sec. 3702.55. ~~Except as provided in section 3702.542 of the Revised Code, a~~ A person that the director of health determines 46125
has violated section 3702.53 of the Revised Code shall cease 46126
conducting the activity that constitutes the violation or 46127
utilizing the equipment or facility resulting from the violation 46128
not later than thirty days after the person receives the notice 46129
mailed under section 3702.532 of the Revised Code or, if the 46130
person appeals the director's determination under section 3702.60 46131
of the Revised Code, thirty days after the person receives an 46132
order upholding the director's determination that is not subject 46133
to further appeal. ~~A person that applies for a certificate of need as described in section 3702.542 of the Revised Code shall cease conducting the activity or using the equipment or facility in accordance with the timetable established by the director of health under that section.~~ 46134
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If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using equipment or a facility as required by this section ~~or a timetable established under section 3702.542 of the Revised Code,~~ or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54, or 3702.541, ~~or 3702.542 or former section 3702.543~~ of the Revised Code: 46140
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(A) The director of health may refuse to include any beds involved in the activity in the bed capacity of a hospital for purposes of registration under section 3701.07 of the Revised Code; 46149
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(B) The director of health may refuse to license, or may 46153

revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, rest home, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(C) A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a nursing home, rest home, or home for the aging, or any beds within any of those facilities that are involved in the activity;

(D) The director of mental health may refuse to license under section 5119.20 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving mentally ill persons or beds within such a hospital that are involved in the activity;

(E) The department of job and family services may refuse to enter into a provider agreement that includes a facility, beds, or services that result from the activity.

Sec. 3702.57. (A) The public health council shall adopt rules establishing procedures and criteria for reviews of applications for certificates of need and issuance, denial, or withdrawal of certificates.

~~(1) The rules shall require that, in addition to any other applicable review requirements of sections 3702.51 to 3702.62 of the Revised Code and rules adopted thereunder, any application for a certificate of need from an osteopathic hospital be reviewed on the basis of the need for and the availability in the community of services and hospitals for osteopathic physicians and their patients, and in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and doctors of medicine at the student, internship, and residency~~

~~training levels.~~ 46185

(2) In adopting rules that establish criteria for reviews of 46186
applications of certificates of need, the council shall consider 46187
the availability of and need for long-term care beds to provide 46188
care and treatment to persons diagnosed as having traumatic brain 46189
injuries and shall prescribe criteria for reviewing applications 46190
that propose to add long-term care beds to provide care and 46191
treatment to persons diagnosed as having traumatic brain injuries. 46192

(3)(2) The criteria for reviews of applications for 46193
certificates of need shall relate to the need for the reviewable 46194
activity and shall pertain to all of the following matters: 46195

(a) The impact of the reviewable activity on the cost and 46196
quality of health services in the relevant geographic area, 46197
including, but not limited, to the historical and projected 46198
utilization of the services to which the application pertains and 46199
the effect of the reviewable activity on utilization of other 46200
providers of similar services; 46201

(b) The quality of the services to be provided as the result 46202
of the activity, as evidenced by the historical performance of the 46203
persons that will be involved in providing the services and by the 46204
provisions that are proposed in the application to ensure quality, 46205
including but not limited to adequate available personnel, 46206
available ancillary and support services, available equipment, 46207
size and configuration of physical plant, and relations with other 46208
providers; 46209

(c) The impact of the reviewable activity on the availability 46210
and accessibility of the type of services proposed in the 46211
application to the population of the relevant geographic area, and 46212
the level of access to the services proposed in the application 46213
that will be provided to medically underserved individuals such as 46214
recipients of public assistance and individuals who have no health 46215

insurance or whose health insurance is insufficient;	46216
(d) The activity's short- and long-term financial feasibility	46217
and cost-effectiveness, the impact of the activity on the	46218
applicant's costs and charges, and a comparison of the applicant's	46219
costs and charges with those of providers of similar services in	46220
the applicant's proposed service area;	46221
(e) The advantages, disadvantages, and costs of alternatives	46222
to the reviewable activity;	46223
(f) The impact of the activity on all other providers of	46224
similar services in the health service area or other relevant	46225
geographic area, including the impact on their utilization, market	46226
share, and financial status;	46227
(g) The historical performance of the applicant and related	46228
or affiliated parties in complying with previously granted	46229
certificates of need and any applicable certification,	46230
accreditation, or licensure requirements;	46231
(h) The relationship of the activity to the current edition	46232
of the state health resources plan issued under section 3702.521	46233
of the Revised Code;	46234
(i) The historical performance of the applicant and related	46235
or affiliated parties in providing cost-effective health care	46236
services;	46237
(j) The special needs and circumstances of the applicant or	46238
population proposed to be served by the proposed project,	46239
including research activities, prevalence of particular diseases,	46240
unusual demographic characteristics, cost-effective contractual	46241
affiliations, and other special circumstances;	46242
(k) The appropriateness of the zoning status of the proposed	46243
site of the activity;	46244
(l) The participation by the applicant in research conducted	46245

by the United States food and drug administration or clinical 46246
trials sponsored by the national institutes of health. 46247

~~(4)(3)~~ The criteria for reviews of applications shall include 46248
a formula for determining each county's long-term care bed need 46249
for purposes of section 3702.593 of the Revised Code and may 46250
include other formulas for determining need for beds ~~and services~~. 46251
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~~(a) The criteria prescribing formulas shall not, either by 46253
themselves or in conjunction with any established occupancy 46254
guidelines, require, as a condition of being granted a certificate 46255
of need, that a hospital reduce its complement of registered beds 46256
or discontinue any service that is not related to the service or 46257
project for which the certificate of need is sought. 46258~~

~~(b) With respect to applications to conduct reviewable 46259
activities that are affected directly by the inpatient occupancy 46260
of a health care facility, including addition, relocation, or 46261
recategorization of beds or renovation or other construction 46262
activities relating to inpatient services, the rules shall 46263
prescribe criteria for determining whether the scope of the 46264
proposed project is appropriate in light of the historical and 46265
reasonably projected occupancy rates for the beds related to the 46266
project. 46267~~

~~(c) Any rules prescribing criteria that establish ratios of 46268
beds, services, or equipment to population shall specify the bases 46269
for establishing the ratios or mitigating factors or exceptions to 46270
the ratios. 46271~~

(B) The council shall adopt rules specifying all of the 46272
following: 46273

(1) Information that must be provided in applications for 46274
certificates of need, which shall include a plan for obligating 46275
the capital expenditure or implementing the proposed project on a 46276

timely basis in accordance with section 3702.525 of the Revised Code; 46277
46278

(2) Procedures for reviewing applications for completeness of information; 46279
46280

(3) Criteria for determining that the application is complete. 46281
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(C) The council shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need. 46283
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(D) The council shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate. 46288
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(E) The council shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings. 46292
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(F) The council shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate. 46298
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(G) The council shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code and to pay health service agencies for the functions they perform under division (D)(5) of section 3702.58 of the Revised Code. Unless rules are adopted under this division 46302
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establishing different application fees, the application fee for a 46308
project not involving a capital expenditure shall be three 46309
thousand dollars and the application fee for a project involving a 46310
capital expenditure shall be nine-tenths of one per cent of the 46311
capital expenditure proposed subject to a minimum of three 46312
thousand dollars and a maximum of twenty thousand dollars. 46313

(H) The council shall adopt rules specifying information that 46314
is necessary to conduct reviews of certificate of need 46315
applications and to develop recommendations for criteria for 46316
reviews that health care facilities and other health care 46317
providers are to submit to the director under division (G) of 46318
section 3702.52 of the Revised Code. 46319

(I) The council shall adopt rules defining "affiliated 46320
person," "related person," and "ultimate controlling interest" for 46321
purposes of section 3702.524 of the Revised Code. 46322

(J) The council shall adopt rules prescribing requirements 46323
for holders of certificates of need to demonstrate to the director 46324
under section 3702.526 of the Revised Code that reasonable 46325
progress is being made toward completion of the reviewable 46326
activity and establishing standards by which the director shall 46327
determine whether reasonable progress is being made. 46328

~~(K) The council shall adopt rules defining high risk cardiac 46329
catheterization patients. High risk patients shall include 46330
patients with significant ischemic syndromes or unstable 46331
myocardial infarction, patients who need intervention such as 46332
angioplasty or bypass surgery, patients who may require difficult 46333
or complex catheterization procedures such as transeptal 46334
assessment of valvular dysfunction, patients with critical aortic 46335
stenosis or congestive heart failure, and other patients specified 46336
by the council. 46337~~

~~(L)~~ The public health council shall adopt all rules under 46338

divisions (A) to ~~(K)~~(J) of this section in accordance with Chapter 46339
119. of the Revised Code. The council may adopt other rules as 46340
necessary to carry out the purposes of sections 3702.51 to 3702.62 46341
of the Revised Code. 46342

Sec. 3702.59. (A) ~~Notwithstanding any conflicting provision~~ 46343
~~of sections 3702.51 to 3702.62 of the Revised Code, other than the~~ 46344
~~provisions of sections 3702.5210, 3702.5211, 3702.5212, and~~ 46345
~~3702.5213 of the Revised Code, both of the following apply under~~ 46346
~~the certificate of need program:~~ 46347

~~(1) Divisions (B) to (E) of this section apply to the review~~ 46348
~~of certificate of need applications during the period beginning~~ 46349
~~July 1, 1993, and ending June 30, 2009.~~ 46350

~~(2) Beginning July 1, 2009, the director of health shall not~~ 46351
~~accept for review under section 3702.52 of the Revised Code any~~ 46352
~~application for a certificate of need to recategorize hospital~~ 46353
~~beds as described in section 3702.522 of the Revised Code.~~ 46354

~~(B)(1) Except as provided in division (B)(2) of this section,~~ 46355
~~the director of health shall neither grant nor deny any~~ 46356
~~application for a certificate of need submitted prior to July 1,~~ 46357
~~1993, if the application was for any of the following and the~~ 46358
~~director had not issued a written decision concerning the~~ 46359
~~application prior to that date:~~ 46360

~~(a) Approval of beds in a new health care facility or an~~ 46361
~~increase of beds in an existing health care facility, if the beds~~ 46362
~~are proposed to be licensed as nursing home beds under Chapter~~ 46363
~~3721. of the Revised Code;~~ 46364

~~(b) Approval of beds in a new county home or new county~~ 46365
~~nursing home as defined in section 5155.31 of the Revised Code, or~~ 46366
~~an increase of beds in an existing county home or existing county~~ 46367
~~nursing home, if the beds are proposed to be certified as skilled~~ 46368

~~nursing facility beds under Title XVIII or nursing facility beds 46369
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 46370
42 U.S.C.A. 301, as amended; 46371~~

~~(c) Recategorization of hospital beds as described in section 46372
3702.522 of the Revised Code, an increase of hospital beds 46373
registered pursuant to section 3701.07 of the Revised Code as 46374
long term care beds or skilled nursing facility beds, or a 46375
recategorization of hospital beds that would result in an increase 46376
of beds registered pursuant to that section as long term care beds 46377
or skilled nursing facility beds. 46378~~

~~On July 1, 1993, the director shall return each such 46379
application to the applicant and, notwithstanding section 3702.52 46380
of the Revised Code regarding the uses of the certificate of need 46381
fund, shall refund to the applicant the application fee paid under 46382
that section. Applications returned under division (B)(1) of this 46383
section may be resubmitted in accordance with section 3702.52 of 46384
the Revised Code no sooner than July 1, 2009. 46385~~

~~(2) The director shall continue to review and shall issue a 46386
decision regarding any application submitted prior to July 1, 46387
1993, to increase beds for either of the purposes described in 46388
division (B)(1)(a) or (b) of this section if the proposed increase 46389
in beds is attributable solely to a replacement or relocation of 46390
existing beds within the same county. The director shall authorize 46391
under such an application no additional beds beyond those being 46392
replaced or relocated. 46393~~

~~(C)(1) Except as provided in division (C)(2) of this section, 46394
the director, during the period beginning July 1, 1993, and ending 46395
June 30, 2009, shall not accept for review under section 3702.52 46396
of the Revised Code any application for a certificate of need for 46397
any of the purposes described in divisions (B)(1)(a) to (c) of 46398
this section. 46399~~

~~(2)(a)~~ The director of health shall accept for review any 46400
application for either of the purposes described in division 46401
~~(B)(1)(a) or (b)~~ of this section if the ~~proposed increase in beds~~ 46402
~~is attributable solely to a replacement or relocation of existing~~ 46403
~~beds from an existing health care facility within the same county.~~ 46404
The director shall authorize under such an application ~~no~~ 46405
~~additional beds beyond those being replaced or relocated~~ 46406
certificate of need applications as provided in sections 3702.592 46407
and 3702.593 of the Revised Code. 46408

~~(B)~~ The director shall not approve an application for a 46409
certificate of need for addition of long-term care beds to an 46410
existing health care facility ~~by relocation of beds~~ or for the 46411
development of a new health care facility ~~by relocation of beds~~ 46412
~~unless all~~ if any of the following ~~conditions are met~~ apply: 46413

~~(i)(1)~~ The existing health care facility ~~to~~ in which the beds 46414
are being ~~relocated~~ placed has ~~no~~ one or more waivers for life 46415
safety code deficiencies, ~~no~~ one or more state fire code 46416
violations, ~~and no~~ or one or more state building code violations, 46417
~~or~~ and the project identified in the application ~~proposes~~ does not 46418
propose to correct all life safety code deficiencies for which a 46419
waiver has been granted, all state fire code violations, and all 46420
state building code violations at the existing health care 46421
facility ~~to~~ in which the beds are being ~~relocated~~ placed; 46422
46423

~~(ii)(2)~~ During the sixty-month period preceding the filing of 46424
the application, ~~no~~ a notice of proposed license revocation ~~of the~~ 46425
~~facility's~~ license was issued under section 3721.03 of the Revised 46426
Code ~~to the operator of~~ for the existing health care facility ~~to~~ 46427
in which the beds are being ~~relocated~~ placed or ~~to any health care~~ 46428
~~facility~~ a nursing home owned or operated by the applicant or any 46429
~~principal participant in the same corporation or other business~~ 46430
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~~(iii) Neither the existing health care facility to which the
beds are being relocated nor any health care facility owned or
operated by the applicant or any principal participant in the same
corporation or other business has had a long standing pattern of
violations of this chapter or deficiencies that caused one or more
residents physical, emotional, mental, or psychosocial harm that
operates or seeks to operate the health care facility in which the
beds are being placed.~~

(3) During the period that precedes the filing of the
application and is encompassed by the three most recent standard
surveys of the existing health care facility in which the beds are
being placed, the facility was cited on three or more separate
occasions for final, nonappealable deficiencies that, under 42
C.F.R. 488.404, either constitute a pattern of deficiencies
resulting in actual harm that is not immediate jeopardy or are
widespread deficiencies resulting in actual harm that is not
immediate jeopardy.

(4) During the period that precedes the filing of the
application and is encompassed by the three most recent standard
surveys of the existing health care facility in which the beds are
being placed, the facility was cited on two or more separate
occasions for final, nonappealable deficiencies that, under 42
C.F.R. 488.404, either constitute a pattern of deficiencies
resulting in immediate jeopardy to resident health or safety or
are widespread deficiencies resulting in immediate jeopardy to
resident health or safety.

(5) During the period that precedes the filing of the
application and is encompassed by the three most recent standard
surveys of the existing health care facility in which the beds are
being placed, more than two nursing homes operated in this state
by the applicant or the person who operates the facility in which
the beds are being placed or, if the applicant or person operates

more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited on three or more separate occasions for final, nonappealable deficiencies that, under 42 C.F.R. 488.404, either constitute a pattern of deficiencies resulting in actual harm that is not immediate jeopardy or are widespread deficiencies resulting in actual harm that is not immediate jeopardy.

(6) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing health care facility in which the beds are being placed, more than two nursing homes operated in this state by the applicant or the person who operates the facility in which the beds are being placed or, if the applicant or person operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited on two or more separate occasions for final, nonappealable deficiencies that, under 42 C.F.R. 488.404, either constitute a pattern of deficiencies resulting in immediate jeopardy to resident health or safety or are widespread deficiencies resulting in immediate jeopardy to resident health or safety.

(7) During the sixty-month period preceding the filing of the application, the applicant has violated this chapter on two or more separate occasions.

In applying divisions (B)(1) to (6) of this section, the director shall not consider deficiencies cited before the current operator began to operate the health care facility at which the deficiencies were cited. The director may disregard deficiencies cited after the health care facility was acquired by the current operator if the deficiencies were attributable to circumstances that arose under the previous operator and the current operator has implemented measures to alleviate the circumstances. In the case of an application proposing development of a new health care

facility by relocation of beds, the director shall not consider 46496
deficiencies that were solely attributable to the physical plant 46497
of the existing health care facility from which the beds are being 46498
relocated. 46499

~~(b)(C)~~ The director also shall accept for review any 46500
application for the conversion of infirmary beds to long-term care 46501
beds if the infirmary meets all of the following conditions: 46502

~~(i)(1)~~ Is operated exclusively by a religious order; 46503

~~(ii)(2)~~ Provides care exclusively to members of religious 46504
orders who take vows of celibacy and live by virtue of their vows 46505
within the orders as if related; 46506

~~(iii)(3)~~ Was providing care exclusively to members of such a 46507
religious order on January 1, 1994. 46508

~~(D) The director shall issue a decision regarding any case~~ 46509
~~remanded by a court as the result of a decision issued by the~~ 46510
~~director prior to July 1, 1993, to grant, deny, or withdraw a~~ 46511
~~certificate of need for any of the purposes described in divisions~~ 46512
~~(B)(1)(a) to (c) of this section.~~ 46513

~~(E) The director shall not project the need for beds listed~~ 46514
~~in division (B)(1) of this section for the period beginning July~~ 46515
~~1, 1993, and ending June 30, 2009~~ At no time shall individuals 46516
other than those described in division (C)(2) of this section be 46517
admitted to a facility to use beds for which a certificate of need 46518
is approved under this division. 46519

Sec. 3702.592. (A) The director of health shall accept, for 46520
review under section 3702.52 of the Revised Code, certificate of 46521
need applications for any of the following purposes if the 46522
proposed increase in beds is attributable solely to a replacement 46523
or relocation of existing beds from an existing health care 46524
facility within the same county: 46525

(1) Approval of beds in a new health care facility or an increase of beds in an existing health care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code; 46526
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(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended; 46530
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(3) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds; 46538
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(4) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as special skilled nursing beds that were originally authorized by and operate in accordance with section 3702.522 of the Revised Code. 46540
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(B) The director shall accept applications described in division (A) of this section at any time. 46544
46545

Sec. 3702.593. (A) At the times specified in this section, the director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to relocation of existing beds from an existing health care facility in a county with excess beds to a health care facility in a county in which there are fewer long-term care beds than the county's bed need: 46546
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(1) Approval of beds in a new health care facility or an increase of beds in an existing health care facility if the beds 46554
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are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code; 46556
46557

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended; 46558
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(3) An increase of hospital beds registered pursuant to section 3701.07 of the Revised Code as long-term care beds. 46566
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(B) For the purpose of implementing this section, the director shall do all of the following: 46568
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(1) Determine the long-term care bed supply for each county, which shall consist of all of the following: 46570
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(a) Nursing home beds licensed under Chapter 3721. of the Revised Code; 46572
46573

(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program; 46574
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46576

(c) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds; 46577
46578
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(d) Beds held as approved long-term care beds under a certificate of need approved by the director. 46581
46582

(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made; 46583
46584

(3) For each county, determine the county's bed need by 46585

identifying the number of long-term care beds that would be needed 46586
in the county in order for the statewide occupancy rate for a 46587
projected population aged sixty-five and older to be ninety per 46588
cent. 46589

In determining each county's bed need, the director shall use 46590
the formula developed in rules adopted under section 3702.57 of 46591
the Revised Code. The director's first determination after the 46592
effective date of this section shall be made not later than April 46593
1, 2010. The second determination shall be made not later than 46594
April 1, 2012. Thereafter, a determination shall be made every 46595
four years. After each determination is made, the director shall 46596
publish the county's bed need on the web site maintained by the 46597
department of health. 46598

(C) The director's consideration of a certificate of need 46599
that would increase the number of beds in a county shall be 46600
consistent with the county's bed need determined under division 46601
(B) of this section except as follows: 46602

(1) If a county's occupancy rate is less than eighty-five per 46603
cent, the county shall be considered to have no need for 46604
additional beds. 46605

(2) Even if a county is determined not to need any additional 46606
long-term care beds, the director may approve an increase in beds 46607
equal to up to ten per cent of the county's bed supply if the 46608
county's occupancy rate is greater than ninety per cent. 46609

(D)(1) Applications made under this section shall be subject 46610
to comparative review. The review period for the first comparative 46611
review process after the effective date of this section shall 46612
begin July 1, 2010, and end June 30, 2012. Thereafter, the review 46613
period for each comparative review process shall be four years. 46614

(2) Certificate of need applications shall be accepted and 46615
reviewed from the first day of the review period through the 46616

thirtieth day of April of the following year. 46617

(3) Except for the first review period after the effective date of this section, each review period may consist of two phases. The first phase of the review period shall be the period during which the director accepts and reviews certificate of need applications as provided in division (D)(2) of this section. If the director determines that there will be acceptance and review of additional certificate of need applications, the second phase of the review period shall begin on the first day of July of the third year of the review period. The second phase shall be limited to acceptance and review of applications for redistribution of beds made available pursuant to division (G)(2) of this section. During the period between the first and second phases of the review period, the director shall act in accordance with division (H) of this section. 46618
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(E) The director shall consider certificate of need applications in accordance with all of the following: 46632
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(1) The number of beds approved for a county shall include only beds available for relocation from another county and shall not exceed the bed need of the receiving county; 46634
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(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement. 46637
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(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds; 46641
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(4) The director shall approve relocation of beds from a health care facility only if, after the relocation, the number of beds in the facility's service area is at least equal to the state 46645
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bed need rate. For purposes of this division, a facility's service area shall be either of the following: 46648
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(a) The census tract in which the facility is located, if the facility is located in an area designated by the United States secretary of health and human services as a health professional shortage area under the "Public Health Service Act," 88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended; 46650
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(b) The area that is within a fifteen mile radius of the facility's location, if the facility is not located in a health professional shortage area. 46655
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(F) In determining which applicants should receive preference in the comparative review process, the director shall consider all of the following as weighted priorities: 46658
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(1) Whether the beds will be part of a continuing care retirement community; 46661
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(2) Whether the beds will serve an underserved population, such as low-income individuals, individuals with disabilities, or individuals who are members of racial or ethnic minority groups; 46663
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(3) Whether the project in which the beds will be included will provide alternatives to institutional care, such as adult day-care, home health care, respite or hospice care, mobile meals, residential care, independent living, or congregate living services; 46666
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(4) Whether the health care facility's owner or operator will participate in medicaid waiver programs for alternatives to institutional care; 46671
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(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds; 46674
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(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys; 46678
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(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds; 46680
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(8) Whether the health care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay; 46682
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(9) Whether the health care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site; 46686
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(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the health care facility in which the beds will be placed. 46689
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(G)(1) When a certificate of need application is approved during the initial phase of a four-year review period, on completion of the project under which the beds are relocated, that number of beds shall cease to be operated in the health care facility from which they were relocated and, if the licensure or certification of those beds cannot be or is not transferred to the facility to which the beds are relocated, the licensure or certification shall be surrendered. 46692
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(2) In addition to the actions required by division (G)(1) of this section, the health care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number of beds relocated and shall surrender the licensure or certification of those beds. This reduction shall be made not later than the completion date of the project for which the beds were relocated. 46700
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(H)(1) Once approval of certificate of need applications in 46708

the first phase of a four-year review period is complete, the 46709
director shall make a new determination of the bed need for each 46710
county by reducing the county's bed need by the number of beds 46711
approved for relocation to the county. The new bed-need 46712
determination shall be made not later than the first day of April 46713
of the third year of the review period. 46714

(2) The director may publish on the department's web site the 46715
remaining bed need for counties that will be considered for 46716
redistribution of beds that, in accordance with division (G)(2) of 46717
this section, have ceased or will cease to be operated. The 46718
director shall base the determination of whether to include a 46719
county on all of the following: 46720

(a) The statewide number of beds that, in accordance with 46721
division (G)(2) of this section, have ceased or will cease to be 46722
operated; 46723

(b) The county's remaining bed need; 46724

(c) The county's bed occupancy rate. 46725

(I) If the director publishes the remaining bed need for a 46726
county under division (H)(2) of this section, the director may, 46727
beginning on the first day of the second phase of the review 46728
period, accept certificate of need applications for redistribution 46729
to health care facilities in that county of beds that have ceased 46730
or will cease operation in accordance with division (G)(2) of this 46731
section. The total number of beds approved for redistribution in 46732
the second phase of a review period shall not exceed the number 46733
that have ceased or will cease operation in accordance with 46734
division (G)(2) of this section. Beds that are not approved for 46735
redistribution during the second phase of a review period shall 46736
not be available for redistribution at any future time. 46737

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Sec. 3702.60. (A) Any affected person may appeal a 46739
reviewability ruling issued on or after April 20, 1995, to the 46740
director of health in accordance with Chapter 119. of the Revised 46741
Code, and the director shall provide an adjudication hearing in 46742
accordance with that chapter. An affected person may appeal the 46743
director's ruling in the adjudication hearing to the tenth 46744
district court of appeals. 46745

(B) The certificate of need applicant or another affected 46746
person may appeal to the director in accordance with Chapter 119. 46747
of the Revised Code a decision issued by the director on or after 46748
April 20, 1995, to grant or deny a certificate of need application 46749
for which an adjudication hearing was not conducted under section 46750
3702.52 of the Revised Code, and the director shall provide an 46751
adjudication hearing in accordance with that chapter. The 46752
certificate of need applicant or an affected person that was a 46753
party to and participated in an adjudication hearing conducted 46754
under this division or section 3702.52 of the Revised Code may 46755
appeal to the tenth district court of appeals the decision issued 46756
by the director following the adjudication hearing. No person may 46757
appeal to the director or a court the director's granting of a 46758
certificate of need prior to June 30, 1995, under the version of 46759
section 3702.52 of the Revised Code in effect immediately prior to 46760
that date due to failure to submit timely written objections, no 46761
person may appeal to the director or a court the director's 46762
granting of a certificate of need under division (C)(1) ~~or (2)~~ of 46763
section 3702.52 of the Revised Code. 46764

(C) The certificate of need holder may appeal to the director 46765
in accordance with Chapter 119. of the Revised Code a decision 46766
issued by the director under section 3702.52 or 3702.526 of the 46767
Revised Code on or after April 20, 1995, to withdraw a certificate 46768
of need, and the director shall provide an adjudication hearing in 46769
accordance with that chapter. The person may appeal the director's 46770

ruling in the adjudication hearing to the tenth district court of 46771
appeals. 46772

(D) Any person determined by the director to have violated 46773
section 3702.53 of the Revised Code may appeal that determination, 46774
or the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 46775
~~3702.542 or former section 3702.543~~ of the Revised Code, to the 46776
director in accordance with Chapter 119. of the Revised Code, and 46777
the director shall provide an adjudication hearing in accordance 46778
with that chapter. The person may appeal the director's ruling in 46779
the adjudication hearing to the tenth district court of appeals. 46780

(E) Each person appealing under this section to the director 46781
shall file with the director, not later than thirty days after the 46782
decision, ruling, or determination of the director was mailed, a 46783
notice of appeal designating the decision, ruling, or 46784
determination appealed from. 46785

(F) Each person appealing under this section to the tenth 46786
district court of appeals shall file with the court, not later 46787
than thirty days after the date the director's adjudication order 46788
was mailed, a notice of appeal designating the order appealed 46789
from. The appellant also shall file notice with the director not 46790
later than thirty days after the date the order was mailed. 46791

(1) Not later than thirty days after receipt of the notice of 46792
appeal, the director shall prepare and certify to the court the 46793
complete record of the proceedings out of which the appeal arises. 46794
The expense of preparing and transcribing the record shall be 46795
taxed as part of the costs of the appeal. In the event that the 46796
record or a part thereof is not certified within the time 46797
prescribed by this division, the appellant may apply to the court 46798
for an order that the record be certified. 46799

(2) In hearing the appeal, the court shall consider only the 46800
evidence contained in the record certified to it by the director. 46801

The court may remand the matter to the director for the admission 46802
of additional evidence on a finding that the additional evidence 46803
is material, newly discovered, and could not with reasonable 46804
diligence have been ascertained before the hearing before the 46805
director. Except as otherwise provided by statute, the court shall 46806
give the hearing on the appeal preference over all other civil 46807
matters, irrespective of the position of the proceedings on the 46808
calendar of the court. 46809

(3) The court shall affirm the director's order if it finds, 46810
upon consideration of the entire record and any additional 46811
evidence admitted under division (F)(2) of this section, that the 46812
order is supported by reliable, probative, and substantial 46813
evidence and is in accordance with law. In the absence of such a 46814
finding, it shall reverse, vacate, or modify the order. 46815

(4) If the court determines that the director committed 46816
material procedural error, the court shall remand the matter to 46817
the director for further consideration or action. 46818

(G) The court may award reasonable attorney's fees against 46819
the appellant if it determines that the appeal was frivolous. 46820
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 46821
apply to adjudication hearings under this section or section 46822
3702.52 of the Revised Code and judicial appeals under this 46823
section. 46824

(H) No person may intervene in an appeal brought under this 46825
section. 46826

Sec. 3702.61. In addition to the sanctions imposed under 46827
sections 3702.54, 3702.541, ~~3702.542~~, and 3702.55 ~~and former~~ 46828
~~section 3702.543~~ of the Revised Code, if any person violates 46829
section 3702.53 of the Revised Code, the attorney general may 46830
commence necessary legal proceedings in the court of common pleas 46831
of Franklin county to enjoin the person from such violation until 46832

the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive relief.

Sec. 3702.87. The director of health shall designate, as dental health resource shortage areas, areas in this state that experience special dental health problems and dentist practice patterns that limit access to dental care. The designations shall be made by rule and may apply to a geographic area, one or more facilities within a particular area, or a population group within a particular area. The director shall consider for designation as a dental health resource shortage area, any area in this state that has been designated by the United States secretary of health and human services as a health professional shortage area under Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 42 U.S.C. 201, as amended.

Sec. 3702.89. (A) An individual who ~~is~~ will not ~~receiving~~ national health service corps tuition or student have an outstanding obligation for dental service to the federal government, a state, or other entity at the time of participation in the dentist loan repayment assistance program and meets one of the following requirements may apply for participation in the dentist loan repayment program:

(1) The applicant is a dental student enrolled in the final year of dental college.

(2) The applicant is a dental resident in the final year of residency.

(3) The applicant ~~has been engaged in the~~ holds a valid license to practice of dentistry for not more than three years

~~prior to submitting the application issued under Chapter 4715. of~~ 46863
~~the Revised Code.~~ 46864

(B) An application for participation in the dentist loan 46865
repayment program shall be submitted to the director of health on 46866
a form the director shall prescribe. The following information 46867
shall be included or supplied: 46868

(1) The applicant's name, permanent address or address at 46869
which the applicant is currently residing if different from the 46870
permanent address, and telephone number; 46871

(2) The dental college the applicant attended or is attending 46872
~~or attended~~, dates of attendance, and verification of attendance; 46873

(3) If the applicant has completed a dental residency program 46874
or is a dental resident, the facility or institution ~~at which~~ 46875
where the dental residency was completed or is being performed, 46876
and, if completed, the date of completion; 46877

(4) A summary and verification of the educational expenses 46878
for which the applicant seeks reimbursement under the program; 46879

(5) If the applicant is a dentist, verification of the 46880
applicant's license issued under Chapter 4715. of the Revised Code 46881
to practice dentistry and proof of good standing; 46882

(6) Verification of the applicant's United States citizenship 46883
or status as a legal alien. 46884

Sec. 3702.90. If funds are available in the dentist loan 46885
repayment fund created under section 3702.95 of the Revised Code 46886
and the general assembly has appropriated the funds for the 46887
program, the director of health shall approve an applicant for 46888
participation in the program on finding in accordance with the 46889
priorities established under section 3702.88 of the Revised Code 46890
that the applicant is eligible for participation and is needed in 46891
a dental health resource shortage area. 46892

On approving an application, the director shall notify and 46893
enter into discussions with the applicant. The object of the 46894
discussions is to facilitate recruitment of the applicant to a 46895
site within a dental health resource shortage area at which, 46896
according to the priorities established under section 3702.88 of 46897
the Revised Code, the applicant is needed. ~~The director may pay~~ 46898
~~the costs incurred by the applicant and the applicant's spouse for~~ 46899
~~travel, meals, and lodging in making one visit to one dental~~ 46900
~~health resource shortage area. The director may also refer an~~ 46901
~~applicant to the Ohio dental association for assistance in being~~ 46902
~~recruited to a site within a dental health resource shortage area~~ 46903
~~at which the applicant will agree to be placed.~~ 46904

If the director and applicant agree on the applicant's 46905
placement at a particular site within a dental health resource 46906
shortage area, the applicant shall sign and deliver to the 46907
director a letter of intent agreeing to that placement. 46908

Sec. 3702.91. (A) An individual who has signed a letter of 46909
intent under section 3702.90 of the Revised Code may enter into a 46910
contract with the director of health for participation in the 46911
dentist loan repayment program. ~~A lending institution~~ The 46912
dentist's employer or other funding source may also be a party to 46913
the contract. 46914

(B) The contract shall include all of the following 46915
obligations: 46916

(1) The individual agrees to provide dental services in the 46917
dental health resource shortage area identified in the letter of 46918
intent for at least ~~one year~~ two years. 46919

(2) When providing dental services in the dental health 46920
resource shortage area, the individual agrees to do all of the 46921
following: 46922

(a) Provide dental services for a minimum of forty hours per week; 46923
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(b) Provide dental services without regard to a patient's ability to pay; 46925
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(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide dental services to medicaid recipients. 46927
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(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code ~~up to but not exceeding twenty thousand dollars per year of service.~~ 46933
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(4) The individual agrees to pay the department of health ~~the following as damages~~ an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (B)(1) of this section; 46940
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~~(a) If the failure occurs during the first two years of the service obligation, three times the total amount the department has agreed to repay under division (B)(3) of this section;~~ 46945
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~~(b) If the failure occurs after the first two years of the service obligation, three times the amount the department is still obligated to repay under division (B)(3) of this section.~~ 46948
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(C) The contract may include any other terms agreed upon by the parties, ~~including an assignment to the department of health of the individual's duty to pay the principal and interest of a~~ 46951
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~~government or other educational loan taken by the individual for 46954
expenses described in section 3702.85 of the Revised Code. If the 46955
department assumes the individual's duty to pay a loan, the 46956
contract shall set forth the total amount of principal and 46957
interest to be paid, an amortization schedule, and the amount of 46958
each payment to be made under the schedule. 46959~~

(D) Not later than the thirty-first day of January of each 46960
year, the department of health shall mail to each individual to 46961
whom or on whose behalf repayment is made under the dentist loan 46962
repayment program a statement showing the amount of principal and 46963
interest repaid by the department pursuant to the contract in the 46964
preceding year. The statement shall be sent by ordinary mail with 46965
address correction and forwarding requested in the manner 46966
prescribed by the United States postal service. 46967

Sec. 3702.92. There is hereby created the dentist loan 46968
repayment advisory board. The board shall consist of the following 46969
members: 46970

(A) ~~One member~~ Two members of the house of representatives, 46971
one from each political party, appointed by the speaker of the 46972
house of representatives; 46973

(B) ~~One member~~ Two members of the senate, one from each 46974
political party, appointed by the president of the senate; 46975

(C) A representative of the board of regents, appointed by 46976
the chancellor; 46977

(D) The director of health or an employee of the department 46978
of health designated by the director; 46979

(E) ~~Three~~ Four representatives of the dental profession, 46980
appointed by the governor from persons nominated by the Ohio 46981
dental association. 46982

Terms of office of the appointed members shall be two years, 46983

with each term commencing on the twenty-eighth day of January and 46984
ending on the twenty-seventh day of January of the second year 46985
after appointment. The governor ~~shall appoint the dental~~ 46986
~~profession representatives not later than ninety days after~~ 46987
~~October 29, 2003. The terms of all members shall commence~~ 46988
~~ninety one days after October 29, 2003. Of the initial~~ 46989
~~appointments made by the governor, two shall serve a term of one~~ 46990
~~year and one shall serve a term of two years. The initial~~ 46991
~~appointment made by the, speaker of the house of representatives~~ 46992
~~shall be for a term of one year. The initial appointment made by~~ 46993
~~the, and president of the senate shall be for a term of two years~~ 46994
make each of their respective appointments not later than the 46995
twenty-seventh day of January of the year in which the term of the 46996
member being appointed is to commence. Each member shall hold 46997
office from the date of appointment until the end of the term for 46998
which the member was appointed, except that a legislative member 46999
ceases to be a member of the board on ceasing to be a member of 47000
the general assembly. No person shall be appointed to the board 47001
for more than two consecutive terms. 47002

Vacancies shall be filled in the manner prescribed for the 47003
original appointment. A member appointed to fill a vacancy 47004
occurring prior to the expiration of the term for which the 47005
member's predecessor was appointed shall hold office for the 47006
remainder of that term. A member shall continue in office 47007
subsequent to the expiration of the member's term until a 47008
successor takes office or until sixty days have elapsed, whichever 47009
occurs first. ~~No person shall be appointed to the board for more~~ 47010
~~than two consecutive terms. Thereafter, terms of office shall be~~ 47011
~~two years. Each member shall hold office from the date of~~ 47012
~~appointment until the end of the term for which the member was~~ 47013
~~appointed, except that a legislative member ceases to be a member~~ 47014
~~of the board on ceasing to be a member of the general assembly.~~ 47015

The governor, speaker, or president may remove a member for 47016
whom the governor, speaker, or president was the appointing 47017
authority, for misfeasance, malfeasance, or willful neglect of 47018
duty. 47019

The board shall designate a member to serve as chairperson of 47020
the board. 47021

The board shall meet at least once annually. The chairperson 47022
shall call special meetings as needed or upon the request of four 47023
members. 47024

~~Four~~ Six members of the board constitute a quorum to transact 47025
and vote on all business coming before the board. 47026

Members of the board shall serve without compensation, ~~but~~ 47027
~~may be reimbursed for reasonable and necessary expenses incurred~~ 47028
~~in the discharge of their duties.~~ 47029

The department of health shall provide the board with staff 47030
assistance as requested by the board. 47031

Sec. 3702.93. The dentist loan repayment advisory board shall 47032
determine the amounts that will be paid as loan repayments on 47033
behalf of participants in the dentist loan repayment program. ~~No~~ 47034
In the first and second years, no repayment shall exceed twenty 47035
twenty-five thousand dollars in any each year, except that if. In 47036
the third and fourth years, no repayment shall exceed thirty-five 47037
thousand dollars in each year. If, however, a repayment results in 47038
an increase in the participant's federal, state, or local income 47039
tax liability, the department of health, at the participant's 47040
request and with the approval of the director of health, may 47041
reimburse the participant for the increased tax liability, 47042
regardless of the amount of the repayment in that year. ~~Total~~ 47043
~~repayment on behalf of a participant shall not exceed eighty~~ 47044
~~thousand dollars over the time of participation in the program.~~ 47045

Sec. 3702.94. The dentist loan repayment advisory board, 47046
annually on or before the first day of March, shall submit a 47047
report to the governor and general assembly describing the 47048
operations of the dentist loan repayment program during the 47049
previous calendar year. The report shall include information about 47050
all of the following: 47051

(A) The number of requests received by the director of health 47052
that a particular area be designated as a dental health resource 47053
shortage area; 47054

(B) The areas that have been designated as dental health 47055
resource shortage areas and the priorities that have been assigned 47056
to them; 47057

(C) The number of applicants for participation in the dentist 47058
loan repayment program; 47059

(D) The number of dentists assigned to dental health resource 47060
shortage areas and the payments made on behalf of those dentists 47061
under the dentist loan repayment program; 47062

(E) The dental health resource shortage areas that have not 47063
been matched with all of the dentists they need; 47064

(F) The number of dentists failing to complete their service 47065
obligations, the amount of damages owed, and the amount of damages 47066
collected. 47067

Sec. 3704.14. (A) ~~The director of environmental protection 47068
shall continue to implement an enhanced motor vehicle inspection 47069
and maintenance program for a period of two years beginning on 47070
January 1, 2006, and ending on December 31, 2007, in counties in 47071
which a motor vehicle inspection and maintenance program is 47072
federally mandated. The program shall be substantially similar to 47073
the enhanced program implemented in those counties under a 47074
contract that is scheduled to expire on December 31, 2005. The (1) 47075~~

If the governor determines that the implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the requirements of the federal Clean Air Act after June 30, 2009, the governor, by executive order, may provide for the implementation of the program in those counties in this state in which such a program is in operation on January 1, 2009, pursuant to a federal mandate by ordering the director of administrative services to extend the terms of the contract that was entered into under the authority of Section 7 of Am. Sub. H.B. 24 of the 127th general assembly. Upon receiving the order, the director of administrative services shall extend the contract, beginning on July 1, 2009, in accordance with this section. The contract shall be extended for a period of up to six months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that is ordered under division (A)(1) of this section by the governor, the governor, by executive order, may order the director of administrative services to enter into a contract with a vendor to operate a motor vehicle inspection and maintenance program in each county in this state in which such a program is in operation on January 1, 2009, pursuant to a federal mandate. The contract shall provide for the operation of the program through June 30, 2011. The contract also shall include an option for the state to renew the contract through June 30, 2012. However, the option to renew the contract shall require the governor to issue an executive order authorizing such a renewal. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection process regarding a contract to operate a motor vehicle inspection

and maintenance program in this state incorporates the following 47108
elements, which shall be included in the contract: 47109

(a) A requirement that the vendor selected to operate the 47110
program provide notification of the program's requirements to each 47111
owner of a motor vehicle that is required to be inspected under 47112
the program. The contract shall require the notification to be 47113
provided not later than sixty days prior to the date by which the 47114
owner of the motor vehicle is required to have the motor vehicle 47115
inspected. The director of environmental protection and the vendor 47116
shall jointly agree on the content of the notice. However, the 47117
notice shall include at a minimum the locations of all inspection 47118
facilities within a specified distance of the address that is 47119
listed on the owner's motor vehicle registration. 47120

(b) A requirement that the vendor selected to operate the 47121
program spend not more than five hundred thousand dollars over the 47122
term of the contract for public education regarding the locations 47123
at which motor vehicle inspections will be conducted; 47124

(c) A requirement that the vendor selected to operate the 47125
program acquire all facilities that were previously utilized for 47126
motor vehicle emissions inspections via arm's-length transactions 47127
at the discretion of the interested parties if the vendor chooses 47128
to utilize those inspection facilities for purposes of the 47129
contract. The competitive selection process shall not include a 47130
requirement that a vendor pay book value for such facilities. 47131

(d) A requirement that the motor vehicle inspection and 47132
maintenance program utilize established local businesses, such as 47133
existing motor vehicle repair facilities, for the purpose of 47134
expanding the number of inspection facilities for consumer 47135
convenience and increased local business participation. 47136

(4) Any competitive selection process that is or has been 47137
initiated for purposes of a new contract to operate a motor 47138

vehicle inspection and maintenance program in this state shall 47139
comply with division (A)(3) of this section. 47140

(5) A motor vehicle inspection and maintenance program 47141
operated under this section shall comply with division (B) of this 47142
section. The director of environmental protection shall administer 47143
the motor vehicle inspection and maintenance program operated 47144
under this section. 47145

(B) The motor vehicle inspection and maintenance program 47146
authorized by this section, at a minimum, shall do all of the 47147
following: 47148

(1) Comply with the federal Clean Air Act; 47149

~~(2) Provide for the extension of a contract for a period of~~ 47150
~~two years, beginning on January 1, 2006, and ending on December~~ 47151
~~31, 2007, with the contractor who conducted the enhanced motor~~ 47152
~~vehicle inspection and maintenance program in those federally~~ 47153
~~mandated counties pursuant to a contract entered into under former~~ 47154
~~section 3704.14 of the Revised Code as that section existed prior~~ 47155
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 47156
~~General Assembly;~~ 47157

~~(3)~~ Provide for the issuance of inspection certificates; 47158

~~(4)~~(3) Provide for a new car exemption for motor vehicles 47159
four years old or newer and provide that a new motor vehicle is 47160
exempt for four years regardless of whether legal title to the 47161
motor vehicle is transferred during that period. 47162

~~(B)(C) The director shall not implement a motor vehicle~~ 47163
~~inspection and maintenance program in any county other than a~~ 47164
~~county in which a motor vehicle inspection and maintenance program~~ 47165
~~is federally mandated~~ A motor vehicle inspection and maintenance 47166
program shall not be implemented in any county in which such a 47167
program is not authorized under division (A) of this section 47168
without the approval of the general assembly through the enactment 47169

of legislation. Further, a motor vehicle inspection and 47170
maintenance program shall not be implemented in any county beyond 47171
June 30, 2012, without the approval of the general assembly 47172
through the enactment of legislation. 47173

~~(C)~~(D) The director of environmental protection shall adopt 47174
rules in accordance with Chapter 119. of the Revised Code that the 47175
director determines are necessary to implement this section. The 47176
director may continue to implement and enforce rules pertaining to 47177
the ~~enhanced~~ motor vehicle inspection and maintenance program 47178
previously implemented under former section 3704.14 of the Revised 47179
Code as that section existed prior to its repeal and reenactment 47180
by Am. Sub. H.B. 66 of the 126th general assembly, provided that 47181
the rules do not conflict with this section. 47182

47183

~~(D)~~(E) There is hereby created in the state treasury the 47184
~~motor vehicle inspection and maintenance~~ auto emissions test fund, 47185
which shall consist of money received by the director from any 47186
~~fees for inspections that are established in rules adopted~~ cash 47187
transfers, state and local grants, and other contributions that 47188
are received for the purpose of funding the program established 47189
under this section. The director of environmental protection shall 47190
use money in the fund solely for the implementation, supervision, 47191
administration, operation, and enforcement of the ~~enhanced~~ motor 47192
vehicle inspection and maintenance program established under this 47193
section. Money in the fund shall not be used for either of the 47194
following: 47195

(1) To pay for the inspection costs incurred by a motor 47196
vehicle dealer so that the dealer may provide inspection 47197
certificates to an individual purchasing a motor vehicle from the 47198
dealer when that individual resides in a county that is subject to 47199
the motor vehicle inspection and maintenance program; 47200

(2) To provide payment for more than one free passing 47201

emissions inspection or a total of three emissions inspections for 47202
a motor vehicle in any three-hundred-sixty-five day period. The 47203
owner or lessee of a motor vehicle is responsible for inspection 47204
fees that are related to emissions inspections beyond one free 47205
passing emissions inspection or three total emissions inspections 47206
in any three-hundred-sixty-five day period. Inspection fees that 47207
are charged by a contractor conducting emissions inspections under 47208
a motor vehicle inspection and maintenance program shall be 47209
approved by the director of environmental protection. 47210

~~(E)~~(F) The enhanced motor vehicle inspection and maintenance 47211
program established under this section expires on December 31, 47212
2007, upon the termination of all contracts entered into under 47213
this section and shall not be continued implemented beyond that 47214
the final date unless otherwise federally mandated on which 47215
termination occurs. 47216

(G)(1) Notwithstanding the provisions of this section, it is 47217
the intent of the general assembly that the motor vehicle 47218
inspection and maintenance program that was in operation pursuant 47219
to the federal Clean Air Act on January 1, 2009, in certain 47220
counties of this state pursuant to a contract that is scheduled to 47221
expire June 30, 2009, not be extended beyond that date in those 47222
counties. However, if the governor determines that the 47223
continuation of the program in those counties is necessary to 47224
comply with federal law, the governor shall issue executive orders 47225
extending the program in accordance with this section. All 47226
executive orders issued under this section shall include 47227
provisions providing the authority that is necessary for the 47228
director of environmental protection to establish decentralized 47229
approaches that meet federal performance standards. 47230

(2) Upon the issuance of any executive order under this 47231
section, the governor shall notify the general assembly in writing 47232
of the governor's decision to issue the executive order. 47233

(3) It is the intent of the general assembly that a tailpipe motor vehicle inspection and maintenance program not be implemented in any county in the state. Moreover, it is the intent of the general assembly that, if a motor vehicle-based ozone testing program is mandated by federal law for counties in the northeastern portion of the state, a tailpipe motor vehicle inspection and maintenance program not be implemented and that an onboard diagnostics only inspection and gas-cap testing program be utilized to satisfy any federal requirements for vehicle emissions testing.

(H) Not later than thirty days after the effective date of this amendment and on the first day of January of each subsequent year, the director of environmental protection shall request the United States environmental protection agency to provide the director a list of alternative approaches to meet federal performance standards and program changes that this state may employ to comply with the federal Clean Air Act in lieu of the implementation of a motor vehicle inspection and maintenance program. Based on the information received from the United States environmental protection agency, the director shall prepare a report concerning those alternative approaches. The director shall issue the report and provide it to the general assembly not later than thirty days after receiving the list of alternative approaches from the United States environmental protection agency.

Sec. 3704.144. Gifts, grants, and contributions for the purpose of adding pollution control equipment to diesel-powered school buses, including contributions that are made pursuant to the settlement of an administrative action or civil action that is brought at the request of the director of environmental protection pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the Revised Code, shall be credited to the clean diesel school bus fund, which is hereby created in the state treasury. The director

shall use money credited to the fund to make grants to school 47266
districts in the state and to county boards of mental retardation 47267
and developmental disabilities for the purpose of adding pollution 47268
control equipment to diesel-powered school buses and to pay the 47269
environmental protection agency's costs incurred in administering 47270
this section. In addition, the director may use money credited to 47271
the fund to make grants to school districts and to county boards 47272
of mental retardation and developmental disabilities for the 47273
purpose of maintaining pollution control equipment that is 47274
installed on diesel-powered school buses and to pay the additional 47275
cost incurred by a school district or a county board for using 47276
ultra-low sulfur diesel fuel instead of diesel fuel for the 47277
operation of diesel-powered school buses. 47278

In making grants under this section, the director shall give 47279
priority to school districts and to county boards of mental 47280
retardation and developmental disabilities that are located in a 47281
county that is designated as nonattainment by the United States 47282
environmental protection agency for the fine particulate national 47283
ambient air quality standard under the federal Clean Air Act. In 47284
addition, the director may give a higher priority to a school 47285
district or a county board of mental retardation and developmental 47286
disabilities that employs additional measures that reduce air 47287
pollution from the district's or the county board's school bus 47288
fleet. 47289

The director shall adopt rules establishing procedures and 47290
requirements that are necessary to implement this section, 47291
including procedures and requirements governing applications for 47292
grants. 47293

Sec. 3705.03. (A) The director of health shall designate the 47294
state registrar, who shall head the office of vital statistics and 47295
do all of the following: 47296

(1) Administer and enforce this chapter, the rules issued under this chapter, and the instructions of the director for the efficient administration of the system of vital statistics;	47297 47298 47299
(2) Direct and supervise the system of vital statistics and be custodian of the vital records;	47300 47301
(3) Direct, supervise, and control the activities of all persons engaged in activities governed by this chapter;	47302 47303
(4) Conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital statistics;	47304 47305 47306
<u>(5) Comply with the requirements in section 3705.031 of the Revised Code.</u>	47307 47308
(B) To preserve vital records, the state registrar may prepare a typewritten, photographic, electronic, or other reproduction of certificates or reports in the office of vital statistics. These reproductions, when certified by the director or state registrar, shall be accepted as the original records. The documents from which the reproductions have been made and verified may be disposed of as provided by rules that shall be adopted by the director.	47309 47310 47311 47312 47313 47314 47315 47316
<u>Sec. 3705.031. (A) Once each calendar month, the state registrar shall review all death certificates the state registrar receives, pursuant to section 3705.07 of the Revised Code, from each local registrar of vital statistics in this state, and from a vital statistics official in another state, in the preceding calendar month. The state registrar shall identify those death certificates that pertain to individuals who were at least eighteen years of age at the time of death.</u>	47317 47318 47319 47320 47321 47322 47323 47324
<u>(B) From each death certificate identified pursuant to division (A) of this section, the registrar shall determine the</u>	47325 47326

<u>following information:</u>	47327
<u>(1) The decedent's name;</u>	47328
<u>(2) The decedent's date of birth;</u>	47329
<u>(3) The decedent's date of death;</u>	47330
<u>(4) The decedent's age on the date of death;</u>	47331
<u>(5) The address of the decedent's residence on the date of death;</u>	47332 47333
<u>(6) The county and state in which the decedent's residence on the date of death was located.</u>	47334 47335
<u>(C) Not later than the end of the calendar month in which a review under division (A) of this section occurs, the state registrar shall file with each county auditor and county board of elections in this state a report that summarizes the information in divisions (B)(1) to (6) of this section for each decedent whose residence was located in that county.</u>	47336 47337 47338 47339 47340 47341
Sec. 3706.25. As used in sections 3706.25 to 3706.30 of the Revised Code:	47342 47343
(A) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity <u>or energy</u> and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users including, but not limited to, advanced energy resources and renewable energy resources. "Advanced energy project" includes any project described in division (A), (B), or (C) of section 4928.621 of the Revised Code.	47344 47345 47346 47347 47348 47349 47350 47351 47352 47353 47354
(B) "Advanced energy resource" means any of the following:	47355

(1) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(2) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities;

(3) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(4) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(5) Advanced solid waste or construction and demolition debris conversion technology, including, but not limited to, advanced stoker technology, and advanced fluidized bed gasification technology, that results in measurable greenhouse gas emissions reductions as calculated pursuant to the United States environmental protection agency's waste reduction model (WARM).

(C) "Renewable energy resource" means solar photovoltaic or solar thermal energy, wind energy, power produced by a hydroelectric facility, geothermal energy, fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion, biomass energy, biologically derived methane gas, or energy derived from nontreated by-products of the pulping process or wood

manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors. "Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; storage facility that will promote the better utilization of a renewable energy resource that primarily generates off peak; or distributed generation system used by a customer to generate electricity from any such energy. As used in this division, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:

(1) The facility provides for river flows that are not detrimental for fish, wildlife, and water quality, including seasonal flow fluctuations as defined by the applicable licensing agency for the facility.

(2) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.

(3) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding

fish protection for riverine, anadromous, and catadromus fish. 47419

(4) The facility complies with the recommendations of the 47420
Ohio environmental protection agency and with the terms of its 47421
federal energy regulatory commission license regarding watershed 47422
protection, mitigation, or enhancement, to the extent of each 47423
agency's respective jurisdiction over the facility. 47424

(5) The facility complies with provisions of the "Endangered 47425
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 47426
amended. 47427

(6) The facility does not harm cultural resources of the 47428
area. This can be shown through compliance with the terms of its 47429
federal energy regulatory commission license or, if the facility 47430
is not regulated by that commission, through development of a plan 47431
approved by the Ohio historic preservation office, to the extent 47432
it has jurisdiction over the facility. 47433

(7) The facility complies with the terms of its federal 47434
energy regulatory commission license or exemption that are related 47435
to recreational access, accommodation, and facilities or, if the 47436
facility is not regulated by that commission, the facility 47437
complies with similar requirements as are recommended by resource 47438
agencies, to the extent they have jurisdiction over the facility; 47439
and the facility provides access to water to the public without 47440
fee or charge. 47441

(8) The facility is not recommended for removal by any 47442
federal agency or agency of any state, to the extent the 47443
particular agency has jurisdiction over the facility. 47444

Sec. 3707.26. ~~(A) Annually~~ Semiannually, and more often, if 47445
in its judgment necessary, the board of health of a city or 47446
general health district shall inspect the sanitary condition of 47447
all schools and school buildings within its jurisdiction, and may 47448

disinfect any school building. During an epidemic or threatened 47449
epidemic, or when a dangerous communicable disease is unusually 47450
prevalent, ~~or for any other imminent public health threat as~~ 47451
~~determined by the board,~~ the board may close any school and 47452
prohibit public gatherings for such time as is necessary. 47453

~~(B) The director of health shall adopt rules establishing 47454
minimum standards for inspections conducted under this section. 47455
The rules shall be adopted in accordance with Chapter 119. of the 47456
Revised Code and in consultation with the association of Ohio 47457
health commissioners, the Ohio environmental health association, 47458
the Ohio school boards association, and the Ohio education 47459
association. Initial rules shall be adopted not later than 47460
eighteen months after the effective date of this amendment. 47461~~

Sec. 3712.03. (A) In accordance with Chapter 119. of the 47462
Revised Code, the public health council shall adopt, and may amend 47463
and rescind, rules: 47464

(1) Providing for the licensing of persons or public agencies 47465
providing hospice care programs within this state by the 47466
department of health and for the suspension and revocation of 47467
licenses; 47468

(2) Establishing a license fee and license renewal fee ~~not~~ 47469
to, neither of which shall, except as provided in division (B) of 47470
this section, exceed ~~three~~ six hundred dollars. The fees shall 47471
cover the three-year period during which an existing license is 47472
valid as provided in division (B) of section 3712.04 of the 47473
Revised Code. 47474

(3) Establishing an inspection fee not to exceed, except as 47475
provided in division (B) of this section, one thousand seven 47476
hundred fifty dollars; 47477

(4) Establishing requirements for hospice care program 47478

facilities and services; 47479

(5) Providing for a waiver of the requirement for the 47480
provision of physical, occupational, or speech or language therapy 47481
contained in division (A)(2) of section 3712.01 of the Revised 47482
Code when the requirement would create a hardship because such 47483
therapy is not readily available in the geographic area served by 47484
the provider of a hospice care program; 47485

(6) Providing for the granting of licenses to provide hospice 47486
care programs to persons and public agencies that are accredited 47487
or certified to provide such programs by an entity whose standards 47488
for accreditation or certification equal or exceed those provided 47489
for licensure under this chapter and rules adopted under it; ~~and~~ 47490

(7) Establishing interpretive guidelines for each rule. 47491

(B) Subject to the approval of the controlling board, the 47492
public health council may establish fees in excess of the maximum 47493
amounts ~~provided by sections 3712.01 and 3712.03 to 3712.06 of the~~ 47494
~~Revised Code~~ specified in this section, provided that the fees do 47495
not exceed those amounts by greater than fifty per cent. 47496

(C) The department of health shall: 47497

(1) Grant, suspend, and revoke licenses for hospice care 47498
programs in accordance with this chapter and rules adopted under 47499
it; 47500

(2) Make such inspections as are necessary to determine 47501
whether hospice care program facilities and services meet the 47502
requirements of this chapter and rules adopted under it; and 47503

(3) Implement and enforce this chapter and rules adopted 47504
under it. 47505

Sec. 3714.01. As used in this chapter: 47506

(A) "Board of health" means the board of health of a city or 47507

general health district or the authority having the duties of a 47508
board of health in any city as authorized by section 3709.05 of 47509
the Revised Code. 47510

(B) "Closure" means either the time at which a construction 47511
and demolition debris facility will no longer accept construction 47512
and demolition debris for disposal or the effective date of an 47513
order revoking the license of the facility. "Closure" includes 47514
measures performed to protect public health or safety, to prevent 47515
air or water pollution, or to make the facility suitable for other 47516
uses, if any, including, without limitation, the establishment and 47517
maintenance of suitable cover of soil and vegetation over areas 47518
where construction and demolition debris is buried and the 47519
minimization of erosion, the infiltration of surface water into 47520
such areas, the production of leachate, and the accumulation and 47521
runoff of contaminated surface water. 47522

(C) "Construction and demolition debris" means those 47523
materials resulting from the alteration, construction, 47524
destruction, rehabilitation, or repair of any physical structure 47525
that is built by humans, including, without limitation, houses, 47526
buildings, industrial or commercial facilities, or roadways. 47527
"Construction and demolition debris" includes particles and dust 47528
created during demolition activities. "Construction and demolition 47529
debris" does not include materials identified or listed as solid 47530
wastes or hazardous waste pursuant to Chapter 3734. of the Revised 47531
Code and rules adopted under it; materials from mining operations, 47532
nontoxic fly ash, spent nontoxic foundry sand, and slag; or 47533
reinforced or nonreinforced concrete, asphalt, building or paving 47534
brick, or building or paving stone that is stored for a period of 47535
less than two years for recycling into a usable construction 47536
material. 47537

(D) "Disposal" means the discharge, deposit, injection, 47538
dumping, spilling, leaking, emitting, or placing of any 47539

construction and demolition debris into or on any land or ground 47540
or surface water or into the air, except if the disposition or 47541
placement constitutes storage. 47542

(E) "Facility" means any site, location, tract of land, 47543
installation, or building used for the disposal of construction 47544
and demolition debris. "Facility" does not include any 47545
construction site where construction debris and trees and brush 47546
removed in clearing the construction site are used as fill 47547
material on the site where the materials are generated or removed 47548
and does not include any site where materials composed exclusively 47549
of reinforced or nonreinforced concrete, asphalt, clay tile, 47550
building or paving brick, or building or paving stone are used as 47551
fill material, either alone or in conjunction with clean soil, 47552
sand, gravel, or other clean aggregates, in legitimate fill 47553
operations for construction purposes or to bring the site up to a 47554
consistent grade. 47555

(F) "Health district" means a city or general health district 47556
created by or under the authority of Chapter 3709. of the Revised 47557
Code. 47558

(G) "New construction and demolition debris facility" or "new 47559
facility" means a facility applying for an initial permit to 47560
install after December 22, 2005, and also includes an existing a 47561
facility in existence on December 22, 2005, that is proposing to 47562
horizontally expand the facility beyond the limits of construction 47563
and demolition debris placement approved by a board of health or 47564
the director of environmental protection, as applicable, under 47565
this chapter boundary of the property owned or controlled by the 47566
owner or operator of the facility as of December 22, 2005. "New 47567
construction and demolition debris facility" or "new facility" 47568
also includes a facility for which an initial permit to install 47569
has been issued after December 22, 2005, for which there is a 47570
proposal to horizontally expand the limits of construction and 47571

demolition debris placement beyond the limits approved in the 47572
initial permit to install. "New construction and demolition debris 47573
facility" or "new facility" does not include a facility for which 47574
there is a proposal to vertically expand the limits of 47575
construction and demolition debris placement approved for the 47576
facility under this chapter and rules adopted under it. 47577

(H) "Person" includes the state, any political subdivision of 47578
the state or other state or local body, the United States and any 47579
agency or instrumentality thereof, and any legal entity or 47580
organization defined as a person under section 1.59 of the Revised 47581
Code. 47582

(I) "Pulverized debris" means a load of debris that, ~~after~~ 47583
~~demolition has occurred, but prior to acceptance of the load of~~ 47584
~~debris for disposal,~~ has been uniformly shredded, ~~crushed,~~ ground, 47585
or ~~otherwise rendered~~ reduced by mechanical means prior to 47586
acceptance for disposal to such an extent that the majority of the 47587
load of debris ~~is unidentifiable~~ cannot be identified as resulting 47588
from construction and demolition debris activities. 47589

(J) "Qualified ground water scientist" means a scientist or 47590
engineer who has received a baccalaureate or post-graduate degree 47591
in the natural sciences or engineering and has at least five years 47592
of relevant experience in ground water hydrogeology and related 47593
fields that enable that individual to make sound professional 47594
judgments regarding ground water monitoring, contaminant fate and 47595
transport, and corrective measures. 47596

(K) "Storage" means the holding of construction and 47597
demolition debris for a temporary period in such a manner that it 47598
remains retrievable and substantially unchanged and, at the end of 47599
the period, is disposed of or reused or recycled in a beneficial 47600
manner. 47601

(L) "Transfer facility" means a site, location, tract of 47602

land, installation, or building that is primarily used or intended 47603
to be used for the purpose of transferring construction and 47604
demolition debris that was generated off the premises of the 47605
facility from vehicles or containers into other vehicles or 47606
containers for transportation to a construction and demolition 47607
debris facility. 47608

Sec. 3714.011. The director of environmental protection, in 47609
accordance with section 121.13 of the Revised Code, shall appoint 47610
and convene an advisory board to advise the director with respect 47611
to the rules that the director is required to adopt under section 47612
3714.02 of the Revised Code. The board shall include, without 47613
limitation, three representatives of construction and demolition 47614
debris facilities in the state, one of whom shall be the owner or 47615
operator of a licensed construction and demolition debris 47616
facility, and three representatives from health districts that are 47617
on the approved list under section 3714.09 of the Revised Code, 47618
each of whom shall represent a health district in which an 47619
existing licensed construction and demolition debris facility is 47620
located. 47621

Sec. 3714.02. The director of environmental protection, in 47622
accordance with Chapter 119. of the Revised Code and with the 47623
advice of the advisory board appointed under section 3714.011 of 47624
the Revised Code, shall adopt, and may amend and rescind, rules in 47625
accordance with Chapter 119. of the Revised Code governing 47626
construction and demolition debris facilities and the inspection 47627
of and issuance of permits to install and licenses for those 47628
facilities. The rules shall ensure that the facilities will not 47629
create a nuisance, fire hazard, or health hazard or cause or 47630
contribute to air or water pollution. The rules shall establish 47631
all of the following: 47632

(A) Standards and procedures for the issuance of permits to 47633

install under section 3714.051 of the Revised Code that shall 47634
include all of the following: 47635

(1) Information that must be included in the designs and 47636
plans required to be submitted with the application for a permit 47637
to install under section 3714.051 of the Revised Code and criteria 47638
for approving, disapproving, or requiring modification of the 47639
designs and plans; 47640

(2) Information that must be included with an application for 47641
a permit to install in addition to the information required under 47642
section 3714.051 of the Revised Code; 47643

(3) Procedures for the issuance, denial, modification, 47644
transfer, suspension, and revocation of permits to install; 47645

(4) Grounds for the denial, modification, suspension, or 47646
revocation of permits to install; 47647

(5) A requirement that a person that is required to obtain 47648
both a permit to install under section 3714.051 of the Revised 47649
Code and a license under section 3714.06 of the Revised Code 47650
obtain both the permit and license prior to operation; 47651

(6) Criteria for establishing time periods after which a 47652
permit to install expires; 47653

(7) Any other requirements that the director determines 47654
necessary in order to establish the program for the issuance of 47655
permits to install under section 3714.051 of the Revised Code. 47656

(B) Standards for the design and construction of facilities. 47657
The standards may include, without limitation, requirements for 47658
diking around the areas where debris is buried to prevent runoff 47659
of surface water onto adjacent property. 47660

(C) Standards for control over access to facilities and for 47661
the operation of facilities, including, without limitation, 47662
standards for the compaction and covering of debris disposed of 47663

and standards regarding equipment used for the operation of 47664
facilities; 47665

(D) Criteria and procedures for granting authorization to the 47666
owner or operator of a facility to dispose of asbestos or 47667
asbestos-containing materials or products at the owner's or 47668
operator's facility; 47669

(E) Requirements for the installation of ground water 47670
monitoring wells and the monitoring of ground water quality at any 47671
facility where the operation of the facility threatens to 47672
contaminate ground water. The rules shall require that ground 47673
water monitoring be capable of determining impacts resulting from 47674
the operation of construction and demolition debris facilities. 47675
The rules also shall include provisions for ground water 47676
assessment and corrective actions for impacts to ground water. 47677
Further, the rules shall require that the owner or operator of a 47678
construction and demolition debris facility submit a monitoring 47679
report to the director or a board of health, as applicable, that 47680
has been prepared by a qualified ground water scientist and that 47681
includes all of the following: 47682

(1) A determination of any impacts to ground water from the 47683
migration of contaminants from the construction and demolition 47684
debris facility; 47685

(2) A list of the contaminants from the facility that may be 47686
causing contamination of ground water; 47687

(3) Recommendations for actions, if any are necessary, that 47688
should be taken to investigate or remediate the source of any 47689
ground water contamination. 47690

(F) Requirements for the monitoring and sampling of leachate. 47691
The rules adopted under division (F) of this section shall include 47692
all of the following: 47693

(1) A requirement that the owner or operator of a 47694

construction and demolition debris facility provide for sampling 47695
of leachate at least annually. However, the rules shall require 47696
that if leachate is recirculated through a facility, the leachate 47697
be sampled at least every calendar quarter. 47698

(2) A requirement that the owner or operator of a facility 47699
sample for at least seventy-seven parameters that the director 47700
shall establish in the rules, which shall include arsenic, copper, 47701
and chromium; 47702

(3) Requirements governing facilities that do not have a 47703
system for sampling leachate. The rules shall require that the 47704
owner or operator of such a facility monitor ground water in 47705
accordance with the rules adopted under division (E) of this 47706
section for the parameters established in the rules adopted under 47707
division (F)(2) of this section. 47708

(4) A requirement that a facility that monitors ground water 47709
and leachate add to the parameters monitored by the ground water 47710
monitoring system any parameter that is detected through the 47711
monitoring of leachate; 47712

(5) Requirements governing the reporting of leachate sampling 47713
data. The rules shall require that reports be submitted to the 47714
director and the applicable board of health. 47715

(G) Requirements respecting written, narrative plans for the 47716
operation of facilities. The rules shall require the owner or 47717
operator of a facility to use best management practices. In 47718
addition, the rules shall require as a part of the plan of 47719
operation of a facility the inclusion of the contingency plans 47720
required in rules adopted under division (H) of this section. 47721

(H) Requirements respecting contingency plans for effective 47722
action in response to fire or explosion at a facility or to 47723
hydrogen sulfide or other gases created by the operation of a 47724
facility that pose a nuisance, cause an offensive odor, or pose a 47725

threat to public health or safety or the environment; 47726

(I) Financial assurance requirements for the closure and 47727
post-closure care of facilities as follows: 47728

(1) The rules establishing the financial assurance 47729
requirements for the closure of facilities shall require that the 47730
owner or operator of a facility, before being issued an initial 47731
license for the facility under section 3714.06 of the Revised 47732
Code, submit a surety bond, a letter of credit, or other 47733
acceptable financial assurance, as specified by the director in 47734
the rules, in an amount determined by the director or the 47735
appropriate board of health, as applicable. The rules shall 47736
include a list of the activities for which financial assurance may 47737
be required. The rules shall allow the director or board of 47738
health, as applicable, to adjust the amount of a surety bond, a 47739
letter of credit, or other acceptable financial assurance in 47740
conjunction with the issuance of an annual license. However, the 47741
rules shall require that the amount of a surety bond, letter of 47742
credit, or other acceptable financial assurance for the closure of 47743
a facility be not less than thirteen thousand dollars per acre of 47744
land that has been or is being used for the disposal of 47745
construction and demolition debris. The rules shall require an 47746
explanation of the rationale for financial assurance amounts 47747
exceeding thirteen thousand dollars per acre. 47748

(2) The rules establishing the financial assurance 47749
requirements for the post-closure care of facilities shall address 47750
the maintenance of the facility, continuation of any required 47751
monitoring systems, and performance and maintenance of any 47752
specific requirements established in rules adopted under division 47753
(K) of this section or through a permit, license, or order of the 47754
director. The rules also shall allow the director or board of 47755
health, as applicable, to determine the amount of a surety bond, a 47756
letter of credit, or other acceptable financial assurance for the 47757

post-closure care of a facility based on a required cost estimate 47758
for the post-closure care of the facility. The rules shall require 47759
that the owner or operator of a facility provide post-closure 47760
financial assurance for a period of five years after the closure 47761
of a facility. However, the rules shall stipulate that 47762
post-closure care financial assurance may be extended beyond the 47763
five-year period if the extension of the post-closure care period 47764
is required under rules adopted under division (K) of this 47765
section. 47766

(J) Requirements for the closure of facilities. The 47767
requirements shall include minimum requirements for the closure of 47768
facilities and such additional requirements as are reasonably 47769
related to the location of the facility and the type and quantity 47770
of materials disposed of in the facility. The rules shall require 47771
that an owner or operator of a facility, upon the closure of the 47772
facility, file in the office of the county recorder of the county 47773
in which the facility is located a notice that the property was 47774
previously used as a construction and demolition debris facility. 47775
The rules shall require that the notice be filed in the same 47776
manner as a deed to the property. The rules shall require that the 47777
notice include an engineering drawing attachment showing the 47778
physical locations of debris placement, an indication of the 47779
volumes of debris, and an indication of the depth of the final 47780
cover material. 47781

(K) Requirements for the post-closure care of facilities for 47782
a period of five years after the closure of a facility. However, 47783
the rules shall require that the post-closure care period may be 47784
extended by order of the applicable board of health, the director, 47785
or a court of competent jurisdiction if conditions at a facility 47786
are impacting public health or safety or the environment or if 47787
ground water assessment and corrective measures are required to be 47788
conducted at the facility under rules adopted under division (E) 47789

of this section. This division does not limit the authority of the 47790
director, a board of health, or a court of competent jurisdiction 47791
to issue an order under any other applicable chapter of the 47792
Revised Code. 47793

The rules adopted under this division shall specify both of 47794
the following: 47795

(1) With respect to a facility that permanently ceases 47796
acceptance of construction and demolition debris in calendar year 47797
2006, the post-closure care and post-closure care financial 47798
assurance requirements do not apply, provided that the owner or 47799
operator of the facility gives written notice of the date of the 47800
cessation to the applicable board of health or the director, the 47801
owner or operator of the facility does not submit a subsequent 47802
application for a license renewal for the facility after that 47803
cessation, and no order was issued by the applicable board of 47804
health, the director, or a court of competent jurisdiction 47805
governing the post-closure care of and post-closure financial 47806
assurance for that facility prior to the date specified in the 47807
written notice. 47808

(2) With respect to a facility that permanently ceases 47809
acceptance of construction and demolition debris in calendar year 47810
2007, the required period of time for post-closure care and 47811
post-closure care financial assurance shall be one year after the 47812
closure of the facility, provided that the owner or operator of 47813
the facility gives written notice of the date of the cessation to 47814
the applicable board of health or the director, the owner or 47815
operator does not submit a subsequent application for a license 47816
renewal for the facility after that cessation, and no order was 47817
issued by the applicable board of health, the director, or a court 47818
of competent jurisdiction governing the post-closure care of and 47819
post-closure financial assurance for that facility prior to the 47820
date specified in the written notice. 47821

(L) Standards and procedures governing the modification of 47822
operation licenses issued under section 3714.06 of the Revised 47823
Code; 47824

(M) Procedures and requirements governing the certification 47825
of construction and demolition debris by transfer facilities as 47826
required under section 3714.082 of the Revised Code; 47827

(N) Requirements governing the provision of notification 47828
under section 3714.083 of the Revised Code by owners and operators 47829
of construction and demolition debris facilities of rejected loads 47830
and by transporters and shippers of the final disposition of 47831
rejected loads; 47832

(O) Requirements governing the certification and training of 47833
operators of construction and demolition debris facilities as 47834
required under section 3714.062 of the Revised Code; 47835

(P) Definitions of "owner" and "operator" for purposes of 47836
this chapter. 47837

The rules adopted under this section shall not prohibit the 47838
open burning of construction debris on a construction site in 47839
compliance with division (C)(1) of section 3704.11 of the Revised 47840
Code. 47841

Rules adopted under divisions (E) and (F) of this section 47842
apply to all new construction and demolition debris facilities for 47843
which a permit to install is required under section 3714.051 of 47844
the Revised Code on and after ~~the effective date of this amendment~~ 47845
December 22, 2005. With respect to a facility that is licensed 47846
under section 3714.06 of the Revised Code and operating on ~~the~~ 47847
~~effective date of this amendment~~ December 22, 2005: if the 47848
facility does not have a ground water monitoring or leachate 47849
monitoring system, the facility is not required to comply with 47850
rules adopted under division (E) or (F) of this section; if the 47851
facility has a ground water monitoring system, but not a leachate 47852

monitoring system, the facility shall comply only with rules 47853
adopted under divisions (E) and (F)(3) of this section; and if the 47854
facility has a leachate monitoring system, but not a ground water 47855
monitoring system, the facility shall comply only with rules 47856
adopted under division (F) of this section. 47857

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 47858
health and the environmental protection agency in administering 47859
and enforcing this chapter and rules adopted under it, there is 47860
hereby levied on the disposal of construction and demolition 47861
debris at a construction and demolition debris facility that is 47862
licensed under this chapter or at a solid waste facility that is 47863
licensed under Chapter 3734. of the Revised Code a fee of thirty 47864
cents per cubic yard or sixty cents per ton, as applicable. 47865

(2) The owner or operator of a construction and demolition 47866
debris facility or a solid waste facility shall determine if cubic 47867
yards or tons will be used as the unit of measurement. In 47868
estimating the fee based on cubic yards, the owner or operator 47869
shall utilize either the maximum cubic yard capacity of the 47870
container, or the hauling volume of the vehicle, that transports 47871
the construction and demolition debris to the facility or the 47872
cubic yards actually logged for disposal by the owner or operator 47873
in accordance with rules adopted under section 3714.02 of the 47874
Revised Code. If basing the fee on tonnage, the owner or operator 47875
shall use certified scales to determine the tonnage of 47876
construction and demolition debris that is transported to the 47877
facility for disposal. 47878

(3) The owner or operator of a construction and demolition 47879
debris facility or a solid waste facility shall collect the fee 47880
levied under division (A) of this section as a trustee for the 47881
health district having jurisdiction over the facility, if that 47882
district is on the approved list under section 3714.09 of the 47883

Revised Code, or for the state. The owner or operator shall 47884
prepare and file with the appropriate board of health or the 47885
director of environmental protection monthly returns indicating 47886
the total volume or weight, as applicable, of construction and 47887
demolition debris received for disposal at the facility and the 47888
total amount of money required to be collected on the construction 47889
and demolition debris disposed of during that month. Not later 47890
than thirty days after the last day of the month to which the 47891
return applies, the owner or operator shall mail to the board of 47892
health or the director the return for that month together with the 47893
money required to be collected on the construction and demolition 47894
debris disposed of during that month or may submit the return and 47895
money electronically in a manner approved by the director. The 47896
owner or operator may request, in writing, an extension of not 47897
more than thirty days after the last day of the month to which the 47898
return applies. A request for extension may be denied. If the 47899
owner or operator submits the money late, the owner or operator 47900
shall pay a penalty of ten per cent of the amount of the money due 47901
for each month that it is late. 47902

(4) Of the money that is collected from a construction and 47903
demolition debris facility or a solid waste facility on a per 47904
cubic yard or per ton basis under this section, a board of health 47905
shall transmit three cents per cubic yard or six cents per ton, as 47906
applicable, to the director not later than forty-five days after 47907
the receipt of the money. The money retained by a board of health 47908
under this section shall be paid into a special fund, which is 47909
hereby created in each health district, and used solely to 47910
administer and enforce this chapter and rules adopted under it. 47911

The director shall transmit all money received from the 47912
boards of health of health districts under this section and all 47913
money from the disposal fee collected by the director under this 47914
section to the treasurer of state to be credited to the 47915

construction and demolition debris facility oversight fund, which 47916
is hereby created in the state treasury. The fund shall be 47917
administered by the director, and money credited to the fund shall 47918
be used exclusively for the administration and enforcement of this 47919
chapter and rules adopted under it. 47920

(B) The board of health of a health district or the director 47921
may enter into an agreement with the owner or operator of a 47922
construction and demolition debris facility or a solid waste 47923
facility for the quarterly payment of the money collected from the 47924
disposal fee. The board of health shall notify the director of any 47925
such agreement. Not later than forty-five days after receipt of 47926
the quarterly payment, the board of health shall transmit the 47927
amount established in division (A)(4) of this section to the 47928
director. The money retained by the board of health shall be 47929
deposited in the special fund of the district as required under 47930
that division. Upon receipt of the money from a board of health, 47931
the director shall transmit the money to the treasurer of state to 47932
be credited to the construction and demolition debris facility 47933
oversight fund. 47934

(C) If a construction and demolition debris facility or a 47935
solid waste facility is located within the territorial boundaries 47936
of a municipal corporation or the unincorporated area of a 47937
township, the municipal corporation or township may appropriate up 47938
to four cents per cubic yard or up to eight cents per ton of the 47939
disposal fee required to be paid by the facility under division 47940
(A) of this section for the same purposes that a municipal 47941
corporation or township may levy a fee under division (C) of 47942
section 3734.57 of the Revised Code. 47943

The legislative authority of the municipal corporation or 47944
township may appropriate the money from the fee by enacting an 47945
ordinance or adopting a resolution establishing the amount of the 47946
fee to be appropriated. Upon doing so, the legislative authority 47947

shall mail a certified copy of the ordinance or resolution to the 47948
board of health of the health district in which the construction 47949
and demolition debris facility or the solid waste facility is 47950
located or, if the facility is located in a health district that 47951
is not on the approved list under section 3714.09 of the Revised 47952
Code, to the director. Upon receipt of the copy of the ordinance 47953
or resolution and not later than forty-five days after receipt of 47954
money collected from the fee, the board or the director, as 47955
applicable, shall transmit to the treasurer or other appropriate 47956
officer of the municipal corporation or clerk of the township that 47957
portion of the money collected from the disposal fee by the owner 47958
or operator of the facility that is required by the ordinance or 47959
resolution to be paid to that municipal corporation or township. 47960

Money received by the treasurer or other appropriate officer 47961
of a municipal corporation under this division shall be paid into 47962
the general fund of the municipal corporation. Money received by 47963
the clerk of a township under this division shall be paid into the 47964
general fund of the township. The treasurer or other officer of 47965
the municipal corporation or the clerk of the township, as 47966
appropriate, shall maintain separate records of the money received 47967
under this division. 47968

The legislative authority of a municipal corporation or 47969
township may cease collecting money under this division by 47970
repealing the ordinance or resolution that was enacted or adopted 47971
under this division. 47972

The director shall adopt rules in accordance with Chapter 47973
119. of the Revised Code establishing requirements for prorating 47974
the amount of the fee that may be appropriated under this division 47975
by a municipal corporation or township in which only a portion of 47976
a construction and demolition debris facility is located within 47977
the territorial boundaries of the municipal corporation or 47978
township. 47979

(D) The board of county commissioners of a county in which a construction and demolition debris facility or a solid waste facility is located may appropriate up to three cents per cubic yard or up to six cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a solid waste management district may levy a fee under division (B) of section 3734.57 of the Revised Code.

The board of county commissioners may appropriate the money from the fee by adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the board of county commissioners shall mail a certified copy of the resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the resolution and not later than forty-five days after receipt of money collected from the fee, the board of health or the director, as applicable, shall transmit to the treasurer of the county that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the resolution to be paid to that county.

Money received by a county treasurer under this division shall be paid into the general fund of the county. The county treasurer shall maintain separate records of the money received under this division.

A board of county commissioners may cease collecting money under this division by repealing the resolution that was adopted under this division.

(E)(1) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if there is no

construction and demolition debris facility licensed under this 48012
chapter within thirty-five miles of the solid waste facility as 48013
determined by a facility's property boundaries. 48014

(2) This section does not apply to the disposal of 48015
construction and demolition debris at a solid waste facility that 48016
is licensed under Chapter 3734. of the Revised Code if the owner 48017
or operator of the facility chooses to collect fees on the 48018
disposal of the construction and demolition debris that are 48019
identical to the fees that are collected under Chapters 343. and 48020
3734. of the Revised Code on the disposal of solid wastes at that 48021
facility. 48022

(3) This section does not apply to the disposal of source 48023
separated materials that are exclusively composed of reinforced or 48024
nonreinforced concrete, asphalt, clay tile, building or paving 48025
brick, or building or paving stone at a construction and 48026
demolition debris facility that is licensed under this chapter 48027
when either of the following applies: 48028

(a) The materials are placed within the limits of 48029
construction and demolition debris placement at the facility as 48030
specified in the license issued to the facility under section 48031
3714.06 of the Revised Code, are not placed within the unloading 48032
zone of the facility, and are used as a fire prevention measure in 48033
accordance with rules adopted by the director under section 48034
3714.02 of the Revised Code. 48035

(b) The materials are not placed within the unloading zone of 48036
the facility or within the limits of construction and demolition 48037
debris placement at the facility as specified in the license 48038
issued to the facility under section 3714.06 of the Revised Code, 48039
but are used as fill material, either alone or in conjunction with 48040
clean soil, sand, gravel, or other clean aggregates, in legitimate 48041
fill operations for construction purposes at the facility or to 48042
bring the facility up to a consistent grade. 48043

(F) Notwithstanding any provision of law to the contrary, the fee levied under this section applies to the disposal of asbestos and asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter.

Sec. 3714.073. (A) In addition to the fee levied under division (A)(1) of section 3714.07 of the Revised Code, beginning July 1, 2005, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code the following fees:

(1) A fee of twelve and one-half cents per cubic yard or twenty-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 1515.14 of the Revised Code;

(2) A fee of thirty-seven and one-half cents per cubic yard or seventy-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in section 1502.02 of the Revised Code.

(B) The owner or operator of a construction and demolition debris facility or a solid waste facility, as a trustee of the state, shall collect the fees levied under this section and remit the money from the fees in the manner that is established in divisions (A)(2) and (3) of section 3714.07 of the Revised Code for the fee that is levied under division (A)(1) of that section and may enter into an agreement for the quarterly payment of the fees in the manner established in division (B) of that section for the quarterly payment of the fee that is levied under division

(A)(1) of that section. 48075

(C) The money that is collected from a construction and 48076
demolition debris facility or a solid waste facility and remitted 48077
to a board of health or the director of environmental protection, 48078
as applicable, pursuant to this section shall be transmitted by 48079
the board or director to the treasurer of state not later than 48080
forty-five days after the receipt of the money to be credited to 48081
the soil and water conservation district assistance fund or the 48082
recycling and litter prevention fund, as applicable. 48083

(D) This section does not apply to the disposal of 48084
construction and demolition debris at a solid waste facility that 48085
is licensed under Chapter 3734. of the Revised Code if the owner 48086
or operator of the facility chooses to collect fees on the 48087
disposal of the construction and demolition debris that are 48088
identical to the fees that are collected under Chapters 343. and 48089
3734. of the Revised Code on the disposal of solid wastes at that 48090
facility. 48091

(E) This section does not apply to the disposal of source 48092
separated materials that are exclusively composed of reinforced or 48093
nonreinforced concrete, asphalt, clay tile, building or paving 48094
brick, or building or paving stone at a construction and 48095
demolition debris facility that is licensed under this chapter 48096
when either of the following applies: 48097

(1) The materials are placed within the limits of 48098
construction and demolition debris placement at the facility as 48099
specified in the license issued to the facility under section 48100
3714.06 of the Revised Code, are not placed within the unloading 48101
zone of the facility, and are used as a fire prevention measure in 48102
accordance with rules adopted by the director under section 48103
3714.02 of the Revised Code. 48104

(2) The materials are not placed within the unloading zone of 48105

the facility or within the limits of construction and demolition 48106
debris placement at the facility as specified in the license 48107
issued to the facility under section 3714.06 of the Revised Code, 48108
but are used as fill material, either alone or in conjunction with 48109
clean soil, sand, gravel, or other clean aggregates, in legitimate 48110
fill operations for construction purposes at the facility or to 48111
bring the facility up to a consistent grade. 48112

(F) Notwithstanding any provision of law to the contrary, the 48113
fees levied under this section apply to the disposal of asbestos 48114
and asbestos-containing materials or products at a construction 48115
and demolition debris facility that is licensed under this 48116
chapter. 48117

Sec. 3714.074. The fees on the disposal of construction and 48118
demolition debris levied under sections 3714.07, 3714.071, and 48119
3714.073 of the Revised Code shall be paid by a customer to the 48120
owner or operator of a construction and demolition debris facility 48121
or solid waste facility, as applicable. The owner or operator is 48122
entitled to and may request a refund or credit of fees levied 48123
under those sections and remitted to a board of health or the 48124
director of environmental protection, as applicable, if a customer 48125
fails to pay the fees to the owner or operator. Further, the owner 48126
or operator shall not be responsible for any penalties regarding 48127
those fees. 48128

As used in this section, "customer" includes any person who 48129
contracts with or utilizes the services of a construction and 48130
demolition debris facility or solid waste facility for the 48131
disposal of construction and demolition debris. 48132

Sec. 3714.081. (A) A construction and demolition debris 48133
facility shall not accept pulverized debris. 48134

(B) The board of health of a health district in which a 48135

construction and demolition debris facility is located, the 48136
director of environmental protection, or an authorized 48137
representative of either may request the removal of pulverized 48138
debris that has been brought to the construction and demolition 48139
debris facility. A board, the director, or an authorized 48140
representative of either shall make such a request when the 48141
pulverized debris is at the unloading zone of the facility 48142
designated under rules adopted under section 3714.02 of the 48143
Revised Code and not after the debris has been disposed of on the 48144
working face of the facility. Upon the receipt of such a request, 48145
the owner or operator of the facility shall comply with section 48146
3714.083 of the Revised Code and shall do one of the following: 48147

(1) Immediately cause the pulverized debris to be removed 48148
from the facility; 48149

(2) Store the pulverized debris at a location at the facility 48150
where construction and demolition debris is not disposed of for 48151
not more than ten days after the receipt of a request to remove 48152
the debris from the facility. Not later than the end of the 48153
ten-day period, the owner or operator shall cause the pulverized 48154
debris to be removed from the facility. 48155

(C) The existence of small particles and dust in a load of 48156
construction and demolition debris does not render the load 48157
unidentifiable as construction and demolition debris. 48158

(D) As used in this section, "working face" has the same 48159
meaning as in section 3714.021 of the Revised Code. 48160

Sec. 3714.083. (A) If the owner or operator of a construction 48161
and demolition debris facility rejects a load of debris ~~that has~~ 48162
~~been accepted at the unloading zone of the facility~~ because the 48163
load is not eligible for disposal at the facility under this 48164
chapter and rules adopted under it, including section 3714.081 of 48165
the Revised Code, the owner or operator shall notify the director 48166

of environmental protection or a board of health, as applicable, 48167
of the rejection of the load. The notification shall be made in 48168
accordance with rules adopted under section 3714.02 of the Revised 48169
Code and shall include the date and time that the load was 48170
rejected, the license plate number of the vehicle transporting the 48171
rejected load as well as an indication of the state of origin of 48172
the vehicle, the name of the transporter or shipper of the load, 48173
if ascertainable, and the reason for rejecting the load. After 48174
rejecting a load, the owner or operator shall give the transporter 48175
or shipper of the load, as applicable, instructions regarding the 48176
requirements of division (B) of this section. The instructions 48177
shall be on a form prescribed by the director. 48178

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For purposes of this section, acceptance of a load of 48180
construction and demolition debris is deemed to occur when the 48181
debris is placed on the working face of a construction and 48182
demolition debris facility for final disposal. Rejection of a load 48183
of construction and demolition debris before acceptance of the 48184
load of debris is not a violation of this chapter and rules 48185
adopted under it. 48186

(B) A transporter or shipper of a load that has been rejected 48187
under division (A) of this section shall notify the director or 48188
board, as applicable, of the ultimate disposition of the load 48189
after the load's rejection. The notification shall be made in 48190
accordance with rules adopted under section 3714.02 of the Revised 48191
Code and shall include the date and time that the load was 48192
ultimately disposed of after its rejection, the location of the 48193
disposal, and the name of the owner or operator of the facility 48194
that accepted the load for disposal. 48195

Sec. 3715.87. (A) As used in this section and in sections 48196
3715.871, 3715.872, and 3715.873 of the Revised Code: 48197

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 48198
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(2) "Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 48200
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~~(2)~~(3) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 48202
48203

~~(3)~~(4) "Nonprofit clinic" means a charitable nonprofit corporation organized and operated pursuant to Chapter 1702. of the Revised Code, or any charitable organization not organized and not operated for profit, that provides health care services to indigent and uninsured persons as defined in section 2305.234 of the Revised Code. "Nonprofit clinic" does not include a hospital as defined in section 3727.01 of the Revised Code, a facility licensed under Chapter 3721. of the Revised Code, or a facility that is operated for profit. 48204
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~~(4)~~(5) "Prescription drug" means any drug to which the following applies: 48213
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(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend, "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription. 48215
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(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. 48222
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(B) The state board of pharmacy shall establish a drug repository program to accept and dispense prescription drugs donated or given for the purpose of being dispensed to individuals who are residents of this state and meet eligibility standards established in rules adopted by the board under section 3715.873 48224
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of the Revised Code. ~~Only~~ Except as provided in division (C) of 48229
this section, all of the following conditions shall apply to the 48230
program: 48231

(1) Only drugs in their original sealed and tamper-evident 48232
unit dose packaging may be accepted and dispensed. ~~The;~~ 48233

(2) The packaging must be unopened, except that drugs 48234
packaged in single unit doses may be accepted and dispensed when 48235
the outside packaging is opened if the single unit dose packaging 48236
is undisturbed. ~~Drugs;~~ 48237

(3) Drugs donated by individuals bearing an expiration date 48238
that is less than six months from the date the drug is donated 48239
shall not be accepted or dispensed. ~~A;~~ 48240

(4) A drug shall not be accepted or dispensed if there is 48241
reason to believe that it is adulterated as described in section 48242
3715.63 of the Revised Code. ~~Subject~~ 48243

(C) Orally administered cancer drugs that are not controlled 48244
substances and that do not require refrigeration, freezing, or 48245
storage at a special temperature may be accepted and dispensed 48246
even if not in original sealed and tamper-evident unit dose 48247
packaging, subject to rules adopted by the board pursuant to 48248
section 3715.873 of the Revised Code. 48249

(D) Subject to the limitations specified in ~~this division~~ 48250
divisions (B) and (C) of this section, unused drugs dispensed for 48251
purposes of the medicaid program may be accepted and dispensed 48252
under the drug repository program. 48253

Sec. 3715.871. (A) Any person, including a pharmacy, drug 48254
manufacturer, or health care facility, or any government entity 48255
may donate or give prescription drugs to the drug repository 48256
program. The drugs must be donated or given at a pharmacy, 48257
hospital, or nonprofit clinic that elects to participate in the 48258

drug repository program and meets criteria for participation in 48259
the program established in rules adopted by the state board of 48260
pharmacy under section 3715.873 of the Revised Code. Participation 48261
in the program by pharmacies, hospitals, and nonprofit clinics is 48262
voluntary. Nothing in this or any other section of the Revised 48263
Code requires a pharmacy, hospital, or nonprofit clinic to 48264
participate in the program. 48265

(B) A pharmacy, hospital, or nonprofit clinic eligible to 48266
participate in the program shall dispense drugs donated or given 48267
under this section to individuals who are residents of this state 48268
and meet the eligibility standards established in rules adopted by 48269
the board under section 3715.873 of the Revised Code or to other 48270
government entities and nonprofit private entities to be dispensed 48271
to individuals who meet the eligibility standards. A drug may be 48272
dispensed only pursuant to a prescription issued by a licensed 48273
health professional authorized to prescribe drugs, as defined in 48274
section 4729.01 of the Revised Code. A pharmacy, hospital, or 48275
nonprofit clinic that accepts donated or given drugs shall comply 48276
with all applicable federal laws and laws of this state dealing 48277
with storage and distribution of dangerous drugs and shall, in 48278
accordance with rules adopted pursuant to section 3715.873 of the 48279
Revised Code, inspect all drugs prior to dispensing them to 48280
determine that they are not adulterated. The pharmacy, hospital, 48281
or nonprofit clinic may charge individuals receiving donated or 48282
given drugs a handling fee established in accordance with rules 48283
adopted by the board under section 3715.873 of the Revised Code. 48284
Drugs donated or given to the repository may not be resold. 48285

Sec. 3715.873. In consultation with the director of health, 48286
the state board of pharmacy shall adopt rules governing the drug 48287
repository program that establish all of the following: 48288

(A) Eligibility criteria for pharmacies, hospitals, and 48289

nonprofit clinics to receive and dispense drugs donated or given	48290
under the program;	48291
(B) Standards and procedures for accepting, safely storing,	48292
and dispensing drugs donated or given;	48293
(C) Standards <u>With respect to drugs that are donated or</u>	48294
<u>given, other than orally administered cancer drugs described in</u>	48295
<u>division (C) of section 3715.87 of the Revised Code that are not</u>	48296
<u>in original sealed and tamper-evident unit dose packaging,</u>	48297
<u>standards</u> and procedures for inspecting <u>the</u> drugs donated or given	48298
to determine that the original unit dose packaging is sealed and	48299
tamper-evident and that the drugs are unadulterated, safe, and	48300
suitable for dispensing;	48301
(D) <u>With respect to orally administered cancer drugs</u>	48302
<u>described in division (C) of section 3715.87 of the Revised Code</u>	48303
<u>that are not in original sealed and tamper-evident unit dose</u>	48304
<u>packaging, standards and procedures to determine based on a basic</u>	48305
<u>visual inspection that the drugs appear to be unadulterated, safe,</u>	48306
<u>and suitable for dispensing;</u>	48307
(E) Eligibility standards based on economic need for	48308
individuals to receive drugs;	48309
(E) (F) A means, such as an identification card, by which an	48310
individual who is eligible to receive drugs under the program may	48311
demonstrate eligibility to the pharmacy, hospital, or nonprofit	48312
clinic dispensing the drugs;	48313
(F) (G) A form that an individual receiving a drug under the	48314
program must sign before receiving the drug to confirm that the	48315
individual understands the immunity provisions of the program;	48316
(G) (H) A formula to determine the amount of a handling fee	48317
that pharmacies, hospitals, and nonprofit clinics may charge to	48318
drug recipients to cover restocking and dispensing costs;	48319

~~(H)~~(I) In addition, for drugs donated or given to the program 48320
by individuals: 48321

(1) A list of drugs, arranged either by category or by 48322
individual drug, that the program will accept from individuals~~+~~. 48323
The list shall include orally administered cancer drugs that are 48324
described in division (C) of section 3715.87 of the Revised Code. 48325

(2) A list of drugs, arranged either by category or by 48326
individual drug, that the program will not accept from 48327
individuals. The list shall not include orally administered cancer 48328
drugs that are described in division (C) of section 3715.87 of the 48329
Revised Code. The list must include a statement as to why the drug 48330
is ineligible to be donated or given. 48331

(3) A form each donor must sign stating that the donor is the 48332
owner of the drugs and intends to voluntarily donate them to the 48333
program. 48334

~~(I)~~(J) In addition, for drugs donated to the program by 48335
health care facilities: 48336

(1) A list of drugs, arranged either by category or by 48337
individual drug, that the program will accept from health care 48338
facilities~~+~~. The list shall include orally administered cancer 48339
drugs that are described in division (C) of section 3715.87 of the 48340
Revised Code. 48341

(2) A list of drugs, arranged either by category or by 48342
individual drug, that the program will not accept from health care 48343
facilities. The list shall not include orally administered cancer 48344
drugs that are described in division (C) of section 3715.87 of the 48345
Revised Code. The list must include a statement as to why the drug 48346
is ineligible to be donated or given. 48347

~~(J)~~(K) Any other standards and procedures the board considers 48348
appropriate. 48349

The rules shall be adopted in accordance with Chapter 119. of 48350
the Revised Code. 48351

Sec. 3717.01. As used in this chapter: 48352

(A) "Ohio uniform food safety code" means the food safety and 48353
related standards adopted under section 3717.05 of the Revised 48354
Code. 48355

(B) "Food" means any raw, cooked, or processed edible 48356
substance used or intended for use in whole or in part for human 48357
consumption. "Food" includes ice, water or any other beverage, 48358
food ingredients, and chewing gum. 48359

(C) "Retail food establishment" means a premises or part of a 48360
premises where food is stored, processed, prepared, manufactured, 48361
or otherwise held or handled for retail sale. Except when 48362
expressly provided otherwise, "retail food establishment" includes 48363
a mobile retail food establishment, seasonal retail food 48364
establishment, and temporary retail food establishment. 48365

As used in this division: 48366

(1) "Retail" means the sale of food to a person who is the 48367
ultimate consumer. 48368

(2) "Prepared" means any action that affects a food, 48369
including receiving and maintaining it at the temperature at which 48370
it was received. 48371

(D) "Seasonal retail food establishment" means a retail food 48372
establishment, other than a mobile retail food establishment, that 48373
is operated for not more than six months in a licensing period. 48374

(E) "Temporary retail food establishment" means a retail food 48375
establishment that is operated at an event for not more than five 48376
consecutive days, except when operated for more than five 48377
consecutive days pursuant to division (E)(2) of section 3717.23 of 48378
the Revised Code. 48379

(F) "Food service operation" means a place, location, site, 48380
or separate area where food intended to be served in individual 48381
portions is prepared or served for a charge or required donation. 48382
As used in this division, "served" means a response made to an 48383
order for one or more individual portions of food in a form that 48384
is edible without washing, cooking, or additional preparation and 48385
"prepared" means any action that affects a food other than 48386
receiving or maintaining it at the temperature at which it was 48387
received. 48388

Except when expressly provided otherwise, "food service 48389
operation" includes a catering food service operation, food 48390
delivery sales operation, mobile food service operation, seasonal 48391
food service operation, temporary food service operation, and 48392
vending machine location. 48393

(G) "Catering food service operation" means a food service 48394
operation where food is prepared for serving at a function or 48395
event held at an off-premises site, for a charge determined on a 48396
per-function or per-event basis. 48397

(H) "Food delivery sales operation" means a food service 48398
operation from which individual portions of food are ordered by a 48399
customer, prepared at another food service operation or a retail 48400
food establishment, and delivered to the customer by a person 48401
other than an employee of the food service operation or retail 48402
food establishment that prepared the food. 48403

(I) "Mobile food service operation" means a food service 48404
operation that is operated from a movable vehicle, portable 48405
structure, or watercraft and that routinely changes location, 48406
except that if the operation remains at any one location for more 48407
than forty consecutive days, the operation is no longer a mobile 48408
food service operation. "Mobile food service operation" includes a 48409
food service operation that does not remain at any one location 48410
for more than forty consecutive days and serves, in a manner 48411

consistent with division (F) of this section, only frozen 48412
desserts; beverages, nuts, popcorn, candy, or similar confections; 48413
bakery products identified in section 911.01 of the Revised Code; 48414
or any combination of those items. 48415

(J) "Seasonal food service operation" means a food service 48416
operation, other than a mobile food service operation, that is 48417
operated for not more than six months in a licensing period. 48418

(K) "Temporary food service operation" means a food service 48419
operation that is operated at an event for not more than five 48420
consecutive days, except when operated for more than five 48421
consecutive days pursuant to division (E)(2) of section 3717.43 of 48422
the Revised Code. 48423

(L) "Vending machine location" means an area or room where 48424
one or more vending machines are installed and operated, except 48425
that if the machines within an area are separated by more than one 48426
hundred fifty feet, each area separated by that distance 48427
constitutes a separate vending machine location. As used in this 48428
division, "vending machine" means a self-service device that 48429
automatically dispenses on the insertion of currency, tokens, or 48430
similar means a predetermined unit serving of food, either in bulk 48431
or in package, without having to be replenished after each use. 48432

(M) "Board of health" means a board of health of a city or 48433
general health district or the authority having the duties of a 48434
board of health under section 3709.05 of the Revised Code. 48435

(N) "Government entity" means this state, a political 48436
subdivision of this state, another state, or a political 48437
subdivision or other local government body of another state. 48438

(O) "Licensor" means ~~one~~ either of the following: 48439

(1) A board of health approved under section 3717.11 of the 48440
Revised Code; 48441

(2) ~~The director of agriculture acting pursuant to section 3717.11 of the Revised Code with respect to the licensing of retail food establishments;~~ 48442
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~~(3) The director of health acting pursuant to section 3717.11 of the Revised Code with respect to the licensing of food service operations.~~ 48445
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(P) "Licensing period" means the first day of March to the last day of February of the next succeeding year. 48448
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(Q) "Mobile retail food establishment" means a retail food establishment that is operated from a movable vehicle or other portable structure, and that routinely changes location, except that if the establishment operates from any one location for more than forty consecutive days, the establishment is no longer a mobile retail food establishment. 48450
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(R) "Unprocessed," when used with respect to fruits and vegetables, means that the fruits and vegetables are not processed beyond merely rough trimming and rinsing. 48456
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(S) "Cottage food production operation" has the same meaning as in division (A)(20) of section 3715.01 of the Revised Code. 48459
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Sec. 3717.02. (A) There is hereby created the retail food safety advisory council. The council shall consist of the ~~director of agriculture or a person the director designates to serve on the director's behalf,~~ the director of health or a person the director designates to serve on the director's behalf, and twelve additional members appointed ~~jointly~~ by the ~~director of agriculture and the director of health,~~ as follows: 48461
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(1) Three persons representing the interests of retail food establishments; 48468
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(2) Three persons representing the interests of food service operations; 48470
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(3) Four persons representing boards of health or the health departments operated by boards of health; 48472
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(4) One person representing the academic community who is knowledgeable in food science or food technology; 48474
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(5) One person representing the general public who is not employed by this state or any of its political subdivisions and has no pecuniary interest in a retail food establishment or food service operation. 48476
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(B) In making appointments to the council, the ~~director of agriculture and~~ director of health shall ~~jointly~~ consult with statewide trade and professional organizations that represent the interests of retail food establishments and food service operations. The organizations may nominate persons to be considered for appointment as council members. 48480
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(C) Of the initial appointments made to the council, five shall be for terms ending three years after appointment, four shall be for terms ending two years after appointment, and three shall be for terms ending one year after appointment. Thereafter, terms of office shall be three years. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. 48486
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Vacancies shall be filled in the manner provided for original appointments. A member appointed to fill a vacancy occurring before the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office after the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. 48493
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(D) A member may be removed from office for failing to attend two consecutive council meetings without showing good cause for 48501
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the absences. Removal from office requires ~~joint~~ action by the 48503
~~director of agriculture and~~ director of health. 48504

(E) The ~~director of agriculture or the person the director~~ 48505
~~designates to serve on the director's behalf, and the~~ director of 48506
health or the person the director designates to serve on the 48507
director's behalf, ~~shall serve as the council's co-chairpersons~~ 48508
chairperson without voting rights. A two-thirds majority vote of 48509
the council's voting members is necessary for the council to act 48510
on any matter. 48511

(F) Members shall be reimbursed for actual and necessary 48512
expenses incurred in performing duties as members. The expenses 48513
shall be ~~shared equally~~ paid by the ~~department of agriculture and~~ 48514
~~the department of health. Both departments~~ The department shall 48515
provide administrative support to the council. 48516

(G) The retail food safety advisory council is not subject to 48517
sections 101.82 to 101.87 of the Revised Code. 48518

Sec. 3717.03. (A) The retail food safety advisory council 48519
shall meet as necessary to fulfill its duties, which include all 48520
the following: 48521

(1) Making recommendations for the Ohio uniform food safety 48522
code; 48523

(2) Examining specific food safety issues raised by the 48524
~~director of agriculture or~~ director of health and making 48525
recommendations regarding those issues; 48526

(3) ~~Mediating unresolved issues among state agencies about~~ 48527
~~the interpretation of rules adopted under this chapter and making~~ 48528
~~recommendations regarding the issues;~~ 48529

~~(4)~~ Reviewing all comments on and requests for interpretation 48530
of the Ohio uniform food safety code, as submitted by any holder 48531
of a license issued under this chapter or any other person or 48532

government entity; 48533

~~(5)~~(4) Making recommendations to the ~~director of agriculture~~ 48534
~~and~~ director of health for use in issuing ~~joint~~ letters of opinion 48535
pursuant to section 3717.041 of the Revised Code; 48536

~~(6)~~(5) Making recommendations to the ~~director of agriculture~~ 48537
~~and~~ director of health with respect to improving the food safety 48538
awareness of consumers and their confidence in the state's food 48539
supply; 48540

~~(7)~~(6) Making recommendations to the ~~director of agriculture~~ 48541
~~and~~ director of health regarding the licensing categories and 48542
inspection frequencies to be used in regulating retail food 48543
establishments and food service operations; 48544

~~(8)~~(7) Making recommendations to the director of health with 48545
respect to the program for certification of individuals in food 48546
protection and approval of courses in food protection. 48547

(B) The council shall hold a meeting ~~at the request of the~~ 48548
~~director of agriculture,~~ at the request of the director of health, 48549
or on written request of three or more voting members of the 48550
council. 48551

(C) In fulfilling its duties under division (A)~~(4)~~(3) of this 48552
section, the council shall accept comments and requests regardless 48553
of whether they are made publicly or anonymously. For purposes of 48554
accepting comments and requests at times other than council 48555
meetings, the council shall maintain and publicize a mailing 48556
address. 48557

Sec. 3717.04. The ~~director of agriculture,~~ the public health 48558
council, and the director of health have the exclusive power in 48559
this state to adopt rules regarding retail food establishments and 48560
food service operations. The rules adopted under this chapter 48561
shall be applied uniformly throughout this state. 48562

All rules adopted under this chapter shall be adopted in 48563
accordance with Chapter 119. of the Revised Code. Subject to the 48564
approval of the joint committee on agency rule review, portions of 48565
the rules may be adopted by referencing all or any part of any 48566
federal regulations pertaining to food safety. 48567

Sec. 3717.041. To assist in the uniform application of the 48568
rules adopted under this chapter, the ~~director of agriculture and~~ 48569
director of health shall ~~jointly~~ issue a letter of opinion when 48570
issuance of a letter of opinion is recommended by the retail food 48571
safety advisory council under section 3717.03 of the Revised Code. 48572
A letter of opinion shall be issued not later than sixty days 48573
after the date the recommendation is received from the council. 48574

Each letter of opinion shall provide a detailed 48575
interpretation of the rules that are the subject of the retail 48576
food safety advisory council's recommendation. Unless rules are 48577
adopted under this chapter that override the interpretation 48578
expressed in a letter of opinion, the interpretation shall be 48579
binding and applied uniformly throughout this state. 48580

Sec. 3717.05. (A) The ~~director of agriculture and the public~~ 48581
health council shall adopt rules establishing standards for safe 48582
food handling and sanitation in retail food establishments and 48583
food service operations. The rules shall be compiled as the Ohio 48584
uniform food safety code, which shall be used by the licensors of 48585
retail food establishments and food service operations in ensuring 48586
the safe handling of food in this state. ~~All scientific provisions~~ 48587
~~of the Ohio uniform food safety code that are relevant to both~~ 48588
~~retail food establishments and food service operations shall be~~ 48589
~~adopted by the director of agriculture and the public health~~ 48590
~~council with each other's concurrence.~~ 48591

The Ohio uniform food safety code shall include the 48592

following:	48593
(1) Criteria for sanitation in retail food establishments and food service operations;	48594 48595
(2) Criteria for equipment in retail food establishments and food service operations;	48596 48597
(3) Criteria for reviewing the facility layout and equipment specifications of retail food establishments and food service operations;	48598 48599 48600
(4) A definition of "potentially hazardous" as it pertains to food in retail food establishments and to food in food service operations;	48601 48602 48603
(5) Criteria to be used in evaluating the primary business of a person or government entity for purposes of determining whether the person or entity should be licensed as a retail food establishment or food service operation.	48604 48605 48606 48607
(B)(1) Except as provided in division (B)(2) of this section, if a model food code is established by the United States food and drug administration, the Ohio uniform food safety code shall be based on the most current version of the food and drug administration's model food code. If the food and drug administration adopts, modifies, or rescinds a provision in the model food code, not later than twelve months after the administration's action, the director of agriculture and public health council shall adopt, amend, or rescind provisions in the Ohio uniform food safety code to ensure that it continues to conform with the model food code.	48608 48609 48610 48611 48612 48613 48614 48615 48616 48617 48618
(2) The Ohio uniform food safety code may contain or omit provisions that do not correspond to the food and drug administration's model food code if the director of agriculture or the public health council, with each other's concurrence, determines either of the following:	48619 48620 48621 48622 48623

(a) That rules can be adopted under this chapter that provide 48624
protection at least as effective as that which would be provided 48625
by basing the rules on the model food code; 48626

(b) That local conditions warrant the adoption of standards 48627
that are different from the model food code. 48628

Sec. 3717.06. ~~The director of agriculture shall create within~~ 48629
~~the department of agriculture a position to be filled by an~~ 48630
~~individual knowledgeable in food safety and the epidemiology of~~ 48631
~~foodborne illness.~~ The director of health shall create within the 48632
department of health a position to be filled by an individual 48633
knowledgeable in food safety, food safety rules concerning food 48634
service operations, and the epidemiology of foodborne illness. The 48635
~~individuals appointed to these positions shall serve as liaisons~~ 48636
~~between the departments.~~ They individual shall also serve as the 48637
~~departments' liaisons~~ department's liaison with other state 48638
agencies, boards of health, representatives of retail and other 48639
food establishments, representatives of food service operations, 48640
and the federal government. 48641

Sec. 3717.07. (A) For purposes of establishing a licensing 48642
fee under sections 3717.25 and 3717.45 of the Revised Code, ~~the~~ 48643
~~director of agriculture and~~ the public health council shall adopt 48644
rules establishing uniform methodologies for use in calculating 48645
the costs of licensing retail food establishments in the 48646
categories specified by the ~~director~~ council and the costs of 48647
licensing food service operations in the categories specified by 48648
the council. In adopting the rules, ~~the director of agriculture~~ 48649
~~and~~ the public health council shall consider any recommendations 48650
received from advisory boards or other entities representing the 48651
interests of retail food establishments and food service 48652
operations. 48653

(B) The rules shall include provisions that do all of the following: 48654
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(1) Provide for calculations to be made according to fiscal years rather than licensing periods; 48656
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(2) Limit the direct costs that may be attributed to the use of sanitarians by establishing appropriate statewide averages that may not be exceeded; 48658
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(3) Limit the indirect costs that may be included in the calculation of fees to an amount that does not exceed thirty per cent of the cost of the licensing program; 48661
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(4) Provide for a proportionate reduction in the fees to be charged if a licensor included anticipated costs in the immediately preceding calculation of licensing fees and the total amount of the anticipated costs was not incurred; 48664
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(5) Provide for a proportionate reduction in the fees to be charged if it is discovered through an audit by the auditor of state or through any other means that the licensor has charged or is charging a licensing fee that exceeds the amount that should have been charged; 48668
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(6) Provide for a twenty per cent reduction in the fees to be charged when the reduction is imposed as a penalty under division (C) of section 3717.071 of the Revised Code; 48673
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(7) With regard to any fees charged for licensing vending machine locations, ~~the rules shall~~ prohibit a licensor from increasing fees by a percentage of increase over the previous year's fee that exceeds the percentage of increase in the consumer price index for all urban consumers (United States city average, all items), prepared by the United States department of labor, bureau of labor statistics, for the immediately preceding calendar year. 48676
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Sec. 3717.071. (A) The ~~director of agriculture and~~ director 48684
of health shall prescribe forms for use in calculating the 48685
licensing fees that may be charged under sections 3717.25 and 48686
3717.45 of the Revised Code. Each licensor that charges licensing 48687
fees shall use the forms in calculating its costs according to the 48688
uniform methodologies established in rules adopted under section 48689
3717.07 of the Revised Code. 48690

(B)(1) If the licensor is a board of health, the board shall 48691
submit the form to ~~the director of agriculture in the case of fees~~ 48692
~~being charged for retail food establishment licenses, and to the~~ 48693
director of health ~~in the case of fees being charged for food~~ 48694
~~service operation licenses.~~ The board shall submit the form to the 48695
appropriate director not later than the first day of the fiscal 48696
year in which the fees will apply. A form that is mailed to the 48697
director shall be considered to have been submitted on its 48698
postmark date. 48699

(2) On receipt of a form from a board of health, the ~~director~~ 48700
~~of agriculture or~~ director of health shall review the form to 48701
determine if the board has calculated its fees in accordance with 48702
the uniform methodologies. The director may request that the 48703
auditor of state conduct an audit of the board to determine if the 48704
fees it established are appropriate. The audit is in addition to 48705
the annual or biennial audit conducted pursuant to division (A) of 48706
section 117.11 of the Revised Code, and the cost of the audit is 48707
the responsibility of the board of health. If at any time the 48708
~~director of agriculture or~~ director of health has reasonable cause 48709
to believe that a different audit of a board of health is in the 48710
public interest, the director may request that the auditor of 48711
state conduct the audit. If the audit is conducted, the cost of 48712
the audit is the responsibility of the board of health. 48713

(C)(1) If a board of health fails to submit the forms as 48714

required under division (B)(1) of this section and the failure has 48715
occurred not more than twice in the immediately preceding 48716
five-year period, the board is subject to the following penalties: 48717

(a) If the form is late by one but not more than five working 48718
days, a fine of fifty dollars for each working day the form is 48719
late; 48720

(b) If the form is late by six working days but not more than 48721
ten working days, a fine of one hundred dollars for each working 48722
day the form is late; 48723

(c) If the form is late by more than ten working days, the 48724
board shall reduce by twenty per cent the fees it charges under 48725
section 3717.25 or 3717.45 of the Revised Code during the next 48726
succeeding fiscal year. 48727

(2) If a board fails to submit the forms and the failure has 48728
occurred more than twice in the immediately preceding five-year 48729
period, the board shall reduce by twenty per cent the fees it 48730
charges under section 3717.25 or 3717.45 of the Revised Code 48731
during the next succeeding fiscal year. 48732

(3) A board of health that is required to pay a fine or 48733
reduce its licensing fees shall not include any part of the cost 48734
of the penalty in the fees it charges under section 3717.25 or 48735
3717.45 of the Revised Code or the fees it charges in operating 48736
any other licensing program. 48737

Sec. 3717.08. (A) The ~~director of agriculture and~~ director of 48738
health shall strive to increase consumer confidence in the state's 48739
food supply by promoting food safety awareness and education. The 48740
efforts of the ~~director of agriculture and~~ director of health 48741
shall be made, when appropriate and available, through 48742
partnerships with representatives of retail food establishments, 48743
representatives of food service operations, and representatives of 48744

the academic community, including the Ohio state university 48745
extension service. 48746

(B) As part of ~~their~~ the promotion of food safety awareness, 48747
~~the director of agriculture and the director of health~~ shall do 48748
both of the following: 48749

(1) Develop training programs regarding the Ohio uniform food 48750
safety code. The ~~directors~~ director may offer the training 48751
programs separately but shall coordinate the content of the 48752
programs to the greatest extent practicable. The training programs 48753
shall be made available to the ~~employees of the department of~~ 48754
~~agriculture~~, employees of the department of health, 48755
representatives of boards of health and the health officials 48756
employed by the boards, representatives of retail food 48757
establishments, and representatives of food service operations. 48758

(2) Co-sponsor a biennial statewide food safety conference. 48759
Additional statewide food safety conferences may be held as 48760
considered appropriate by the ~~director of agriculture and~~ director 48761
~~of health~~. 48762

Sec. 3717.11. (A) Each board of health shall be surveyed for 48763
the purpose of determining whether the board is qualified and has 48764
the capacity to administer and enforce this chapter and the rules 48765
adopted under it and to abide by the Ohio uniform food safety 48766
code. ~~If the board licenses or proposes to license retail food~~ 48767
~~establishments, the survey shall be conducted by the director of~~ 48768
~~agriculture. If the board licenses or proposes to license food~~ 48769
~~service operations, the~~ The survey shall be conducted by the 48770
director of health. 48771

Each board shall be surveyed by ~~each~~ the director at least 48772
once every three years. ~~Surveys~~ A survey shall be conducted in 48773
accordance with rules adopted under sections 3717.33 and 3717.52 48774
of the Revised Code, as applicable. The ~~directors~~ director shall 48775

schedule and conduct ~~their surveys~~ the survey in a manner that 48776
minimizes, to the extent practicable, intrusion on and 48777
inconvenience to the board. 48778

If a survey demonstrates that the board is qualified and has 48779
the requisite capacity, the director ~~conducting the survey~~ shall 48780
approve the board as the licenser of retail food establishments or 48781
food service operations, whichever is being considered, for the 48782
district the board serves. If a survey demonstrates that a board 48783
is not qualified or does not have the requisite capacity, the 48784
director ~~conducting the survey~~ shall not approve the board as a 48785
licenser, or shall revoke the director's approval, whichever is 48786
appropriate. The board may appeal the decision to deny or revoke 48787
approval to the director ~~taking the action~~. The appeal shall be 48788
conducted in accordance with rules adopted under section 3717.33 48789
or 3717.52 of the Revised Code, as applicable. 48790

If approval is denied or revoked, the director ~~taking the~~ 48791
~~action~~ shall designate an alternative licenser for the health 48792
district served by the board. The alternative licenser shall be a 48793
board of health that is qualified and has the requisite capacity 48794
to serve as alternative licenser, except that if a qualified and 48795
capable board is not available from a health district within 48796
reasonable proximity, the director ~~that denied or revoked the~~ 48797
~~board's approval~~ shall act as the alternative licenser. 48798

(B) When the approval of a board is revoked, all valid 48799
licenses issued by that board for retail food establishments or 48800
food service operations, whichever have been affected, shall be 48801
treated as though issued by the alternative licenser. The licenses 48802
shall remain valid until scheduled to expire unless earlier 48803
suspended or revoked by the alternative licenser. 48804

(C) All fees charged under section 3717.25 or 3717.45 of the 48805
Revised Code that have not been expended by a board that has had 48806
its approval revoked shall be transferred to the alternative 48807

licensor. A board of health acting as alternative licensor shall 48808
deposit the fees into a special fund it establishes for receipt of 48809
funds pertaining to the district for which it is acting as 48810
licensor. ~~If the director of agriculture is acting as licensor,~~ 48811
~~the director shall deposit the fees in the food safety fund~~ 48812
~~created in section 915.24 of the Revised Code.~~ If the director of 48813
~~health~~ is acting as licensor, the director shall deposit the fees 48814
in the general operations fund created in section 3701.83 of the 48815
Revised Code. All subsequent fees charged in the district by the 48816
alternative licensor shall be deposited in the same manner. Moneys 48817
deposited under this division shall be used solely for the 48818
administration and enforcement of this chapter and the rules 48819
adopted under it in the district for which the alternative 48820
licensor is acting as licensor. 48821

(D)(1) A board that has had its approval to act as a licensor 48822
revoked may submit a request to the director ~~who revoked the~~ 48823
~~approval~~ to be reinstated as a licensor. The request shall be in 48824
writing and shall specify the corrective measures the board has 48825
taken and a proposed plan of action to remedy any remaining causes 48826
of the revocation. The director may reinstate the board as a 48827
licensor if all of the following occur: 48828

(a) The board pays or arranges to pay the alternative 48829
licensor or director, as applicable, for costs incurred in acting 48830
as licensor for the district and in transferring responsibility 48831
for the district to the board, if those costs exceed the moneys 48832
available under division (C) of this section for the district. 48833

(b) The board corrects all causes of the revocation. 48834

(c) The alternative licensor consents to the reinstatement. 48835

(2) The reinstatement of a board as a licensor shall be 48836
conducted in accordance with procedures established in rules 48837
adopted under this chapter by the director ~~who revoked the~~ 48838

approval. 48839

Sec. 3717.111. (A) A board of health acting as a licensor of 48840
retail food establishments or food service operations may withdraw 48841
from serving as licensor of either or both. Before withdrawing as 48842
licensor, the board shall provide written notice of its intent to 48843
withdraw. ~~If the withdrawal applies to the licensing of retail~~ 48844
~~food establishments, the board shall provide the notice to the~~ 48845
~~director of agriculture. If the withdrawal applies to the~~ 48846
~~licensing of food service operations, the board shall provide the~~ 48847
~~notice~~ to the director of health. On receipt of the notice, the 48848
~~responsible~~ director shall designate an alternative licensor for 48849
the health district served by the board. The alternative licensor 48850
shall be a board of health that is qualified and has the requisite 48851
capacity to serve as alternative licensor, except that if a 48852
qualified and capable board is not available from a health 48853
district within reasonable proximity, the ~~director of agriculture~~ 48854
~~or~~ director ~~of health, as appropriate,~~ shall act as the 48855
alternative licensor. 48856

(B) When a board withdraws as licensor, all valid licenses 48857
issued by that board for retail food establishments or food 48858
service operations, whichever have been affected, shall be treated 48859
as though issued by the alternative licensor. The licenses shall 48860
remain valid until scheduled to expire unless earlier suspended or 48861
revoked by the alternative licensor. 48862

(C) All fees charged under section 3717.25 or 3717.45 of the 48863
Revised Code that have not been expended by a board that has 48864
withdrawn as licensor shall be transferred to the alternative 48865
licensor. A board of health acting as alternative licensor shall 48866
deposit the fees into a special fund it establishes for receipt of 48867
funds pertaining to the district for which it is acting as 48868
licensor. ~~If the director of agriculture is acting as licensor,~~ 48869

~~the director shall deposit the fees in the food safety fund~~ 48870
~~created in section 915.24 of the Revised Code.~~ If the director of 48871
~~health~~ is acting as licensor, the director shall deposit the fees 48872
in the general operations fund created in section 3701.83 of the 48873
Revised Code. All subsequent fees charged in the district by the 48874
alternative licensor shall be deposited in the same manner. Moneys 48875
deposited under this division shall be used solely for the 48876
administration and enforcement of this chapter and the rules 48877
adopted under it in the district for which the alternative 48878
licensor is acting as licensor. 48879

Sec. 3717.22. (A) The following are not retail food 48880
establishments: 48881

(1) A food service operation licensed under this chapter, 48882
including a food service operation that provides the services of a 48883
retail food establishment pursuant to an endorsement issued under 48884
section 3717.44 of the Revised Code; 48885

(2) An entity exempt under divisions (B)(1) to (9) or (11) to 48886
(13) of section 3717.42 of the Revised Code from the requirement 48887
to be licensed as a food service operation and an entity exempt 48888
under division (B)(10) of that section if the entity is regulated 48889
by the department of agriculture as a food processing 48890
establishment under section 3715.021 of the Revised Code; 48891

(3) A business or that portion of a business that is 48892
regulated by the federal government or the department of 48893
agriculture as a food manufacturing or food processing business, 48894
including a business or that portion of a business regulated by 48895
the department of agriculture under Chapter 911., 913., 915., 48896
917., 918., or 925. of the Revised Code. 48897

(B) All of the following are exempt from the requirement to 48898
be licensed as a retail food establishment: 48899

- (1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet; 48900
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- (2) A person at a farmers market that is registered with the director of ~~agriculture~~ health pursuant to section 3717.221 of the Revised Code that offers for sale only one or more of the following: 48903
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- (a) Fresh unprocessed fruits or vegetables; 48907
- (b) Products of a cottage food production operation; 48908
- (c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code; 48909
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- (d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market. 48912
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- (3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed; 48917
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- (4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods that are not potentially hazardous for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions. 48919
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- (5) An establishment that offers food contained in displays 48929

of less than five hundred square feet, and if required to be 48930
licensed would be classified as risk level one pursuant to rules 48931
establishing licensing categories for retail food establishments 48932
adopted under section 3717.33 of the Revised Code, on the 48933
condition that the establishment offers the food for sale at 48934
retail not more than six months in each calendar year; 48935

(6) A cottage food production operation, on the condition 48936
that the operation offers its products directly to the consumer 48937
from the site where the products are produced; 48938

(7) A maple syrup and sorghum processor and beekeeper 48939
described in division (A) of section 3715.021 of the Revised Code, 48940
on the condition that the processor or beekeeper offers only maple 48941
syrup, sorghum, or honey directly to the consumer from the site 48942
where those products are processed; 48943

(8) A person who annually maintains five hundred or fewer 48944
birds, on the condition that the person offers the eggs from those 48945
birds directly to the consumer from the location where the eggs 48946
are produced or at a farm product auction to which division 48947
(B)(11) of this section applies; 48948

(9) A person who annually raises and slaughters one thousand 48949
or fewer chickens, on the condition that the person offers dressed 48950
chickens directly to the consumer from the location where the 48951
chickens are raised and slaughtered or at a farm product auction 48952
to which division (B)(11) of this section applies; 48953

(10) A person who raises, slaughters, and processes the meat 48954
of nonamenable species described in divisions (A) and (B) of 48955
section 918.12 of the Revised Code, on the condition that the 48956
person offers the meat directly to the consumer from the location 48957
where the meat is processed or at a farm product auction to which 48958
division (B)(11) of this section applies; 48959

(11) A farm product auction, on the condition that it is 48960

registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm product auction only one or more of the following:

(a) The products described in divisions (B)(8) to (10) of this section that are produced, raised, slaughtered, or processed, as appropriate, by persons described in divisions (B)(8) to (10) of this section;

(b) Fresh unprocessed fruits or vegetables;

(c) Products of a cottage food production operation;

(d) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code.

(12) An establishment that, with respect to offering food for sale, offers only alcoholic beverages or prepackaged beverages that are not potentially hazardous;

(13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the total space of which equals less than two hundred cubic feet on the premises of the establishment;

(14) An establishment that, with respect to offering food for sale, offers only fountain beverages that are not potentially hazardous;

(15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:

(a) Fresh unprocessed fruits or vegetables;	48991
(b) Products of a cottage food production operation;	48992
(c) Maple syrup, sorghum, or honey if produced by a maple syrup or sorghum processor or beekeeper as described in division	48993 48994
(A) of section 3715.021 of the Revised Code;	48995
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;	48996 48997 48998 48999
(e) Fruit butter produced at the festival or celebration and sold from the production site.	49000 49001
(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:	49002 49003 49004 49005
(a) Fresh unprocessed fruits or vegetables;	49006
(b) Products of a cottage food production operation;	49007
(c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division	49008 49009
(A) of section 3715.021 of the Revised Code;	49010
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	49011 49012 49013 49014 49015
(e) Cider and other juices manufactured on site at the farm market;	49016 49017
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and	49018 49019 49020

further conditioned that, with respect to eggs offered, the person 49021
offering to sell them annually maintains five hundred or fewer 49022
birds, and with respect to dressed chickens offered, the person 49023
annually raises and slaughters one thousand or fewer chickens. 49024

Sec. 3717.221. (A) Any of the following may register with the 49025
director of ~~agriculture~~ health: 49026

(1) A farm market, which is a location where a producer 49027
offers fruits, vegetables, and other items for sale; 49028

(2) A farmers market, which is a location where producers 49029
congregate to offer fruits, vegetables, and other items for sale; 49030

(3) A farm product auction, which is a location where 49031
agricultural products, including food products, are offered for 49032
sale at auction. 49033

(B) The director shall inspect each farm market, farmers 49034
market, and farm product auction that registers under this 49035
section. Inspections shall occur at a frequency considered 49036
appropriate by the director and shall be conducted in accordance 49037
with sanitation standards established in rules adopted under this 49038
section. 49039

(C) The director shall adopt rules in accordance with Chapter 49040
119. of the Revised Code as necessary to administer this section. 49041

Sec. 3717.23. (A) Each person or government entity seeking a 49042
retail food establishment license or the renewal of a license 49043
shall apply to the appropriate licensor on a form provided by the 49044
licensor. A licensor shall use a form prescribed and furnished to 49045
the licensor by the director of ~~agriculture~~ health or a form 49046
prescribed by the licensor that has been approved by the director. 49047
The applicant shall include with the application all information 49048
necessary for the licensor to process the application, as 49049
requested by the licensor. 49050

An application for a retail food establishment license, other than an application for a mobile retail food establishment license, shall be submitted to the licensor for the health district in which the retail food establishment is located. An application for a mobile retail food establishment license shall be submitted to the licensor for the health district in which the applicant's business headquarters are located, or, if the headquarters are located outside this state, to the licensor for the district where the applicant will first operate in this state.

(B) The licensor shall review all applications received. The licensor shall issue a license for a new retail food establishment when the applicant submits a complete application and the licensor determines that the applicant meets all other requirements of this chapter and the rules adopted under it for receiving the license. The licensor shall issue a renewed license on receipt of a complete renewal application.

The licensor shall issue licenses for retail food establishments on forms prescribed and furnished by the director of ~~agriculture~~. If the license is for a mobile retail food establishment, the licensor shall post the establishment's layout, equipment, and items to be sold on the back of the license.

A mobile retail food establishment license issued by one licensor shall be recognized by all other licensors in this state.

(C)(1) A retail food establishment license expires at the end of the licensing period for which the license is issued, except as follows:

(a) A license issued to a new retail food establishment after the first day of December does not expire until the end of the licensing period next succeeding issuance of the license.

(b) A temporary retail food establishment license expires at the end of the period for which it is issued.

(2) All retail food establishment licenses remain valid until 49082
scheduled to expire unless earlier suspended or revoked under 49083
section 3717.29 or 3717.30 of the Revised Code. 49084

(D) A retail food establishment license may be renewed, 49085
except that a temporary retail food establishment license is not 49086
renewable. A person or government entity seeking license renewal 49087
shall submit an application for renewal to the licensor not later 49088
than the first day of March, except in the case of a mobile or 49089
seasonal retail food establishment, when the renewal application 49090
shall be submitted before commencing operation in a new licensing 49091
period. A licensor may renew a license prior to the first day of 49092
March or the first day of operation in a new licensing period, but 49093
not before the first day of February immediately preceding the 49094
licensing period for which the license is being renewed. 49095

If a person or government entity does not file a renewal 49096
application with the licensor postmarked on or before the first 49097
day of March or, in the case of a mobile or seasonal retail food 49098
establishment, the first day of operation in a new licensing 49099
period, the licensor shall assess a penalty. The amount of the 49100
penalty shall be the lesser of fifty dollars or twenty-five per 49101
cent of the fee charged for renewing the license, if the licensor 49102
charges renewal fees. If an applicant is subject to a penalty, the 49103
licensor shall not renew the license until the applicant pays the 49104
penalty. 49105

(E)(1) A licensor may issue not more than ten temporary 49106
retail food establishment licenses per licensing period to the 49107
same person or government entity to operate at different events 49108
within the licensor's jurisdiction. For each particular event, a 49109
licensor may issue only one temporary retail food establishment 49110
license to the same person or government entity. 49111

(2) A licensor may issue a temporary retail food 49112
establishment license to operate for more than five consecutive 49113

days if both of the following apply: 49114

(a) The establishment will be operated at an event organized 49115
by a county agricultural society or independent agricultural 49116
society organized under Chapter 1711. of the Revised Code. 49117

(b) The person who will receive the license is a resident of 49118
the county or one of the counties for which the agricultural 49119
society was organized. 49120

(3) A person may be granted only one temporary retail food 49121
establishment license per licensing period pursuant to division 49122
(E)(2) of this section. 49123

(F) The licensor may place restrictions or conditions on a 49124
retail food establishment license, based on the equipment or 49125
facilities of the establishment, limiting the types of food that 49126
may be stored, processed, prepared, manufactured, or otherwise 49127
held or handled for retail sale. Limitations pertaining to a 49128
mobile retail food establishment shall be posted on the back of 49129
the license. 49130

(G) The person or government entity holding a license for a 49131
retail food establishment shall display the license for that 49132
retail food establishment at all times at the licensed location. 49133

(H) With the assistance of the department of ~~agriculture~~ 49134
health, the licensor, to the extent practicable, shall computerize 49135
the process for licensing retail food establishments. 49136

Sec. 3717.25. (A) A licensor may charge fees for issuing and 49137
renewing retail food establishment licenses. Any licensing fee 49138
charged shall be used solely for the administration and 49139
enforcement of the provisions of this chapter and the rules 49140
adopted under it applicable to retail food establishments. 49141

Any licensing fee charged under this section shall be based 49142
on the licensor's costs of regulating retail food establishments, 49143

as determined according to the uniform methodologies established 49144
under section 3717.07 of the Revised Code. If the licenser is a 49145
board of health, a fee may be disapproved by the district advisory 49146
council in the case of a general health district or the 49147
legislative authority of the city in the case of a city health 49148
district. A disapproved fee shall not be charged by the board of 49149
health. 49150

At least thirty days prior to establishing a licensing fee, 49151
the licenser shall hold a public hearing regarding the proposed 49152
fee. At least thirty days prior to the public hearing, the 49153
licenser shall give written notice of the hearing to each person 49154
or government entity holding a retail food establishment license 49155
that may be affected by the proposed fee. The notice shall be 49156
mailed to the last known address of the licensee and shall specify 49157
the date, time, and place of the hearing and the amount of the 49158
proposed fee. On request, the licenser shall provide the completed 49159
uniform methodology used in the calculation of the licenser's 49160
costs and the proposed fee. 49161

(B) In addition to licensing fees, a licenser may charge fees 49162
for any of the following: 49163

(1) Review of facility layout and equipment specifications 49164
pertaining to retail food establishments, other than mobile and 49165
temporary retail food establishments; 49166

(2) Any necessary collection and bacteriological examination 49167
of samples from retail food establishments or similar services 49168
specified in rules adopted under this chapter by the director of 49169
agriculture health; 49170

(3) Attendance at a course of study offered by the licenser 49171
in food protection as it pertains to retail food establishments, 49172
if the course is approved under section 3717.09 of the Revised 49173
Code. 49174

(C) The director may determine by rule an amount to be 49175
collected from applicants for retail food establishment licenses 49176
for use by the director in administering and enforcing the 49177
provisions of this chapter and the rules adopted under it 49178
applicable to retail food establishments. Licensors shall collect 49179
the amount prior to issuing an applicant's new or renewed license. 49180
If a licensing fee is charged under this section, the licensor 49181
shall collect the amount at the same time the fee is collected. 49182
Licensors are not required to provide notice or hold public 49183
hearings regarding amounts collected under this division. 49184

Not later than sixty days after the last day of the month in 49185
which a license is issued, the licensor shall certify the amount 49186
collected under this division and transmit the amount to the 49187
treasurer of state. All amounts received shall be deposited into a 49188
distinct account of the ~~food safety~~ general operations fund 49189
created in section ~~915.24~~ 3701.83 of the Revised Code. The 49190
director shall use the amounts solely for ~~the~~ those administration 49191
and enforcement of the provisions of this chapter and the rules 49192
adopted under it applicable to retail food establishments. 49193

When adopting rules regarding the amounts collected under 49194
this division, the director shall make available during the rule 49195
making process the current and projected expenses of administering 49196
and enforcing the provisions of this chapter and the rules adopted 49197
under it applicable to retail food establishments and the total of 49198
all amounts that have been deposited in the ~~food safety~~ general 49199
operations fund pursuant to this division. 49200

Sec. 3717.27. (A) All inspections of retail food 49201
establishments conducted by a licensor under this chapter shall be 49202
conducted according to the procedures and schedule of frequency 49203
specified in rules adopted under section 3717.33 of the Revised 49204
Code. An inspection may be ~~performed~~ performed only by an 49205

individual registered as a sanitarian or sanitarian-in-training 49206
under Chapter 4736. of the Revised Code. Each inspection shall be 49207
recorded on a form prescribed and furnished by the director of 49208
~~agriculture~~ health or a form approved by the director that has 49209
been prescribed by a board of health acting as licensor. With the 49210
assistance of the director, a board acting as licensor, to the 49211
extent practicable, shall computerize the inspection process and 49212
standardize the manner in which its inspections are conducted. 49213

(B) A person or government entity holding a retail food 49214
establishment license shall permit the licensor to inspect the 49215
retail food establishment for purposes of determining compliance 49216
with this chapter and the rules adopted under it or investigating 49217
a complaint concerning the establishment. On request of the 49218
licensor, the license holder shall permit the licensor to examine 49219
the records of the retail food establishment to obtain information 49220
about the purchase, receipt, or use of food, supplies, and 49221
equipment. 49222

A licensor may inspect any mobile retail food establishment 49223
being operated within the licensor's district. If an inspection of 49224
a mobile retail food establishment is conducted by a licensor 49225
other than the licensor that issued the license for the 49226
establishment, a report of the inspection shall be sent to the 49227
issuing licensor. The issuing licensor may use the inspection 49228
report to suspend or revoke the license under section 3717.29 or 49229
3717.30 of the Revised Code. 49230

(C) An inspection may include the following: 49231

(1) An investigation to determine the identity and source of 49232
a particular food; 49233

(2) Removal from use of any equipment, utensils, hand tools, 49234
or parts of facilities found to be maintained in a condition that 49235
presents a clear and present danger to the public health. 49236

Sec. 3717.28. Trade secrets and other forms of information 49237
that under this chapter are required to be furnished to or are 49238
procured by a licensor of retail food establishments shall be for 49239
the exclusive use and information of the licensor in the discharge 49240
of the licensor's official duties. The information shall not be 49241
open to the public or used in any action or proceeding in any 49242
court. If the licensor is a board of health, the board may share 49243
the information with the ~~director of agriculture and director of~~ 49244
~~health if the licensor is the director of agriculture, the~~ 49245
~~director may share the information with the~~ director of health. 49246

The licensor shall maintain the confidentiality of the 49247
information, except that the information may be consolidated in 49248
statistical tables and published by the licensor in statistical 49249
form for the use and information of state and local agencies and 49250
the public, if the statistics do not disclose details about a 49251
particular person or government entity that provided information 49252
to the licensor. An individual employed by the licensor or 49253
assisting the licensor in the administration of the retail food 49254
establishment licensing requirements of this chapter shall not 49255
willfully divulge any information that is confidential under this 49256
section to any person or government entity other than the licensor 49257
or the individual's superior. 49258

Sec. 3717.29. (A) This section applies when the licensor of 49259
retail food establishments is a board of health. 49260

(B) A board of health may suspend or revoke a retail food 49261
establishment license on determining that the license holder is in 49262
violation of any requirement of this chapter or the rules adopted 49263
under it applicable to retail food establishments, including a 49264
violation evidenced by documented failure to maintain sanitary 49265
conditions within the establishment. 49266

(C)(1) Except in the case of a violation that presents a clear and present danger to the public health, before initiating action to suspend or revoke a retail food establishment license, the board shall give the license holder written notice specifying each violation and a reasonable time within which the license holder must correct each violation to avoid suspension or revocation of the license. The board may extend the time specified in the notice for correcting a violation if the license holder is making a good faith effort to correct it.

If the license holder fails to correct the violation in the time granted by the board, the board may initiate action to suspend or revoke the retail food establishment license by giving the license holder written notice of the proposed suspension or revocation. The board shall include in the notice a description of the procedure for appealing the proposed suspension or revocation. The license holder may appeal the proposed suspension or revocation by giving written notice to the board. The license holder shall specify in the notice whether a hearing is requested. The appeal shall be conducted in accordance with division (C)(3) of this section.

A health commissioner or other person employed by the board, if the health commissioner or person is authorized by the board to take the action, may take any action that the board may take under division (C)(1) of this section.

(2) If a board initiates actions to revoke or, except in the case of a violation that presents a clear and present danger to the public health, to suspend a retail food establishment license, the board shall determine whether to revoke or suspend the license by a majority vote of the board members who are present at a meeting at which there is a quorum.

If the board decides to revoke or suspend the license, the board shall issue a formal written order revoking or suspending

the license. 49299

(3) An appeal made under division (C)(1) of this section 49300
shall be conducted in accordance with procedures established in 49301
rules adopted by the director of ~~agriculture~~ health under section 49302
3717.33 of the Revised Code. If a license holder requests a 49303
hearing, the board shall hold the hearing before issuing an order 49304
under division (C)(2) of this section but may hold the hearing at 49305
the same meeting at which issuance of the order is considered. 49306

(D)(1) On determining that a license holder is in violation 49307
of any requirement of this chapter or the rules adopted under it 49308
applicable to retail food establishments and that the violation 49309
presents a clear and present danger to the public health, the 49310
board may suspend the retail food establishment license without 49311
giving written notice or affording the license holder the 49312
opportunity to correct the violation. If the license holder is 49313
operating a mobile retail food establishment, either the licensor 49314
that issued the license or the licensor for the health district in 49315
which the establishment is being operated may suspend the license. 49316

A suspension under division (D)(1) of this section takes 49317
effect immediately and remains in effect until the board rescinds 49318
the suspension. When a mobile retail food establishment license is 49319
suspended under this division, the licensor that suspended the 49320
license shall hold the license until the suspension is lifted and 49321
the licensor receives from the license holder written notice of 49322
the next location at which the license holder proposes to operate 49323
the retail food establishment. 49324

After suspending a license under division (D)(1) of this 49325
section, the licensor shall give the license holder written notice 49326
of the procedure for appealing the suspension. The license holder 49327
may appeal the suspension by giving written notice to the board 49328
and specifying in the notice whether a hearing is requested. The 49329
appeal shall be conducted in accordance with division (D)(2) of 49330

this section. 49331

A health commissioner, if authorized by the board to take the 49332
action, may take any action that may be taken by the board under 49333
division (D)(1) of this section. A health commissioner who 49334
suspends a license under this authority, on determining that there 49335
is no longer a clear and present danger to the public health, may 49336
rescind the suspension without consulting the board. 49337

(2) If the license holder appeals a suspension under division 49338
(D)(1) of this section, the board shall determine whether the 49339
clear and present danger to the public health continues to exist 49340
by majority vote of the board members who are present at a meeting 49341
at which there is a quorum. 49342

If the board determines that there is no longer a clear and 49343
present danger to the public health, the board shall rescind the 49344
suspension. If the board determines that the clear and present 49345
danger continues to exist, the board shall issue an order 49346
continuing the suspension. 49347

(3) An appeal requested under division (D)(1) of this section 49348
shall be conducted in accordance with procedures established in 49349
rules adopted by the director of ~~agriculture~~ under section 3717.33 49350
of the Revised Code. If the license holder requests a hearing, the 49351
board shall hold the hearing not later than two business days 49352
after the board receives the request. The board shall hold the 49353
hearing before issuing an order under division (D)(2) of this 49354
section but may conduct the hearing at the same meeting at which 49355
issuance of the order is considered. In the case of a suspension 49356
of a mobile retail food establishment, the appeal shall be made to 49357
the licensor that suspended the license. 49358

(E) A license holder may appeal an order issued under 49359
division (C) or (D) of this section to the common pleas court of 49360
the county in which the licensor is located. 49361

Sec. 3717.30. (A) This section applies when the licensor of 49362
retail food establishments is the director of ~~agriculture~~ health. 49363

(B) The director of ~~agriculture~~ health may suspend or revoke 49364
a retail food establishment license on determining that a license 49365
holder is in violation of the provisions of this chapter or the 49366
rules adopted under it pertaining to retail food establishments, 49367
including a violation evidenced by documented failure to maintain 49368
sanitary conditions within the establishment. Except as provided 49369
in division (C)(9) of this section, the suspension or revocation 49370
of a license is not effective until the license holder is given 49371
written notice of the violation, a reasonable amount of time to 49372
correct the violation, and an opportunity for a hearing. 49373

(C) All actions and proceedings undertaken pursuant to this 49374
section shall comply with Chapter 119. of the Revised Code, except 49375
as follows: 49376

(1) The location of any adjudicatory hearing that the license 49377
holder requests shall be the director's offices in ~~Licking~~ 49378
Franklin county. 49379

(2) The director shall notify a license holder by certified 49380
mail or personal delivery that the license holder is conditionally 49381
entitled to a hearing. The director shall specify in the notice 49382
that, in order to obtain a hearing, the license holder must 49383
request the hearing not later than ten days after the date of 49384
receipt of the notice. 49385

(3) If the license holder requests a hearing, the date set 49386
for the hearing shall be not later than ten days after the date on 49387
which the director receives the request, unless the director and 49388
the license holder agree otherwise. 49389

(4) The director shall not postpone or continue an 49390
adjudication hearing without the consent of the license holder. If 49391

the license holder requests a postponement or continuation of an 49392
adjudication hearing, the director shall not grant it unless the 49393
license holder demonstrates that an extreme hardship will be 49394
incurred in holding the adjudication hearing on that hearing date. 49395
If the director grants a postponement or continuation on the 49396
grounds of extreme hardship, the record shall document the nature 49397
and cause of the extreme hardship. 49398

(5) In lieu of having a hearing and upon the license holder's 49399
written request to the director, the license holder may submit to 49400
the director, not later than the date of the hearing set pursuant 49401
to division (C)(3) of this section, documents, papers, and other 49402
written evidence to support the license holder's claim. 49403

(6) If the director appoints a referee or examiner to conduct 49404
the hearing, the following apply: 49405

(a) A copy of the written adjudication report and 49406
recommendations of the referee or examiner shall be served by 49407
certified mail upon the director and the license holder not later 49408
than three business days following the conclusion of the hearing. 49409

(b) Not later than three business days after receipt of the 49410
report and recommendations, the license holder may file with the 49411
director written objections to the report and recommendations. 49412

(c) The director shall consider the objections submitted by 49413
the license holder before approving, modifying, or disapproving 49414
the report and recommendations. The director shall serve the 49415
director's order upon the license holder by certified mail not 49416
later than six business days after receiving the report and 49417
recommendations. 49418

(7) If the director conducts the hearing, the director shall 49419
serve the director's decision by certified mail upon the license 49420
holder not later than three business days following the close of 49421
the hearing. 49422

(8) If no hearing is held, the director shall issue an order 49423
by certified mail to the license holder not later than three 49424
business days following the last date possible for a hearing, 49425
based on the record that is available. 49426

(9) If the director determines that an emergency exists that 49427
presents a clear and present danger to the public health, the 49428
director may suspend a license, effective without a hearing. 49429
Thereafter, without delay, the director shall afford the license 49430
holder an opportunity for hearing. On determining that there is no 49431
longer a clear and present danger to the public health, the 49432
director may rescind the suspension without a hearing. 49433

Sec. 3717.31. (A) This section applies when the licensor of 49434
retail food establishments is a board of health. 49435

As used in this section, "prosecutor" has the same meaning as 49436
in section 2935.01 of the Revised Code. 49437

(B) At the request of the board of health, the prosecutor 49438
with jurisdiction in the area where a person allegedly has 49439
violated section 3717.21 of the Revised Code shall commence a 49440
criminal prosecution against the person. 49441

At the request of a board of health, the director of 49442
~~agriculture~~ health shall provide enforcement support to assist in 49443
the prosecution of a person who is not in compliance with the 49444
provisions of this chapter and the rules adopted under it 49445
applicable to retail food establishments. Requests shall be made 49446
and assistance shall be provided in accordance with rules adopted 49447
by the director ~~of agriculture~~ under section 3717.33 of the 49448
Revised Code. 49449

(C) At the request of the board of health, the prosecutor 49450
with jurisdiction in the area where a person or government entity 49451
allegedly has failed to comply with a requirement of this chapter 49452

or the rules adopted under it applicable to retail food 49453
establishments shall commence in common pleas court an action 49454
requesting the issuance of a temporary restraining order or a 49455
preliminary or permanent injunction or a mandamus action regarding 49456
the act of noncompliance. The court may grant the appropriate 49457
relief if it is shown that the respondent failed to comply with 49458
the requirement. 49459

Notwithstanding the penalties established in section 2705.05 49460
of the Revised Code, a person or government entity found to be in 49461
contempt of court for failing to comply with a restraining order, 49462
injunction, or writ of mandamus issued pursuant to this division 49463
shall be fined not more than one thousand dollars for each 49464
offense. Each day the noncompliance continues is a separate 49465
offense. 49466

(D) Fifty per cent of all fines collected under this section 49467
shall be deposited in an appropriate fund created for the board's 49468
use in administering the provisions of this chapter and the rules 49469
adopted under it applicable to retail food establishments. The 49470
remaining fifty per cent shall be credited to the general fund of 49471
the political subdivision in which the case is prosecuted. 49472

(E) The remedies available under this section are in addition 49473
to any other remedies available under the law. 49474

Sec. 3717.32. (A) This section applies when the licensor of 49475
retail food establishments is the director of ~~agriculture~~ health. 49476

(B) In addition to other remedies provided by law and 49477
irrespective of whether an adequate remedy at law exists, the 49478
director of ~~agriculture~~ health may apply to the court of common 49479
pleas for a temporary or permanent injunction or other appropriate 49480
relief concerning the violation of a provision of this chapter or 49481
the rules adopted under it pertaining to retail food 49482
establishments. Application shall be made to the court in the 49483

county in which the violation occurs. 49484

Notwithstanding the penalties established in section 2705.05 49485
of the Revised Code, a person or government entity found to be in 49486
contempt of court for failing to comply with an injunction or 49487
other relief issued pursuant to this division shall be fined not 49488
more than one thousand dollars. Each day the noncompliance 49489
continues is a separate offense. 49490

(C) Fifty per cent of all fines collected under this section 49491
shall be deposited into the state treasury to the credit of a 49492
distinct account in the ~~food safety~~ general operations fund 49493
created in section ~~915.24~~ 3701.83 of the Revised Code to be used 49494
for the administration and enforcement of sections 3717.21 to 49495
3717.33 of the Revised Code. The remaining fifty per cent shall be 49496
credited to the general fund of the political subdivision in which 49497
the case is prosecuted. 49498

Sec. 3717.33. Pursuant to section 3717.04 of the Revised 49499
Code, the director of ~~agriculture~~ health shall adopt rules 49500
regarding the following: 49501

(A) Licensing categories for retail food establishments and 49502
licensing requirements for each category, including appropriate 49503
practices for the activities performed by a retail food 49504
establishment; 49505

(B) Standards for collection of food samples from retail food 49506
establishments for purposes of identifying adulteration and 49507
misbranding; 49508

(C) Records to be generated and maintained by licensed retail 49509
food establishments; 49510

(D) Appeals of proposed suspensions and revocations of retail 49511
food establishment licenses and appeals of suspensions of licenses 49512
issued for violations presenting a clear and present danger to the 49513

public health;	49514
(E) Standards and procedures, including a schedule of frequency, for conducting inspections of retail food establishments;	49515 49516 49517
(F) Standards and procedures for determining during an inspection whether articles should be removed from use because of a clear and present danger to the public health;	49518 49519 49520
(G) Standards and procedures for conducting investigations of complaints pertaining to retail food establishments;	49521 49522
(H) Surveys conducted by the director to determine whether boards of health are qualified and have the capacity to administer and enforce the provisions of this chapter and the rules adopted under it applicable to retail food establishments and to abide by the Ohio uniform food safety code;	49523 49524 49525 49526 49527
(I) Reinstatement of a board of health as a licensor after the director has revoked the approval of the board;	49528 49529
(J) Procedures for resolving disputes between licensors and the holders of licenses for retail food establishments;	49530 49531
(K) Procedures for providing enforcement support to a board of health requesting assistance in the prosecution of a person for a violation of the provisions of this chapter applicable to retail food establishments;	49532 49533 49534 49535
(L) Any other matter the director considers relevant to the administration and enforcement of the provisions of this chapter applicable to retail food establishments.	49536 49537 49538
Sec. 3717.43. (A) Each person or government entity requesting a food service operation license or the renewal of a license shall apply to the appropriate licensor on a form provided by the licensor. Licensors shall use a form prescribed and furnished to the licensor by the director of health or a form prescribed by the	49539 49540 49541 49542 49543

licensor that has been approved by the director. The applicant 49544
shall include with the application all information necessary for 49545
the licensor to process the application, as requested by the 49546
licensor. 49547

An application for a food service operation license, other 49548
than an application for a mobile or catering food service 49549
operation license, shall be submitted to the licensor for the 49550
health district in which the food service operation is located. An 49551
application for a mobile food service operation license shall be 49552
submitted to the licensor for the health district in which the 49553
applicant's business headquarters are located, or, if the 49554
headquarters are located outside this state, to the licensor for 49555
the district where the applicant will first operate in this state. 49556
An application for a catering food service operation license shall 49557
be submitted to the licensor for the district where the 49558
applicant's base of operation is located. 49559

(B) The licensor shall review all applications received. The 49560
licensor shall issue a license for a new food service operation 49561
when the applicant submits a complete application and the licensor 49562
determines that the applicant meets all other requirements of this 49563
chapter and the rules adopted under it for receiving the license. 49564
The licensor shall issue a renewed license on receipt of a 49565
complete renewal application. 49566

The licensor shall issue licenses for food service operations 49567
on forms prescribed and furnished by the director of health. If 49568
the license is for a mobile food service operation, the licensor 49569
shall post the operation's layout, equipment, and menu on the back 49570
of the license. 49571

A mobile or catering food service operation license issued by 49572
one licensor shall be recognized by all other licensors in this 49573
state. 49574

(C)(1) A food service operation license expires at the end of 49575
the licensing period for which the license is issued, except as 49576
follows: 49577

(a) A license issued to a new food service operation after 49578
the first day of December shall not expire until the end of the 49579
licensing period next succeeding issuance of the license. 49580

(b) A temporary food service operation license expires at the 49581
end of the period for which it is issued. 49582

(2) All food service operation licenses remain valid until 49583
they are scheduled to expire unless earlier suspended or revoked 49584
under section 3717.49 of the Revised Code. 49585

(D) A food service operation license may be renewed, except 49586
that a temporary food service operation license is not renewable. 49587
A person or government entity seeking license renewal shall submit 49588
an application for renewal to the licensor not later than the 49589
first day of March, except that in the case of a mobile or 49590
seasonal food service operation the renewal application shall be 49591
submitted before commencing operation in a new licensing period. A 49592
licensor may renew a license prior to the first day of March or 49593
the first day of operation in a new licensing period, but not 49594
before the first day of February immediately preceding the 49595
licensing period for which the license is being renewed. 49596

If a renewal application is not filed with the licensor or 49597
postmarked on or before the first day of March or, in the case of 49598
a mobile or seasonal food service operation, the first day of 49599
operation in a new licensing period, the licensor shall assess a 49600
penalty if the licensor charges a license renewal fee. The amount 49601
of the penalty shall be the lesser of fifty dollars or greater of 49602
twenty-five per cent of the renewal fee ~~charged for renewing~~ 49603
~~licenses, if the licensor charges renewal fees or ten per cent of~~ 49604
the renewal fee multiplied by the number of weeks that have 49605

elapsed since payment of the fee was due. If an applicant is 49606
subject to a penalty, the licensor shall not renew the license 49607
until the applicant pays the penalty. 49608

(E)(1) A licensor may issue not more than ten temporary food 49609
service operation licenses per licensing period to the same person 49610
or government entity to operate at different events within the 49611
licensor's jurisdiction. For each particular event, a licensor may 49612
issue only one temporary food service operation license to the 49613
same person or government entity. 49614

(2) A licensor may issue a temporary food service operation 49615
license to operate for more than five consecutive days if both of 49616
the following apply: 49617

(a) The operation will be operated at an event organized by a 49618
county agricultural society or independent agricultural society 49619
organized under Chapter 1711. of the Revised Code; 49620

(b) The person who will receive the license is a resident of 49621
the county or one of the counties for which the agricultural 49622
society was organized. 49623

(3) A person may be granted only one temporary food service 49624
operation license per licensing period pursuant to division (E)(2) 49625
of this section. 49626

(F) The licensor may place restrictions or conditions on a 49627
food service operation license limiting the types of food that may 49628
be prepared or served by the food service operation based on the 49629
equipment or facilities of the food service operation. Limitations 49630
pertaining to a mobile or catering food service operation shall be 49631
posted on the back of the license. 49632

(G) The person or government entity holding a license for a 49633
food service operation shall display the license for that food 49634
service operation at all times at the licensed location. A person 49635
or government entity holding a catering food service operation 49636

license shall also maintain a copy of the license at each catered 49637
event. 49638

(H) With the assistance of the department of health, the 49639
licensor, to the extent practicable, shall computerize the process 49640
for licensing food service operations. 49641

Sec. 3717.48. Trade secrets and other forms of information 49642
that, under this chapter, are required to be furnished to or are 49643
procured by a licensor of food service operations shall be for the 49644
exclusive use and information of the licensor in the discharge of 49645
the licensor's official duties. The information shall not be open 49646
to the public or used in any action or proceeding in any court. If 49647
the licensor is a board of health, the board may share the 49648
information with the director of health ~~and director of~~ 49649
~~agriculture. If the licensor is the director of health, the~~ 49650
~~director may share the information with the director of~~ 49651
~~agriculture.~~ 49652

The licensor shall maintain the confidentiality of the 49653
information, except that the information may be consolidated in 49654
statistical tables and published by the licensor in statistical 49655
form for the use and information of state and local agencies and 49656
the public, if the statistics do not disclose details about a 49657
particular person or government entity that provided information 49658
to the licensor. An individual employed by the licensor or 49659
assisting the licensor in the administration of the food service 49660
operation licensing requirements of this chapter shall not 49661
willfully divulge any information that is confidential under this 49662
section to any person or government entity other than the licensor 49663
or the individual's superior. 49664

Sec. 3718.03. (A) There is hereby created the sewage 49665
treatment system technical advisory committee consisting of the 49666

director of health or the director's designee and ten members who 49667
are knowledgeable about sewage treatment systems and technologies. 49668
Of the ten members, four shall be appointed by the governor, three 49669
shall be appointed by the president of the senate, and three shall 49670
be appointed by the speaker of the house of representatives. 49671
49672

(1) Of the members appointed by the governor, one shall 49673
represent academia, one shall be a representative of the public 49674
who is not employed by the state or any of its political 49675
subdivisions and who does not have a pecuniary interest in 49676
household sewage treatment systems, one shall be an engineer from 49677
the environmental protection agency, and one shall be selected 49678
from among soil scientists in the division of soil and water 49679
~~conservation~~ resources in the department of natural resources. 49680

(2) Of the members appointed by the president of the senate, 49681
one shall be a health commissioner who is a member of and 49682
recommended by the association of Ohio health commissioners, one 49683
shall represent the interests of manufacturers of household sewage 49684
treatment systems, and one shall represent installers and service 49685
providers. 49686

(3) Of the members appointed by the speaker of the house of 49687
representatives, one shall be a health commissioner who is a 49688
member of and recommended by the association of Ohio health 49689
commissioners, one shall represent the interests of manufacturers 49690
of household sewage treatment systems, and one shall be a 49691
sanitarian who is registered under Chapter 4736. of the Revised 49692
Code and who is a member of the Ohio environmental health 49693
association. 49694

(B) Terms of members appointed to the committee shall be for 49695
three years, with each term ending on the same day of the same 49696
month as did the term that it succeeds. Each member shall serve 49697
from the date of appointment until the end of the term for which 49698

the member was appointed. 49699

Members may be reappointed. Vacancies shall be filled in the 49700
same manner as provided for original appointments. Any member 49701
appointed to fill a vacancy occurring prior to the expiration date 49702
of the term for which the member was appointed shall hold office 49703
for the remainder of that term. A member shall continue to serve 49704
after the expiration date of the member's term until the member's 49705
successor is appointed or until a period of sixty days has 49706
elapsed, whichever occurs first. The applicable appointing 49707
authority may remove a member from the committee for failure to 49708
attend two consecutive meetings without showing good cause for the 49709
absences. 49710

(C) The technical advisory committee annually shall select 49711
from among its members a chairperson and a vice-chairperson and a 49712
secretary to keep a record of its proceedings. A majority vote of 49713
the members of the full committee is necessary to take action on 49714
any matter. The committee may adopt bylaws governing its 49715
operation, including bylaws that establish the frequency of 49716
meetings. 49717

(D) Serving as a member of the sewage treatment system 49718
technical advisory committee does not constitute holding a public 49719
office or position of employment under the laws of this state and 49720
does not constitute grounds for removal of public officers or 49721
employees from their offices or positions of employment. Members 49722
of the committee shall serve without compensation for attending 49723
committee meetings. 49724

(E) A member of the committee shall not have a conflict of 49725
interest with the position. For the purposes of this division, 49726
"conflict of interest" means the taking of any action that 49727
violates any provision of Chapter 102. or 2921. of the Revised 49728
Code. 49729

(F) The sewage treatment system technical advisory committee shall do all of the following: 49730
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(1) Develop with the department of health standards and guidelines for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code; 49732
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(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form; 49736
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(3) Advise the director on the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system; 49741
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(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective household sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system; 49745
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(5) By January 1, 2008, provide the household sewage and small flow on-site sewage treatment system study commission created by Am. Sub. H.B. 119 of the 127th general assembly with a list of available alternative systems and the estimated cost of each system. 49751
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(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the 49756
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approval of a new sewage treatment system or a component of a 49761
system, the number of such systems and components that were 49762
approved, any information that the committee considers beneficial 49763
to the general assembly, and any other information that the 49764
chairperson determines is beneficial to the general assembly. If 49765
other members of the committee determine that certain information 49766
should be included in the report, they shall submit the 49767
information to the chairperson not later than thirty days after 49768
the end of the calendar year. 49769

(H) The department shall provide meeting space for the 49770
committee. The committee shall be assisted in its duties by the 49771
staff of the department. 49772

(I) Sections 101.82 to 101.87 of the Revised Code do not 49773
apply to the sewage treatment system technical advisory committee. 49774

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 49775
3721.99 of the Revised Code: 49776

(1)(a) "Home" means an institution, residence, or facility 49777
that provides, for a period of more than twenty-four hours, 49778
whether for a consideration or not, accommodations to three or 49779
more unrelated individuals who are dependent upon the services of 49780
others, including a nursing home, residential care facility, home 49781
for the aging, and a veterans' home operated under Chapter 5907. 49782
of the Revised Code. 49783

(b) "Home" also means both of the following: 49784

(i) Any facility that a person, as defined in section 3702.51 49785
of the Revised Code, proposes for certification as a skilled 49786
nursing facility or nursing facility under Title XVIII or XIX of 49787
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 49788
as amended, and for which a certificate of need, other than a 49789
certificate to recategorize hospital beds as described in section 49790

3702.522 of the Revised Code or division (R)(7)(d) of the version 49791
of section 3702.51 of the Revised Code in effect immediately prior 49792
to April 20, 1995, has been granted to the person under sections 49793
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 49794

(ii) A county home or district home that is or has been 49795
licensed as a residential care facility. 49796

(c) "Home" does not mean any of the following: 49797

(i) Except as provided in division (A)(1)(b) of this section, 49798
a public hospital or hospital as defined in section 3701.01 or 49799
5122.01 of the Revised Code; 49800

(ii) A residential facility for mentally ill persons as 49801
defined under section 5119.22 of the Revised Code; 49802

(iii) A residential facility as defined in section 5123.19 of 49803
the Revised Code; 49804

~~(iv) A community alternative home as defined in section 49805
3724.01 of the Revised Code; 49806~~

~~(v) An adult care facility as defined in section 3722.01 of 49807
the Revised Code; 49808~~

~~(vi)~~(v) An alcohol or drug addiction program as defined in 49809
section 3793.01 of the Revised Code; 49810

~~(vii)~~(vi) A facility licensed to provide methadone treatment 49811
under section 3793.11 of the Revised Code; 49812

~~(viii)~~(vii) A facility providing services under contract with 49813
the department of mental retardation and developmental 49814
disabilities under section 5123.18 of the Revised Code; 49815

~~(ix)~~(viii) A facility operated by a hospice care program 49816
licensed under section 3712.04 of the Revised Code that is used 49817
exclusively for care of hospice patients; 49818

~~(x)~~(ix) A facility, infirmary, or other entity that is 49819

operated by a religious order, provides care exclusively to 49820
members of religious orders who take vows of celibacy and live by 49821
virtue of their vows within the orders as if related, and does not 49822
participate in the medicare program established under Title XVIII 49823
of the "Social Security Act" or the medical assistance program 49824
established under Chapter 5111. of the Revised Code and Title XIX 49825
of the "Social Security Act," if on January 1, 1994, the facility, 49826
infirmary, or entity was providing care exclusively to members of 49827
the religious order; 49828

~~(xi)~~(x) A county home or district home that has never been 49829
licensed as a residential care facility. 49830

(2) "Unrelated individual" means one who is not related to 49831
the owner or operator of a home or to the spouse of the owner or 49832
operator as a parent, grandparent, child, grandchild, brother, 49833
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 49834
uncle. 49835

(3) "Mental impairment" does not mean mental illness as 49836
defined in section 5122.01 of the Revised Code or mental 49837
retardation as defined in section 5123.01 of the Revised Code. 49838

(4) "Skilled nursing care" means procedures that require 49839
technical skills and knowledge beyond those the untrained person 49840
possesses and that are commonly employed in providing for the 49841
physical, mental, and emotional needs of the ill or otherwise 49842
incapacitated. "Skilled nursing care" includes, but is not limited 49843
to, the following: 49844

(a) Irrigations, catheterizations, application of dressings, 49845
and supervision of special diets; 49846

(b) Objective observation of changes in the patient's 49847
condition as a means of analyzing and determining the nursing care 49848
required and the need for further medical diagnosis and treatment; 49849

(c) Special procedures contributing to rehabilitation; 49850

(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;

(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

(5)(a) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.

(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.

(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

(7) "Residential care facility" means a home that provides either of the following:

(a) Accommodations for seventeen or more unrelated

individuals and supervision and personal care services for three 49881
or more of those individuals who are dependent on the services of 49882
others by reason of age or physical or mental impairment; 49883

(b) Accommodations for three or more unrelated individuals, 49884
supervision and personal care services for at least three of those 49885
individuals who are dependent on the services of others by reason 49886
of age or physical or mental impairment, and, to at least one of 49887
those individuals, any of the skilled nursing care authorized by 49888
section 3721.011 of the Revised Code. 49889

(8) "Home for the aging" means a home that provides services 49890
as a residential care facility and a nursing home, except that the 49891
home provides its services only to individuals who are dependent 49892
on the services of others by reason of both age and physical or 49893
mental impairment. 49894

The part or unit of a home for the aging that provides 49895
services only as a residential care facility is licensed as a 49896
residential care facility. The part or unit that may provide 49897
skilled nursing care beyond the extent authorized by section 49898
3721.011 of the Revised Code is licensed as a nursing home. 49899

(9) "County home" and "district home" mean a county home or 49900
district home operated under Chapter 5155. of the Revised Code. 49901

(B) The public health council may further classify homes. For 49902
the purposes of this chapter, any residence, institution, hotel, 49903
congregate housing project, or similar facility that meets the 49904
definition of a home under this section is such a home regardless 49905
of how the facility holds itself out to the public. 49906

(C) For purposes of this chapter, personal care services or 49907
skilled nursing care shall be considered to be provided by a 49908
facility if they are provided by a person employed by or 49909
associated with the facility or by another person pursuant to an 49910
agreement to which neither the resident who receives the services 49911

nor the resident's sponsor is a party. 49912

(D) Nothing in division (A)(4) of this section shall be 49913
construed to permit skilled nursing care to be imposed on an 49914
individual who does not require skilled nursing care. 49915

Nothing in division (A)(5) of this section shall be construed 49916
to permit personal care services to be imposed on an individual 49917
who is capable of performing the activity in question without 49918
assistance. 49919

(E) Division (A)(1)(c)~~(*)~~(ix) of this section does not 49920
prohibit a facility, infirmary, or other entity described in that 49921
division from seeking licensure under sections 3721.01 to 3721.09 49922
of the Revised Code or certification under Title XVIII or XIX of 49923
the "Social Security Act." However, such a facility, infirmary, or 49924
entity that applies for licensure or certification must meet the 49925
requirements of those sections or titles and the rules adopted 49926
under them and obtain a certificate of need from the director of 49927
health under section 3702.52 of the Revised Code. 49928

(F) Nothing in this chapter, or rules adopted pursuant to it, 49929
shall be construed as authorizing the supervision, regulation, or 49930
control of the spiritual care or treatment of residents or 49931
patients in any home who rely upon treatment by prayer or 49932
spiritual means in accordance with the creed or tenets of any 49933
recognized church or religious denomination. 49934

Sec. 3721.02. (A) The director of health shall license homes 49935
and establish procedures to be followed in inspecting and 49936
licensing homes. The director may inspect a home at any time. Each 49937
home shall be inspected by the director at least once prior to the 49938
issuance of a license and at least once every fifteen months 49939
thereafter. The state fire marshal or a township, municipal, or 49940
other legally constituted fire department approved by the marshal 49941
shall also inspect a home prior to issuance of a license, at least 49942

once every fifteen months thereafter, and at any other time 49943
requested by the director. A home does not have to be inspected 49944
prior to issuance of a license by the director, state fire 49945
marshal, or a fire department if ownership of the home is assigned 49946
or transferred to a different person and the home was licensed 49947
under this chapter immediately prior to the assignment or 49948
transfer. The director may enter at any time, for the purposes of 49949
investigation, any institution, residence, facility, or other 49950
structure that has been reported to the director or that the 49951
director has reasonable cause to believe is operating as a nursing 49952
home, residential care facility, or home for the aging without a 49953
valid license required by section 3721.05 of the Revised Code or, 49954
in the case of a county home or district home, is operating 49955
despite the revocation of its residential care facility license. 49956
The director may delegate the director's authority and duties 49957
under this chapter to any division, bureau, agency, or official of 49958
the department of health. 49959

(B) A single facility may be licensed both as a nursing home 49960
pursuant to this chapter and as an adult care facility pursuant to 49961
Chapter 3722. of the Revised Code if the director determines that 49962
the part or unit to be licensed as a nursing home can be 49963
maintained separate and discrete from the part or unit to be 49964
licensed as an adult care facility. 49965

(C) In determining the number of residents in a home for the 49966
purpose of licensing, the director shall consider all the 49967
individuals for whom the home provides accommodations as one group 49968
unless one of the following is the case: 49969

(1) The home is a home for the aging, in which case all the 49970
individuals in the part or unit licensed as a nursing home shall 49971
be considered as one group, and all the individuals in the part or 49972
unit licensed as a rest home shall be considered as another group. 49973

(2) The home is both a nursing home and an adult care 49974

facility. In that case, all the individuals in the part or unit 49975
licensed as a nursing home shall be considered as one group, and 49976
all the individuals in the part or unit licensed as an adult care 49977
facility shall be considered as another group. 49978

(3) The home maintains, in addition to a nursing home or 49979
residential care facility, a separate and discrete part or unit 49980
that provides accommodations to individuals who do not require or 49981
receive skilled nursing care and do not receive personal care 49982
services from the home, in which case the individuals in the 49983
separate and discrete part or unit shall not be considered in 49984
determining the number of residents in the home if the separate 49985
and discrete part or unit is in compliance with the Ohio basic 49986
building code established by the board of building standards under 49987
Chapters 3781. and 3791. of the Revised Code and the home permits 49988
the director, on request, to inspect the separate and discrete 49989
part or unit and speak with the individuals residing there, if 49990
they consent, to determine whether the separate and discrete part 49991
or unit meets the requirements of this division. 49992

(D)(1) The director of health shall charge ~~an~~ the following 49993
application fee and ~~an~~ annual renewal licensing and inspection fee 49994
~~of one hundred seventy dollars~~ for each fifty persons or part 49995
thereof of a home's licensed capacity: 49996

(a) For state fiscal year 2010, two hundred twenty dollars; 49997

(b) For state fiscal year 2011, two hundred seventy dollars; 49998

(c) For each state fiscal year thereafter, three hundred 49999
twenty dollars. All 50000

(2) All fees collected by the director for the issuance or 50001
renewal of licenses shall be deposited into the state treasury to 50002
the credit of the general operations fund created in section 50003
3701.83 of the Revised Code for use only in administering and 50004
enforcing this chapter and rules adopted under it. 50005

(E)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code.

(2) Nothing in division (E)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the Revised Code:

(A) "Franchise permit fee rate" means the sum of the following:

(1) Six dollars and twenty-five cents;

(2) The difference between the following:

(a) The fiscal year 2010 medicaid rate calculated under division (C)(2) of Section 309.30.20 of Am. Sub. H.B. 1 of the 128th general assembly for a nursing facility that pays the

<u>franchise permit fee imposed by section 3721.51 of the Revised</u>	50036
<u>Code;</u>	50037
<u>(b) The medicaid rate the provider of the nursing facility is</u>	50038
<u>paid for nursing facility services the nursing facility provides</u>	50039
<u>on June 30, 2009.</u>	50040
<u>(B) "Hospital" has the same meaning as in section 3727.01 of</u>	50041
<u>the Revised Code.</u>	50042
(B) <u>(C) "Inpatient days" means all days during which a</u>	50043
<u>resident of a nursing facility, regardless of payment source,</u>	50044
<u>occupies a bed in the nursing facility that is included in the</u>	50045
<u>facility's certified capacity under Title XIX. Therapeutic or</u>	50046
<u>hospital leave days for which payment is made under section</u>	50047
<u>5111.26 of the Revised Code are considered inpatient days</u>	50048
<u>proportionate to the percentage of the facility's per resident per</u>	50049
<u>day rate paid for those days.</u>	50050
(C) <u>(D) "Medicaid" has the same meaning as in section 5111.01</u>	50051
<u>of the Revised Code.</u>	50052
(D) <u>(E) "Medicaid day" means all days during which a resident</u>	50053
<u>who is a medicaid recipient occupies a bed in a nursing facility</u>	50054
<u>that is included in the facility's certified capacity under Title</u>	50055
<u>XIX. Therapeutic or hospital leave days for which payment is made</u>	50056
<u>under section 5111.26 of the Revised Code are considered medicaid</u>	50057
<u>days proportionate to the percentage of the nursing facility's per</u>	50058
<u>resident per day rate for those days.</u>	50059
(E) <u>(F) "Medicare" means the program established by Title</u>	50060
<u>XVIII.</u>	50061
<u>(G) "Nursing facility" has the same meaning as in section</u>	50062
<u>5111.20 of the Revised Code.</u>	50063
(F) <u>(H)(1) "Nursing home" means all of the following:</u>	50064
<u>(a) A nursing home licensed under section 3721.02 or 3721.09</u>	50065

of the Revised Code, including any part of a home for the aging	50066
licensed as a nursing home;	50067
(b) A facility or part of a facility, other than a hospital,	50068
that is certified as a skilled nursing facility under Title XVIII;	50069
(c) A nursing facility, other than a portion of a hospital	50070
certified as a nursing facility.	50071
(2) "Nursing home" does not include any of the following:	50072
(a) A county home, county nursing home, or district home	50073
operated pursuant to Chapter 5155. of the Revised Code;	50074
(b) A nursing home maintained and operated by the Ohio	50075
veterans' home agency under section 5907.01 of the Revised Code;	50076
(c) A nursing home or part of a nursing home licensed under	50077
section 3721.02 or 3721.09 of the Revised Code that is certified	50078
as an intermediate care facility for the mentally retarded under	50079
Title XIX.	50080
(G) <u>(I)</u> "Title XIX" means Title XIX of the "Social Security	50081
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended.	50082
(H) <u>(J)</u> "Title XVIII" means Title XVIII of the "Social	50083
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.	50084
Sec. 3721.51. The department of job and family services shall	50085
do all of the following:	50086
(A) Subject to <u>sections 3721.512 and 3721.513 of the Revised</u>	50087
<u>Code and</u> division (C) of this section and for the purposes	50088
specified in sections 3721.56 and 3721.561 of the Revised Code,	50089
determine an annual franchise permit fee on each nursing home in	50090
an amount equal to six dollars and twenty five cents, the	50091
<u>franchise permit fee rate</u> multiplied by the product of the	50092
following:	50093
(1) The number of beds licensed as nursing home beds, plus	50094

any other beds certified as skilled nursing facility beds under 50095
Title XVIII or nursing facility beds under Title XIX on the first 50096
day of May of the calendar year in which the fee is determined 50097
pursuant to division (A) of section 3721.53 of the Revised Code; 50098

(2) The number of days in the fiscal year beginning on the 50099
first day of July of the calendar year in which the fee is 50100
determined pursuant to division (A) of section 3721.53 of the 50101
Revised Code. 50102

(B) Subject to sections 3721.512 and 3721.513 of the Revised 50103
Code and division (C) of this section and for the purposes 50104
specified in sections 3721.56 and 3721.561 of the Revised Code, 50105
determine an annual franchise permit fee on each hospital in an 50106
amount equal to ~~six dollars and twenty five cents~~, the franchise 50107
permit fee rate multiplied by the product of the following: 50108

(1) The number of beds registered pursuant to section 3701.07 50109
of the Revised Code as skilled nursing facility beds or long-term 50110
care beds, plus any other beds licensed as nursing home beds under 50111
section 3721.02 or 3721.09 of the Revised Code, on the first day 50112
of May of the calendar year in which the fee is determined 50113
pursuant to division (A) of section 3721.53 of the Revised Code; 50114

(2) The number of days in the fiscal year beginning on the 50115
first day of July of the calendar year in which the fee is 50116
determined pursuant to division (A) of section 3721.53 of the 50117
Revised Code. 50118

(C) If the United States centers for medicare and medicaid 50119
services determines that the franchise permit fee established by 50120
sections 3721.50 to 3721.58 of the Revised Code is an 50121
impermissible health care related tax under section 1903(w) of the 50122
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 50123
amended, take all necessary actions to cease implementation of 50124
sections 3721.50 to 3721.58 of the Revised Code in accordance with 50125

rules adopted under section 3721.58 of the Revised Code. 50126

Sec. 3721.511. (A) Not later than one month after the 50127
effective date of this section, the department of job and family 50128
services shall apply to the United States secretary of health and 50129
human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as 50130
necessary to do both of the following regarding the franchise 50131
permit fee imposed by section 3721.51 of the Revised Code: 50132

(1) Reduce the franchise permit fee to zero dollars for each 50133
nursing home licensed under section 3721.02 or 3721.09 of the 50134
Revised Code to which either of the following applies: 50135

(a) The nursing home: 50136

(i) Is exempt from state taxation under section 140.08 of the 50137
Revised Code or is exempt from state taxation as a home for the 50138
aged as defined in section 5701.13 of the Revised Code; 50139

(ii) Is exempt from federal income taxation under section 501 50140
of the Internal Revenue Code of 1986; 50141

(iii) Does not participate in medicaid or medicare; and 50142

(iv) Provides services for the life of each resident without 50143
regard to the resident's ability to secure payment for the 50144
services. 50145

(b) The nursing home: 50146

(i) Has had a written affiliation agreement with a university 50147
in this state for education and research related to Alzheimer's 50148
disease for each of the twenty years preceding the effective date 50149
of this section and has such an agreement on the effective date of 50150
this section; 50151

(ii) Was granted a certificate of need under Section 3 of Am. 50152
Sub. S.B. 256 of the 116th General Assembly; and 50153

(iii) Does not participate in medicaid or medicare. 50154

(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section. 50155
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(B) The effective date of the waiver sought under this section shall be the first day of the calendar quarter beginning after the United States secretary approves the waiver. 50160
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Sec. 3721.512. If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee under the waiver, reduce the franchise permit fee in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code. 50163
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Sec. 3721.513. (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise permit fee imposed by section 3721.51 of the Revised Code: 50179
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(1) Determine how much money the franchise permit fee would 50184

have raised in a fiscal year if not for the waiver; 50185

(2) For each nursing home and hospital subject to the 50186
franchise permit fee, other than a nursing home or hospital that 50187
has its franchise permit fee reduced under section 3721.512 of the 50188
Revised Code, uniformly increase the amount of the franchise 50189
permit fee for a fiscal year to an amount that will have the 50190
franchise permit fee raise an amount of money that does not exceed 50191
the amount determined under division (A)(1) of this section for 50192
that fiscal year. 50193

(B) If the department increases the franchise permit fee in 50194
accordance with division (A) of this section for the first fiscal 50195
year during which the waiver takes effect, the department shall 50196
determine the amount of the increase not later than the effective 50197
date of the waiver and shall mail to each nursing home and 50198
hospital subject to the increase notice of the increase not later 50199
than the last day of the first month of the calendar quarter that 50200
begins after the United States secretary approves the waiver. If 50201
the department increases the franchise permit fee in accordance 50202
with division (A) of this section for a subsequent fiscal year, 50203
the department shall make such determinations and mail such 50204
notices in accordance with section 3721.53 of the Revised Code. 50205

Sec. 3721.53. (A) Not later than the fifteenth day of August 50206
of each year, the department of job and family services shall 50207
determine the annual franchise permit fee for each nursing home 50208
and hospital in accordance with ~~division (A) of~~ section 3721.51 of 50209
the Revised Code and ~~the annual franchise permit fee for each~~ 50210
hospital any adjustments made in accordance with ~~division (B) of~~ 50211
~~that section~~ sections 3721.512 and 3721.513 of the Revised Code. 50212

(B) Not later than the first day of September of each year, 50213
the department shall mail to each nursing home and hospital notice 50214
of the amount of the franchise permit fee that has been determined 50215

for the nursing home or hospital. 50216

(C) Each nursing home and hospital shall pay its fee under 50217
section 3721.51 of the Revised Code, as adjusted in accordance 50218
with sections 3721.512 and 3721.513 of the Revised Code, to the 50219
department in quarterly installment payments not later than 50220
forty-five days after the last day of each September, December, 50221
March, and June. 50222

(D) No nursing home or hospital shall directly bill its 50223
residents for the fee paid under this section, or otherwise 50224
directly pass the fee through to its residents. 50225

Sec. 3721.55. (A) A nursing home or hospital may appeal the 50226
fee imposed under section 3721.51 of the Revised Code, as adjusted 50227
under section 3721.512 or 3721.513 of the Revised Code, solely on 50228
the grounds that the department of job and family services 50229
committed a material error in determining the amount of the fee. A 50230
request for an appeal must be received by the department not later 50231
than fifteen days after the date the department mails the notice 50232
of the fee and must include written materials setting forth the 50233
basis for the appeal. 50234

(B) If a nursing home or hospital submits a request for an 50235
appeal within the time required under division (A) of this 50236
section, the department of job and family services shall hold a 50237
public hearing in Columbus not later than thirty days after the 50238
date the department receives the request for an appeal. The 50239
department shall, not later than ten days before the date of the 50240
hearing, mail a notice of the date, time, and place of the hearing 50241
to the nursing home or hospital. The department may hear all the 50242
requested appeals in one public hearing. 50243

(C) On the basis of the evidence presented at the hearing or 50244
any other evidence submitted by the nursing home or hospital, the 50245
department may adjust a fee. The department's decision is final. 50246

Sec. 3721.56. There is hereby created in the state treasury 50247
the home- and community-based services for the aged fund. ~~Sixteen~~ 50248
Eight and fifty-five hundredths per cent of all payments and 50249
penalties paid by nursing homes and hospitals under sections 50250
3721.53 and 3721.54 of the Revised Code shall be deposited into 50251
the fund. The departments of job and family services and aging 50252
shall use the moneys in the fund to fund the following in 50253
accordance with rules adopted under section 3721.58 of the Revised 50254
Code: 50255

(A) The medicaid program established under Chapter 5111. of 50256
the Revised Code, including the PASSPORT program established under 50257
section 173.40 of the Revised Code; 50258

(B) The residential state supplement program established 50259
under section 173.35 of the Revised Code. 50260

Sec. 3722.01. (A) As used in this chapter: 50261

(1) "Owner" means the person who owns the business of and who 50262
ultimately controls the operation of an adult care facility and to 50263
whom the manager, if different from the owner, is responsible. 50264

(2) "Manager" means the person responsible for the daily 50265
operation of an adult care facility. The manager and the owner of 50266
a facility may be the same person. 50267

(3) "Adult" means an individual eighteen years of age or 50268
older. 50269

(4) "Unrelated" means that an adult resident is not related 50270
to the owner or manager of an adult care facility or to the 50271
owner's or manager's spouse as a parent, grandparent, child, 50272
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 50273
uncle, or as the child of an aunt or uncle. 50274

(5) "Skilled nursing care" means skilled nursing care as 50275

defined in section 3721.01 of the Revised Code. 50276

(6)(a) "Personal care services" means services including, but 50277
not limited to, the following: 50278

(i) ~~Assisting residents~~ Assistance with activities of daily 50279
living; 50280

(ii) ~~Assisting residents~~ Assistance with self-administration 50281
of medication, in accordance with rules adopted by the public 50282
health council pursuant to this chapter; 50283

(iii) ~~Preparing~~ Preparation of special diets, other than 50284
complex therapeutic diets, for residents pursuant to the 50285
instructions of a physician or a licensed dietitian, in accordance 50286
with rules adopted by the public health council pursuant to this 50287
chapter. 50288

(b) "Personal care services" does not include "skilled 50289
nursing care" as defined in section 3721.01 of the Revised Code. A 50290
facility need not provide more than one of the services listed in 50291
division (A)(6)(a) of this section for the facility to be 50292
considered to be providing personal care services. 50293

(7) "Adult family home" means a residence or facility that 50294
provides accommodations and supervision to three to five unrelated 50295
adults ~~and supervision and personal care services to,~~ at least 50296
three of ~~those adults~~ whom require personal care services. 50297

(8) "Adult group home" means a residence or facility that 50298
provides accommodations and supervision to six to sixteen 50299
unrelated adults ~~and provides supervision and personal care~~ 50300
~~services to,~~ at least three of ~~the unrelated adults~~ whom require 50301
personal care services. 50302

(9) "Adult care facility" means an adult family home or an 50303
adult group home. For the purposes of this chapter, any residence, 50304
facility, institution, hotel, congregate housing project, or 50305

similar facility that provides accommodations and supervision to 50306
three to sixteen unrelated adults, at least three of whom ~~are~~ 50307
~~provided~~ require personal care services, is an adult care facility 50308
regardless of how the facility holds itself out to the public. 50309

"Adult care facility" does not include: 50310

(a) A facility operated by a hospice care program licensed 50311
under section 3712.04 of the Revised Code that is used exclusively 50312
for care of hospice patients; 50313

(b) A nursing home, residential care facility, or home for 50314
the aging as defined in section 3721.01 of the Revised Code; 50315

~~(c) A community alternative home as defined in section~~ 50316
~~3724.01 of the Revised Code;~~ 50317

~~(d)~~ An alcohol and drug addiction program as defined in 50318
section 3793.01 of the Revised Code; 50319

~~(e)~~(d) A residential facility for the mentally ill licensed 50320
by the department of mental health under section 5119.22 of the 50321
Revised Code; 50322

~~(f)~~(e) A facility licensed to provide methadone treatment 50323
under section 3793.11 of the Revised Code; 50324

~~(g)~~(f) A residential facility licensed under section 5123.19 50325
of the Revised Code or otherwise regulated by the department of 50326
mental retardation and developmental disabilities; 50327

~~(h)~~(g) Any residence, institution, hotel, congregate housing 50328
project, or similar facility that provides personal care services 50329
to fewer than three residents or that provides, for any number of 50330
residents, only housing, housekeeping, laundry, meal preparation, 50331
social or recreational activities, maintenance, security, 50332
transportation, and similar services that are not personal care 50333
services or skilled nursing care; 50334

~~(i)~~(h) Any facility that receives funding for operating costs 50335

from the department of development under any program established 50336
to provide emergency shelter housing or transitional housing for 50337
the homeless; 50338

~~(j)~~(i) A terminal care facility for the homeless that has 50339
entered into an agreement with a hospice care program under 50340
section 3712.07 of the Revised Code; 50341

~~(k)~~(j) A facility approved by the veterans administration 50342
under section 104(a) of the "Veterans Health Care Amendments of 50343
1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used 50344
exclusively for the placement and care of veterans; 50345

~~(l) Until January 1, 1994, the portion of a facility in which 50346
care is provided exclusively to members of a religious order if 50347
the facility is owned by or part of a nonprofit institution of 50348
higher education authorized to award degrees by the Ohio board of 50349
regents under Chapter 1713. of the Revised Code. 50350~~

(10) "Residents' rights advocate" means: 50351

(a) An employee or representative of any state or local 50352
government entity that has a responsibility for residents of adult 50353
care facilities and has registered with the department of health 50354
under section 3701.07 of the Revised Code; 50355

(b) An employee or representative, other than a manager or 50356
employee of an adult care facility or nursing home, of any private 50357
nonprofit corporation or association that qualifies for tax-exempt 50358
status under section 501(a) of the "Internal Revenue Code of 50359
1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has 50360
registered with the department of health under section 3701.07 of 50361
the Revised Code, and whose purposes include educating and 50362
counseling residents, assisting residents in resolving problems 50363
and complaints concerning their care and treatment, and assisting 50364
them in securing adequate services. 50365

(11) "Sponsor" means an adult relative, friend, or guardian 50366

of a resident of an adult care facility who has an interest in or 50367
responsibility for the resident's welfare. 50368

(12) "Ombudsperson" means a "representative of the office of 50369
the state long-term care ombudsperson program" as defined in 50370
section 173.14 of the Revised Code. 50371

(13) "Mental health agency" means a community mental health 50372
agency, as defined in section 5119.22 of the Revised Code, under 50373
contract with a an ADAMHS board of alcohol, drug addiction, and 50374
mental health services pursuant to division (A)(8)(a) of section 50375
340.03 of the Revised Code. 50376

(14) "ADAMHS board" means a board of alcohol, drug addiction, 50377
and mental health services; 50378

(15) "Mental health resident program participation agreement" 50379
means a written agreement between an adult care facility and the 50380
ADAMHS board serving the alcohol, drug addiction, and mental 50381
health service district in which the facility is located, under 50382
which the facility is authorized to admit residents who are 50383
receiving or are eligible for publicly funded mental health 50384
services. 50385

(16) "PASSPORT administrative agency" means an entity under 50386
contract with the department of aging to provide administrative 50387
services regarding the PASSPORT program created under section 50388
173.40 of the Revised Code. 50389

(B) For purposes of this chapter, personal care services or 50390
skilled nursing care shall be considered to be provided by a 50391
facility if they are provided by a person employed by or 50392
associated with the facility or by another person pursuant to an 50393
agreement to which neither the resident who receives the services 50394
nor the resident's sponsor is a party. 50395

(C) Nothing in division (A)(6) of this section shall be 50396
construed to permit personal care services to be imposed upon a 50397

resident who is capable of performing the activity in question 50398
without assistance. 50399

Sec. 3722.011. (A) All medication taken by residents of an 50400
adult care facility shall be self-administered, except that 50401
medication may be administered to a resident ~~by a home health~~ 50402
~~agency, hospice care program, nursing home staff, mental health~~ 50403
~~agency, or board of alcohol, drug addiction, and mental health~~ 50404
~~services under~~ as part of the skilled nursing care provided in 50405
accordance with division (B) of section 3722.16 of the Revised 50406
Code. ~~Members of the staff of an adult care facility shall not~~ 50407
~~administer medication to residents.~~ No person shall be admitted to 50408
or retained by an adult care facility unless the person is capable 50409
of ~~taking~~ self-administering the person's ~~own~~ medication and 50410
~~biologicals~~, as determined in writing by ~~the person's personal a~~ 50411
physician, except that a person may be admitted to or retained by 50412
such a facility if the person's medication is administered ~~by a~~ 50413
~~home health agency, hospice care program, nursing home staff,~~ 50414
~~mental health agency, or board of alcohol, drug addiction, and~~ 50415
~~mental health services under~~ as part of the skilled nursing care 50416
provided in accordance with division (B) of section 3722.16 of the 50417
Revised Code. ~~Members~~ 50418

(B) Members of the staff of an adult care facility shall not 50419
administer medication to residents but may do any of the 50420
following: 50421

~~(A)~~ Remind a resident when to take medication and watch to 50422
ensure that the resident follows the directions on the container; 50423

~~(B)~~ Assist a resident in the self-administration of 50424
medication by taking the medication from the locked area where it 50425
is stored, in accordance with rules adopted by the public health 50426
council pursuant to this chapter, and handing it to the resident. 50427
If the resident is physically unable to open the container, a 50428

staff member may open the container for the resident. 50429

~~(C)~~ Assist a physically impaired but mentally alert resident, 50430
such as a resident with arthritis, cerebral palsy, or Parkinson's 50431
disease, in removing oral or topical medication from containers 50432
and in consuming or applying the medication, upon request by or 50433
with the consent of the resident. If a resident is physically 50434
unable to place a dose of medicine to the resident's mouth without 50435
spilling it, a staff member may place the dose in a container and 50436
place the container to the mouth of the resident. 50437

Sec. 3722.02. A person seeking a license to operate an adult 50438
care facility shall submit to the director of health an 50439
application on a form prescribed by the director and the 50440
following: 50441

(A) In the case of an adult group home seeking licensure as 50442
an adult care facility, evidence that the home has been inspected 50443
and approved by a local certified building department or by the 50444
division of industrial compliance in the department of commerce as 50445
meeting the applicable requirements of sections 3781.06 to 3781.18 50446
and 3791.04 of the Revised Code and any rules adopted under those 50447
sections and evidence that the home has been inspected by the 50448
state fire marshal or fire prevention officer of a municipal, 50449
township, or other legally constituted fire department approved by 50450
the state fire marshal and found to be in compliance with rules 50451
adopted under section 3737.83 of the Revised Code regarding fire 50452
prevention and safety in adult group homes; 50453

50454

(B) Valid approvals of the facility's water and sewage 50455
systems issued by the responsible governmental entity, if 50456
applicable; 50457

(C) A statement of ownership containing the following 50458
information: 50459

(1) If the owner is an individual, the owner's name, address, telephone number, business address, business telephone number, and occupation. If the owner is an association, corporation, or partnership, the business activity, address, and telephone number of the entity and the name of every person who has an ownership interest of five per cent or more in the entity.

(2) If the owner does not own the building or if the owner owns only part of the building in which the facility is housed, the name of each person who has an ownership interest of five per cent or more in the building;

(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of the Revised Code in which the owner has an ownership interest of five per cent or more;

(4) The identity of the manager of the adult care facility, if different from the owner;

(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;

(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;

(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of the Revised Code or the ability to operate a facility;

(8) Any other information the director may require regarding the owner's ability to operate the facility. 50491
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(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation; 50493
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(E) ~~Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;~~ A statement containing the following information regarding admissions to the facility: 50497
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(1) The intended bed capacity of the facility; 50501

(2) If the facility will admit persons referred by or receiving services from an ADAMHS board or a mental health agency, the total number of beds anticipated to be occupied as a result of those admissions. 50502
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(F) A nonrefundable license application fee in an amount established in rules adopted by the public health council pursuant to this chapter. 50506
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Sec. 3722.021. In determining the number of residents in a facility for the purpose of licensure under this chapter, the director of health shall consider all the individuals for whom the facility provides accommodations as one group unless either of the following is the case: 50509
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(A) ~~The~~ In addition to being an adult care facility, the facility is both a nursing home licensed under Chapter 3721. of the Revised Code and an adult care facility, a residential facility licensed under that chapter, or both. In that case, all the individuals in the part or unit licensed as a nursing home, residential care facility, or both, shall be considered as one group and all the individuals in the part or unit licensed as an 50514
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adult care facility shall be considered as another group. 50521

(B) The facility maintains, in addition to an adult care 50522
facility, a separate and discrete part or unit that provides 50523
accommodations to individuals who do not receive supervision or 50524
personal care services from the adult care facility, in which case 50525
the individuals in the separate and discrete part or unit shall 50526
not be considered in determining the number of residents in the 50527
adult care facility if the separate and discrete part or unit is 50528
in compliance with the Ohio basic building code established by the 50529
board of building standards under Chapters 3781. and 3791. of the 50530
Revised Code and the adult care facility, to the extent of its 50531
authority, permits the director, on request, to inspect the 50532
separate and discrete part or unit and speak with the individuals 50533
residing there, if they consent, to determine whether the separate 50534
and discrete part or unit meets the requirements of this division. 50535

Sec. 3722.022. A person may not apply for a license to 50536
operate an adult care facility if the person is or has been the 50537
owner or manager of an adult care facility for which a license to 50538
operate was revoked or for which renewal of a license was refused 50539
for any reason other than nonpayment of the license renewal fee, 50540
unless both of the following conditions are met: 50541

(A) A period of not less than two years has elapsed since the 50542
date the director of health issued the order revoking or refusing 50543
to renew the facility's license. 50544

(B) The director's revocation or refusal to renew the license 50545
was not based on an act or omission at the facility that violated 50546
a resident's right to be free from abuse, neglect, or 50547
exploitation. 50548

Sec. 3722.04. (A)~~(1)~~ The director of health shall inspect, 50549
license, and regulate adult care facilities. Except as otherwise 50550

provided in division (D) of this section, the director shall issue 50551
a license to an adult care facility that meets the requirements of 50552
section 3722.02 of the Revised Code and that the director 50553
determines to be in substantial compliance with the rules adopted 50554
by the public health council pursuant to this chapter. The 50555
director shall consider the past record of the owner and manager 50556
and any individuals who are principal participants in an entity 50557
that is the owner or manager in operating facilities providing 50558
care to adults. The director may, in accordance with Chapter 119. 50559
of the Revised Code, deny a license if the past record indicates 50560
that the owner or manager is not suitable to own or manage an 50561
adult care facility. 50562

The license shall contain the name and address of the 50563
facility for which it was issued, the date of expiration of the 50564
license, and the maximum number of residents that may be 50565
accommodated by the facility. A license for an adult care facility 50566
shall be valid for a period of two years after the date of 50567
issuance. No single facility may be licensed to operate as more 50568
than one adult care facility. 50569

~~(2) Notwithstanding division (A)(1) of this section and 50570
sections 3722.02 and 3722.041 of the Revised Code, the director 50571
may issue a temporary license if the requirements of divisions 50572
(C), (D), and (F) of section 3722.02 of the Revised Code have been 50573
met. A temporary license shall be valid for a period of ninety 50574
days and, except as otherwise provided in division (A)(3) of 50575
section 3722.05 of the Revised Code, may be renewed, without 50576
payment of an additional application fee, for an additional ninety 50577
days.~~ 50578

(B) The director shall renew a license for a two-year period 50579
if the facility continues to be in compliance with the 50580
requirements of this chapter and in substantial compliance with 50581
the rules adopted under this chapter. The owner shall submit a 50582

nonrefundable license renewal application fee in an amount 50583
established in rules adopted by the public health council pursuant 50584
to this chapter. Before the license of an adult group home is 50585
renewed, if any alterations have been made to the buildings, a 50586
certificate of occupancy for the facility shall have been issued 50587
by the division of industrial compliance in the department of 50588
commerce or a local certified building department. The facility 50589
shall have water and sewage system approvals, if required by law, 50590
and, in the case of an adult group home, documentation of 50591
continued compliance with the rules adopted by the state fire 50592
marshal under division (F) of section 3737.83 of the Revised Code. 50593

(C) ~~The~~ (1) During each licensure period, the director shall 50594
make at least one unannounced inspection of an adult care facility 50595
~~during each licensure period~~ in addition to inspecting the 50596
facility to determine whether a license should be issued or 50597
renewed, and may make additional unannounced inspections as the 50598
director considers necessary. Other inspections may be made at any 50599
time that the director considers appropriate. ~~The~~ 50600

The director shall take all reasonable actions to avoid 50601
giving notice of an inspection by the manner in which the 50602
inspection is scheduled or performed. ~~Not~~ 50603

If an inspection is conducted to investigate an alleged 50604
violation of the requirements of this chapter in a facility with 50605
residents referred by or receiving services from a mental health 50606
agency or ADAMHS board or a facility with residents receiving 50607
assistance under the residential state supplement program 50608
administered by the department of aging pursuant to section 173.35 50609
of the Revised Code, the director shall coordinate the inspection 50610
with the appropriate mental health agency, ADAMHS board, or 50611
PASSPORT administrative agency. As the director considers 50612
appropriate, the director shall conduct the inspection jointly 50613
with the mental health agency, ADAMHS board, or PASSPORT 50614

administrative agency. 50615

Not later than sixty days after the date of an inspection of 50616
a facility, the director shall send a report of the inspection to 50617
the ombudsperson in whose region the facility is located. ~~The~~ 50618

(2) ~~The~~ state fire marshal or fire prevention officer of a 50619
municipal, township, or other legally constituted fire department 50620
approved by the state fire marshal shall inspect an adult group 50621
home seeking a license or renewal under this chapter as an adult 50622
care facility prior to issuance of a license or renewal, at least 50623
once annually thereafter, and at any other time at the request of 50624
the director, to determine compliance with the rules adopted under 50625
division (F) of section 3737.83 of the Revised Code. 50626

(D) The director may waive any of the licensing requirements 50627
~~having to do with fire and safety requirements or building~~ 50628
~~standards~~ established by rule adopted by the public health council 50629
pursuant to this chapter upon written request of the facility. The 50630
director may grant a waiver if the director determines that the 50631
strict application of the licensing requirement would cause undue 50632
hardship to the facility and that granting the waiver would not 50633
jeopardize the health or safety of any resident. The director may 50634
provide a facility with an informal hearing concerning the denial 50635
of a waiver request, but the facility shall not be entitled to a 50636
hearing under Chapter 119. of the Revised Code unless the director 50637
takes an action that requires a hearing to be held under section 50638
3722.05 of the Revised Code. 50639

(E)(1) Not later than thirty days after each of the 50640
following, the owner of an adult care facility shall submit an 50641
inspection fee of twenty dollars for each bed for which the 50642
facility is licensed: 50643

(a) Issuance or renewal of a license, ~~other than a temporary~~ 50644
license; 50645

(b) The unannounced inspection required by division (C)(1) of 50646
this section that is in addition to the inspection conducted to 50647
determine whether a license should be issued or renewed; 50648

(c) If, during an inspection conducted in addition to the two 50649
inspections required by division (C)(1) of this section, the 50650
facility was found to be in violation of this chapter or the rules 50651
adopted under it, receipt by the facility of the report of that 50652
investigation. 50653

(2) The director may revoke the license of any adult care 50654
facility that fails to submit the fee within the thirty-day 50655
period. 50656

(3) All inspection fees received by the director, all civil 50657
penalties assessed under section 3722.08 of the Revised Code, all 50658
fines imposed under section 3722.99 of the Revised Code, and all 50659
license application and renewal application fees received under 50660
division (F) of section 3722.02 of the Revised Code or under 50661
division (B) of this section shall be deposited into the general 50662
operations fund created in section 3701.83 of the Revised Code and 50663
shall be used only to pay the costs of administering and enforcing 50664
the requirements of this chapter and rules adopted under it. 50665

(F)(1) An owner shall inform the director in writing of any 50666
changes in the information contained in the statement of ownership 50667
made pursuant to division (C) of section 3722.02 of the Revised 50668
Code or in the identity of the manager, not later than ten days 50669
after the change occurs. 50670

(2) An owner who sells or transfers an adult care facility 50671
shall be responsible and liable for the following: 50672

(a) Any civil penalties imposed against the facility under 50673
section 3722.08 of the Revised Code for violations that occur 50674
before the date of transfer of ownership or during any period in 50675
which the seller or the seller's agent operates the facility; 50676

(b) Any outstanding liability to the state, unless the buyer or transferee has agreed, as a condition of the sale or transfer, to accept the outstanding liabilities and to guarantee their payment, except that if the buyer or transferee fails to meet these obligations the seller or transferor shall remain responsible for the outstanding liability.

(G) The director shall annually publish a list of licensed adult care facilities, facilities ~~whose~~ for which licenses have been revoked ~~or not renewed~~, facilities for which license renewal has been refused, any facilities under an order suspending admissions pursuant to section 3722.07 of the Revised Code, and any facilities that have been assessed a civil penalty pursuant to section 3722.08 of the Revised Code. The director shall furnish information concerning the status of licensure of any facility to any person upon request. The director shall annually send a copy of the list to the department of job and family services, to the department of mental health, and to the department of aging.

Sec. 3722.05. ~~(A)(1)~~ If an adult care facility fails to comply with any requirement of this chapter or with any rule adopted pursuant to this chapter, the director of health may do any one or all of the following:

~~(a)~~(A) In accordance with Chapter 119. of the Revised Code, deny, revoke, or refuse to renew the license of the facility;

~~(b)~~(B) Give the facility an opportunity to correct the violation, in accordance with section 3722.06 of the Revised Code;

~~(c)~~(C) Issue an order suspending the admission of residents to the facility, in accordance with section 3722.07 of the Revised Code;

~~(d)~~(D) Impose a civil penalty in accordance with section 3722.08 of the Revised Code;

~~(e)(E)~~ Petition the court of common pleas for injunctive relief in accordance with section 3722.09 of the Revised Code. 50707
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~~(2) The director may refuse to renew the temporary license of any adult care facility for failure to make reasonable progress toward compliance with the requirements for licensure under section 3722.02 of the Revised Code and rules adopted by the public health council pursuant to this chapter. The director may revoke a temporary license upon a finding that the facility jeopardizes the health or safety of any of its residents. Proceedings initiated to deny, revoke, or refuse to renew a temporary license are not subject to Chapter 119. of the Revised Code.~~ 50709
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~~(3) The director may renew a temporary license for the duration of proceedings under Chapter 119. of the Revised Code regarding the denial of a permanent license if he determines that the continued operation of the facility will not jeopardize the health or safety of the residents.~~ 50719
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Sec. 3722.06. Except as otherwise provided in sections 3722.07 to 3722.09 of the Revised Code and except in cases of violations that jeopardize the health and safety of any of the residents, if the director determines that a licensed adult care facility is in violation of this chapter or of rules adopted pursuant to this chapter, ~~he~~ the director shall give the facility an opportunity to correct the violation. The director shall notify the facility of the violation, ~~prescribe the steps necessary to correct the condition,~~ and specify a reasonable time for making the corrections. Notice of the violation ~~and the prescribed corrections~~ shall be in writing and shall include a citation to the statute or rule violated. The director shall state the action that ~~he~~ the director will take if the corrections are not made within the specified period of time. 50724
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The facility shall submit to the director a plan of 50738
correction stating the actions that will be taken to correct the 50739
violation. The director shall conduct an inspection to determine 50740
whether the facility has corrected the violation in accordance 50741
with the plan of correction. 50742

If the director determines that the facility has failed to 50743
correct the violation in accordance with the plan of correction, 50744
the director may impose a penalty under section 3722.08 of the 50745
Revised Code. If the director subsequently determines that the 50746
license of the facility should be revoked or should not be renewed 50747
because the facility has failed to correct the violation within 50748
the time specified or because the violation jeopardizes the health 50749
or safety of any of the residents, the director shall revoke or 50750
refuse to renew the license in accordance with Chapter 119. of the 50751
Revised Code. 50752

Sec. 3722.08. (A) If the director of health determines that 50753
an adult care facility is in violation of this chapter or rules 50754
adopted under it, the director may impose a civil penalty on the 50755
owner of the facility, pursuant to rules adopted by the public 50756
health council under this chapter, ~~on the owner of the facility.~~ 50757
The director shall determine the classification and amount of the 50758
penalty by considering the following factors: 50759

(1) The gravity of the violation, the severity of the actual 50760
or potential harm, and the extent to which the provisions of this 50761
chapter or rules adopted under it were violated; 50762

(2) Actions taken by the owner or manager to correct the 50763
violation; 50764

(3) The number, if any, of previous violations by the adult 50765
care facility. 50766

(B) The director shall give written notice of the order 50767

imposing a civil penalty to the adult care facility by certified 50768
mail, return receipt requested, or shall provide for delivery of 50769
the notice in person. The notice shall specify the classification 50770
of the violation as determined by rules adopted by the public 50771
health council pursuant to this chapter, the amount of the penalty 50772
and the rate of interest, the action that is required to be taken 50773
to correct the violation, the time within which it is to be 50774
corrected as specified in division (C) of this section, and the 50775
procedures for the facility to follow to request a conference on 50776
the order imposing a civil penalty. If the facility requests a 50777
conference in a letter mailed or delivered not later than two 50778
working days after it has received the notice, the director shall 50779
hold a conference with representatives of the facility concerning 50780
the civil penalty. The conference shall be held not later than 50781
seven days after the director receives the request. The conference 50782
shall be conducted as prescribed in division (C) of section 50783
3722.07 of the Revised Code. If the director issues an order 50784
upholding the civil penalty, the facility may request an 50785
adjudication hearing pursuant to Chapter 119. of the Revised Code, 50786
but the order of the director shall be in effect during 50787
proceedings instituted pursuant to that chapter until a final 50788
adjudication is made. 50789

(C) The director shall order that the condition or practice 50790
constituting a class I violation be abated or eliminated within 50791
twenty-four hours or any longer period that the director considers 50792
reasonable. The notice for a class II or a class III violation 50793
shall specify a time within which the violation is required to be 50794
corrected. 50795

(D) If the facility does not request a conference or if, 50796
after a conference, it fails to take action to correct a violation 50797
in the time prescribed by the director, the director shall issue 50798
an order upholding the penalty, plus interest at the rate 50799

specified in section 1343.03 of the Revised Code for each day 50800
beyond the date set for payment of the penalty. The director may 50801
waive the interest payment for the period prior to the conference 50802
if the director concludes that the conference was necessitated by 50803
a legitimate dispute. 50804

(E) The director may cancel or reduce the penalty for a class 50805
I violation if the facility corrects the violation within the time 50806
specified in the notice ~~unless, except that the director shall~~ 50807
~~impose the penalty even though the facility has corrected the~~ 50808
~~violation if~~ a resident suffers physical harm because of the 50809
violation or ~~unless~~ the facility has been cited previously for the 50810
same violation, ~~in which case the director shall impose the~~ 50811
~~penalty even though the facility has corrected the violation.~~ The 50812
director ~~shall~~ may cancel the penalty for a class II or class III 50813
violation if the facility corrects the violation within the time 50814
specified in the notice ~~unless~~ and the facility has not been cited 50815
previously for the same violation. Each day of a violation of any 50816
class, after the date the director sets for abatement or 50817
elimination, constitutes a separate and additional violation. 50818

(F) If an adult care facility fails to pay a penalty imposed 50819
under this section, the director may commence a civil action to 50820
collect the penalty. The license of an adult care facility that 50821
has failed to pay a penalty imposed under this section shall not 50822
be renewed until the penalty has been paid. 50823

(G) If a penalty is imposed under this section, a fine shall 50824
not be imposed under section 3722.99 of the Revised Code for the 50825
same violation. 50826

~~(H) Notwithstanding any other division of this section, the~~ 50827
~~director shall not impose a penalty for a class I violation if all~~ 50828
~~of the following apply:~~ 50829

~~(1) A resident has not suffered physical harm because of the~~ 50830

violation; 50831

~~(2) The violation has been corrected and is no longer
occurring;~~ 50832
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~~(3) The violation is discovered by an inspector authorized to
inspect an adult care facility pursuant to this chapter by an
examination of the records of the facility.~~ 50834
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Sec. 3722.09. (A) If the director of health determines that 50837
the operation of an adult care facility jeopardizes the health or 50838
safety of any of the residents of the facility or if the director 50839
determines that an adult care facility is operating without a 50840
license, the director may petition the court of common pleas in 50841
the county in which the facility is located for appropriate 50842
injunctive relief against the facility. The If injunctive relief 50843
is granted against a facility for operating without a license and 50844
the facility continues to operate without a license, the director 50845
shall refer the case to the attorney general for further action. 50846

(B) The court petitioned under division (A) of this section 50847
shall grant injunctive relief upon a showing that the operation of 50848
the facility jeopardizes the health or safety of any of the 50849
residents of the facility or that the facility is operating 50850
without a license. When the court grants injunctive relief in the 50851
case of a facility operating without a license, the court shall 50852
issue, at a minimum, an order enjoining the facility from 50853
admitting new residents to the facility and an order requiring the 50854
facility to assist resident rights advocates with the safe and 50855
orderly relocation of the facility's residents. 50856

Sec. 3722.10. (A) The public health council shall have the 50857
exclusive authority to adopt, and the council shall adopt, rules 50858
~~in accordance with Chapter 119. of the Revised Code~~ governing the 50859
licensing and operation of adult care facilities. The rules shall 50860

be adopted in accordance with Chapter 119. of the Revised Code and 50861
shall specify all of the following: 50862

(1) Procedures for the issuance, renewal, and revocation of 50863
licenses ~~and temporary licenses~~, for the granting and denial of 50864
waivers, and for the issuance and termination of orders of 50865
suspension of admission pursuant to section 3722.07 of the Revised 50866
Code; 50867

(2) The qualifications required for owners, managers, and 50868
employees of adult care facilities, including character, training, 50869
education, experience, and financial resources and the number of 50870
staff members required in a facility; 50871

(3) Adequate space, equipment, safety, and sanitation 50872
standards for the premises of adult care facilities, and fire 50873
protection standards for adult family homes as required by section 50874
3722.041 of the Revised Code; 50875

(4) The personal, social, dietary, and recreational services 50876
to be provided to each resident of adult care facilities; 50877

(5) Rights of residents of adult care facilities, in addition 50878
to the rights enumerated under section 3722.12 of the Revised 50879
Code, and procedures to protect and enforce the rights of these 50880
residents; 50881

(6) Provisions for keeping records of residents and for 50882
maintaining the confidentiality of the records as required by 50883
division (B) of section 3722.12 of the Revised Code. The 50884
provisions for maintaining the confidentiality of records shall, 50885
at the minimum, meet the requirements for maintaining the 50886
confidentiality of records under Title XIX of the "Social Security 50887
Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations 50888
promulgated thereunder. 50889

(7) Measures to be taken by adult care facilities relative to 50890
residents' medication, including policies and procedures 50891

concerning medication, storage of medication in a locked area, and 50892
disposal of medication and assistance with self-administration of 50893
medication, if the facility provides assistance; 50894

(8) Requirements for initial and periodic health assessments 50895
of prospective and current adult care facility residents by 50896
physicians or other health professionals to ensure that they do 50897
not require a level of care beyond that which is provided by the 50898
adult care facility, including assessment of their capacity to 50899
self-administer the medications prescribed for them; 50900

(9) Requirements relating to preparation of special diets; 50901

(10) The amount of the fees for new and renewal license 50902
applications made pursuant to sections 3722.02 and 3722.04 of the 50903
Revised Code; 50904

(11) Measures to be taken by any employee of the state or any 50905
political subdivision of the state authorized by this chapter to 50906
enter an adult care facility to inspect the facility or for any 50907
other purpose, to ensure that the employee respects the privacy 50908
and dignity of residents of the facility, cooperates with 50909
residents of the facility and behaves in a congenial manner toward 50910
them, and protects the rights of residents; 50911

(12) How an owner or manager of an adult care facility is to 50912
comply with section 3722.18 of the Revised Code. ~~The~~ At a minimum, 50913
the rules shall ~~do at least both of the following:~~ 50914

~~(a) Establish~~ establish the procedures an owner or manager is 50915
to follow under division (A)~~(2)~~ of section 3722.18 of the Revised 50916
Code regarding referrals to the facility of prospective residents 50917
with mental illness or severe mental disability and effective 50918
arrangements for ongoing mental health services for such 50919
prospective residents. The procedures may provide for any of the 50920
following: 50921

~~(i)~~(a) That the owner or manager ~~sign written agreements with~~ 50922

~~the mental health agencies and boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility. Each agreement shall cover all such prospective residents referred by the agency or board with which the owner or manager enters into the agreement.~~ 50923
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~~(ii) and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located sign a mental health resident program participation agreement, as developed by the director of mental health under section 5119.613 of the Revised Code;~~ 50928
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~~(b) That the owner or manager comply with the requirements of its mental health resident program participation agreement;~~ 50933
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~~(c) That the owner or manager and the mental health agencies and ADAMHS boards of alcohol, drug addiction, and mental health services that refer such prospective residents to the facility develop and sign a mental health plan for ongoing mental health services for each such prospective resident;~~ 50935
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~~(iii)(d) Any other process established by the public health council in consultation with the director of health and director of mental health regarding referrals and effective arrangements for ongoing mental health services for prospective residents with mental illness.~~ 50940
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~~(b) Specify the date an owner or manager must begin to follow the procedures established by division (A)(12)(a) of this section.~~ 50945
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(13) Any other rules necessary for the administration and enforcement of this chapter. 50947
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(B) After consulting with relevant constituencies, the director of mental health shall prepare and submit to the director of health recommendations for the content of rules to be adopted under division (A)(12) of this section. ~~The public health council shall adopt the rules required by division (A)(12) of this section~~ 50949
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~~no later than July 1, 2000.~~ 50954

(C) The director of health shall advise adult care facilities 50955
regarding compliance with the requirements of this chapter and 50956
with the rules adopted pursuant to this chapter. 50957

(D) Any duty or responsibility imposed upon the director of 50958
health by this chapter may be carried out by an employee of the 50959
department of health. 50960

(E) Employees of the department of health may enter, for the 50961
purposes of investigation, any institution, residence, facility, 50962
or other structure which has been reported to the department as, 50963
or that the department has reasonable cause to believe is, 50964
operating as an adult care facility without a valid license. 50965

Sec. 3722.13. (A) Each adult care facility shall establish a 50966
written residents' rights policy containing the text of sections 50967
3722.12 and 3722.14 of the Revised Code and rules adopted by the 50968
public health council pursuant to this chapter, a discussion of 50969
the rights and responsibilities of residents under that section, 50970
and the text of any additional rule for residents promulgated by 50971
the facility. At the time of admission the manager shall give a 50972
copy of the residents' rights policy to the resident and ~~his~~ the 50973
resident's sponsor, if any, and explain the contents of the policy 50974
to them. The facility shall establish procedures for facilitating 50975
the residents' exercise of their rights. 50976

(B) Each adult care facility shall post prominently within 50977
the facility a copy of the residents' rights listed in division 50978
(B) of section 3722.12 of the Revised Code and any additional 50979
residents' rights established by rules adopted by the public 50980
health council pursuant to this chapter, ~~and~~ the addresses and 50981
telephone numbers of the state long-term care ~~facilities ombudsman~~ 50982
ombudsperson and the regional ~~ombudsman~~ long-term care 50983
ombudsperson program for the area in which the facility is 50984

located, ~~and of the central and district offices of the telephone~~ 50985
~~number maintained by the department of health for accepting~~ 50986
~~complaints.~~ 50987

Sec. 3722.14. (A)(1) Except as provided in division (A)(2) of 50988
this section, an adult care facility may transfer or discharge a 50989
resident, in the absence of a request from the resident, only for 50990
the following reasons: 50991

(a) Charges for the resident's accommodations and services 50992
have not been paid within thirty days after the date on which they 50993
became due; 50994

(b) The mental, emotional, or physical condition of the 50995
resident requires a level of care that the facility is unable to 50996
provide; 50997

(c) The health, safety, or welfare of the resident or of 50998
another resident requires a transfer or discharge; 50999

(d) The facility's license has been revoked or renewal has 51000
been denied pursuant to this chapter; 51001

(e) The owner closes the facility; 51002

(f) The resident is relocated as the result of a court's 51003
order issued under section 3722.09 of the Revised Code as part of 51004
the injunctive relief granted against a facility that is operating 51005
without a license; 51006

(g) The resident is receiving publicly funded mental health 51007
services and the facility's mental health resident program 51008
participation agreement is terminated by the facility or ADAMHS 51009
board. 51010

(2) An adult family home may transfer or discharge a resident 51011
if transfer or discharge is required for the health, safety, or 51012
welfare of an individual who resides in the home but is not a 51013
resident for whom supervision or personal services are provided. 51014

(B)(1) The facility shall give a resident thirty days advance notice, in writing, of a proposed transfer or discharge, except that if the transfer or discharge is for a reason given in divisions (A)(1)(b) to (g) or (A)(2) to (5) of this section and an emergency exists, the notice need not be given thirty days in advance. ~~The resident may request and the director of health shall conduct a hearing if the transfer or discharge is based upon division (A)(1), (2), or (3) of this section. The public health council shall adopt rules governing the procedure for conducting such a hearing.~~ The facility shall state in the written notice the reasons for the proposed transfer or discharge. If the resident is entitled to a hearing as specified in division (B)(2) of this section, the written notice shall outline the procedure for the resident to follow in requesting a hearing.

(2) A resident may request a hearing if a proposed transfer or discharge is based on reason given in division (A)(1)(a) to (c) or (A)(2) of this section. If the resident seeks a hearing, ~~he~~ the resident shall submit a request to the director not later than ten days after receiving the written notice. The director shall hold the hearing not later than ten days after receiving the request. A representative of the director shall preside over the hearing and shall issue a written recommendation of action to be taken by the director not later than three days after the hearing. The director shall issue an order regarding the transfer or discharge not later than two days after receipt of the recommendation. The order may prohibit or place conditions on the discharge or transfer. In the case of a transfer, the order may require that the transfer be to an institution or facility specified by the director. The hearing is not subject to section 121.22 of the Revised Code. The public health council shall adopt rules governing any additional procedures necessary for conducting the hearing.

(C)(1) The owner of an adult care facility who is closing the

facility shall inform the director of health in writing at least 51047
thirty days prior to the proposed date of closing. At the same 51048
time, the owner or manager shall inform each resident, ~~his~~ the 51049
resident's guardian, ~~his~~ the resident's sponsor, or any 51050
organization or agency acting on behalf of the resident, of the 51051
closing of the facility and the date of the closing. 51052

(2) Immediately upon receiving notice that a facility is to 51053
be closed, the director shall monitor the transfer of residents to 51054
other facilities and ensure that residents' rights are protected. 51055
The director shall notify the ~~ombudsman~~ ombudsperson in the region 51056
in which the facility is located of the closing. 51057

(3) All charges shall be prorated as of the date on which the 51058
facility closes. If payments have been made in advance, the 51059
payments for services not rendered shall be refunded to the 51060
resident or the resident's guardian not later than seven days 51061
after the closing of the facility. 51062

(4) Immediately upon the closing of a facility, the owner 51063
shall surrender the license to the director, and the license shall 51064
be canceled. 51065

Sec. 3722.15. (A) The following may enter an adult care 51066
facility at any time: 51067

(1) Employees designated by the director of health; 51068

(2) Employees designated by the director of aging; 51069

(3) Employees designated by the attorney general; 51070

(4) Employees designated by a county department of job and 51071
family services to implement sections 5101.60 to 5101.71 of the 51072
Revised Code; 51073

(5) Persons employed pursuant to division (M) of section 51074
173.01 of the Revised Code in the long-term care ~~facilities~~ 51075
ombudsperson program; 51076

(6) Employees of the department of mental health designated by the director of mental health; 51077
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(7) Employees of a mental health agency, ~~if under any of the~~ following circumstances: 51079
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(a) When the agency has a client residing in the facility; 51081

(b) When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract; 51082
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(c) When there is a mental health resident program participation agreement between the facility and the ADAMHS board with which the agency is under contract. 51084
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(8) Employees of ~~a an ADAMHS board of alcohol, drug addiction, and mental health services, when~~ under any of the following circumstances: 51087
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(a) When authorized by section 340.05 of the Revised Code ~~or if an individual;~~ 51090
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(b) When a resident of the facility is receiving mental health services provided by the that ADAMHS board or another ADAMHS board pursuant to division (A)(8)(b) of section 340.03 of the Revised Code ~~or;~~ 51092
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(c) When a resident of the facility is receiving services from a mental health agency under contract with ~~the that ADAMHS board resides in the facility~~ or another ADAMHS board; 51096
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(d) When there is a mental health resident program participation agreement between the facility and that ADAMHS board. 51099
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~~These~~ The employees specified in divisions (A)(1) to (8) of this section shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of health shall release, without consent, any information obtained from the 51102
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records of an adult care facility that reasonably would tend to 51107
identify a specific resident of the facility, except as ordered by 51108
a court of competent jurisdiction. 51109

(B) The following persons may enter any adult care facility 51110
during reasonable hours: 51111

(1) A resident's sponsor; 51112

(2) Residents' rights advocates; 51113

(3) A resident's attorney; 51114

(4) A minister, priest, rabbi, or other person ministering to 51115
a resident's religious needs; 51116

(5) A physician or other person providing health care 51117
services to a resident; 51118

(6) Employees authorized by county departments of job and 51119
family services and local boards of health or health departments 51120
to enter adult care facilities; 51121

(7) A prospective resident and prospective resident's 51122
sponsor. 51123

(C) The manager of an adult care facility may require a 51124
person seeking to enter the facility to present identification 51125
sufficient to identify the person as an authorized person under 51126
this section. 51127

Sec. 3722.16. (A) No person shall: 51128

(1) Operate an adult care facility unless the facility is 51129
validly licensed by the director of health under section 3722.04 51130
of the Revised Code; 51131

(2) Admit to an adult care facility more residents than the 51132
number authorized in the facility's license; 51133

(3) Admit a resident to an adult care facility after the 51134

director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.

(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;

(5) Admit to an adult care facility a resident requiring publicly funded mental health services, unless both of the following conditions are met:

(a) The ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located is notified;

(b) The facility and ADAMHS board have entered into a mental health resident program participation agreement by using the standardized form approved by the director of mental health under section 5119.613 of the Revised Code.

(6) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.

(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following conditions are ~~the case~~ met:

(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period.

(2) The care will be provided by one or more of the following:

(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended+;

(b) A hospice care program licensed under Chapter 3712. of 51165
the Revised Code; 51166

(c) A nursing home licensed under Chapter 3721. of the 51167
Revised Code and owned and operated by the same person and located 51168
on the same site as the adult care facility; 51169

(d) A mental health agency or, pursuant to division (A)(8)(b) 51170
of section 340.03 of the Revised Code, a an ADAMHS board of 51171
~~alcohol, drug addiction, and mental health services.~~ 51172

~~(2)(3) Each individual employed by, under contract with, or~~ 51173
~~otherwise used by any of the entities specified in division (B)(2)~~ 51174
~~of this section to perform the skilled nursing care is authorized~~ 51175
~~under the laws of this state to perform the care by being~~ 51176
~~appropriately licensed, as specified in rules adopted under~~ 51177
~~division (G) of this section.~~ 51178

(4) The staff of the ~~home health agency, hospice care~~ 51179
~~program, nursing home, mental health agency, or board of alcohol,~~ 51180
~~drug addiction, and mental health services~~ one or more entities 51181
providing the skilled nursing care does not train the adult care 51182
facility staff to provide the skilled nursing care; 51183

~~(3)(5)~~ The individual to whom the skilled nursing care is 51184
provided is suffering from a short-term illness; 51185

~~(4)(6)~~ If the skilled nursing care is to be provided by the 51186
nursing staff of a nursing home, all of the following are the 51187
case: 51188

(a) The adult care facility evaluates the individual 51189
receiving the skilled nursing care at least once every seven days 51190
to determine whether the individual should be transferred to a 51191
nursing home; 51192

(b) The adult care facility meets at all times staffing 51193
requirements established by rules adopted under section 3722.10 of 51194

the Revised Code; 51195

(c) The nursing home does not include the cost of providing 51196
skilled nursing care to the adult care facility residents in a 51197
cost report filed under section 5111.26 of the Revised Code; 51198

(d) The nursing home meets at all times the nursing home 51199
licensure staffing ratios established by rules adopted under 51200
section 3721.04 of the Revised Code; 51201

(e) The nursing home staff providing skilled nursing care to 51202
adult care facility residents are registered nurses or licensed 51203
practical nurses licensed under Chapter 4723. of the Revised Code 51204
and meet the personnel qualifications for nursing home staff 51205
established by rules adopted under section 3721.04 of the Revised 51206
Code; 51207

(f) The skilled nursing care is provided in accordance with 51208
rules established for nursing homes under section 3721.04 of the 51209
Revised Code; 51210

(g) The nursing home meets the skilled nursing care needs of 51211
the adult care facility residents; 51212

(h) Using the nursing home's nursing staff does not prevent 51213
the nursing home or adult care facility from meeting the needs of 51214
the nursing home and adult care facility residents in a quality 51215
and timely manner. 51216

(7) No adult care facility staff shall provide skilled 51217
nursing care. 51218

Notwithstanding section 3721.01 of the Revised Code, an adult 51219
care facility in which residents receive skilled nursing care as 51220
described in division (B) of this section is not a nursing home. 51221
~~No adult care facility shall provide skilled nursing care.~~ 51222

(C) A home health agency or hospice care program that 51223
provides skilled nursing care pursuant to division (B) of this 51224

section may not be associated with the adult care facility unless 51225
the facility is part of a home for the aged as defined in section 51226
5701.13 of the Revised Code or the adult care facility is owned 51227
and operated by the same person and located on the same site as a 51228
nursing home licensed under Chapter 3721. of the Revised Code that 51229
is associated with the home health agency or hospice care program. 51230
In addition, the following requirements shall be met: 51231

(1) The adult care facility shall evaluate the individual 51232
receiving the skilled nursing care not less than once every seven 51233
days to determine whether the individual should be transferred to 51234
a nursing home; 51235

(2) If the costs of providing the skilled nursing care are 51236
included in a cost report filed pursuant to section 5111.26 of the 51237
Revised Code by the nursing home that is part of the same home for 51238
the aged, the home health agency or hospice care program shall not 51239
seek reimbursement for the care under the medical assistance 51240
program established under Chapter 5111. of the Revised Code. 51241

(D)~~(1)~~ No person knowingly shall place or recommend placement 51242
of any person in an adult care facility that is operating without 51243
a license. 51244

~~(2)~~(E) No employee of a unit of local or state government, 51245
ADAMHS board of alcohol, drug addiction, and mental health 51246
~~services~~, mental health agency, or PASSPORT administrative agency 51247
shall place or recommend placement of any person in an adult care 51248
facility if the employee knows ~~that~~ any of the following: 51249

(1) That the facility cannot meet the needs of the potential 51250
resident; 51251

(2) That placement of the resident would cause the facility 51252
to exceed its licensed capacity; 51253

(3) That an enforcement action initiated by the director of 51254
health is pending and may result in the revocation of or refusal 51255

to renew the facility's license; 51256

(4) That the potential resident is receiving or is eligible for publicly funded mental health services and the facility has not entered into a mental health resident program participation agreement. 51257
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~~(3)~~(F) No person who has reason to believe that an adult care facility is operating without a license shall fail to report this information to the director of health. 51261
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~~(E)~~(G) In accordance with Chapter 119. of the Revised Code, the public health council shall adopt rules ~~that define for~~ purposes of division (B) of this section that do all of the following: 51264
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(1) Define a short-term illness for purposes of division (B)~~(3)~~(5) of this section ~~and specify;~~ 51268
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(2) Specify, consistent with rules pertaining to home health care adopted by the director of job and family services under the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, what constitutes a part-time, intermittent basis for purposes of division (B)(1) of this section; 51270
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(3) Specify what constitutes being appropriately licensed for purposes of division (B)(3) of this section. 51277
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Sec. 3722.17. (A) Any person who believes that an adult care facility is in violation of this chapter or of any of the rules promulgated pursuant to it may report the information to the director of health. The director shall investigate each report made under this section or section 3722.16 of the Revised Code and shall inform the facility of the results of the investigation. When investigating a report made pursuant to section 340.05 of the

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Revised Code, the director shall consult with the ADAMHS board of 51286
~~alcohol, drug addiction, and mental health services~~ that made the 51287
report. The director shall keep a record of the investigation and 51288
the action taken as a result of the investigation. 51289

The director shall not reveal, without consent, the identity 51290
of a person who makes a report under this section or division 51291
~~(D)(3)(G)~~ of section 3722.16 of the Revised Code, the identity of 51292
a specific resident or residents referred to in such a report, or 51293
any other information that could reasonably be expected to reveal 51294
the identity of the person making the report or the resident or 51295
residents referred to in the report, except that the director may 51296
provide this information to a government agency responsible for 51297
enforcing laws applying to adult care facilities. 51298

(B) Any person who believes that a resident's rights under 51299
sections 3722.12 to 3722.15 of the Revised Code have been violated 51300
may report the information to the state ~~or regional~~ long-term care 51301
~~facilities~~ ombudsperson, the regional long-term care ombudsperson 51302
program for the area in which the facility is located, or ~~to~~ the 51303
director of health. If the person believes that the resident has 51304
mental illness or severe mental disability and is suffering abuse 51305
or neglect, the person may report the information to the ADAMHS 51306
~~board of alcohol, drug addiction, and mental health services~~ 51307
serving the alcohol, drug addiction, and mental health service 51308
district in which the adult care facility is located or a mental 51309
health agency under contract with the board in addition to or 51310
instead of the ombudsperson, regional program, or director. 51311

(C) Any person who makes a report pursuant to division (A) or 51312
(B) of this section or division ~~(D)(3)(G)~~ of section 3722.16 of 51313
the Revised Code or any person who participates in an 51314
administrative or judicial proceeding resulting from such a report 51315
is immune from any civil liability or criminal liability, other 51316
than perjury, that might otherwise be incurred or imposed as a 51317

result of these actions, unless the person has acted in bad faith 51318
or with malicious purpose. 51319

Sec. 3722.18. Before an adult care facility admits a 51320
prospective resident who the owner or manager of the facility 51321
knows has been assessed as having a mental illness or severe 51322
mental disability, the owner or manager ~~shall do~~ is subject to 51323
both of the following in accordance with rules adopted under 51324
division (A)(12) of section 3722.10 of the Revised Code: 51325

(A) If the prospective resident is referred to the facility 51326
by a mental health agency or ADAMHS board ~~of alcohol, drug~~ 51327
~~addiction, and mental health services, do the following:~~ 51328

~~(1) Except in an emergency and only until the date an owner~~ 51329
~~or manager of an adult care facility must begin to follow~~ 51330
~~procedures under division (A)(2) of this section, enter into an~~ 51331
~~affiliation agreement with the agency or board. An affiliation~~ 51332
~~agreement with the agency is subject to the board's approval. An~~ 51333
~~affiliation agreement must be consistent with the residential~~ 51334
~~portion of the board's community mental health plan submitted to~~ 51335
~~the department of mental health under section 340.03 of the~~ 51336
~~Revised Code.~~ 51337

~~(2) Beginning on the date specified in rules adopted under~~ 51338
~~division (A)(12) of section 3722.10 of the Revised Code, the owner~~ 51339
~~or manager shall follow procedures established in those rules~~ 51340
~~adopted under division (A)(12) of section 3722.10 of the Revised~~ 51341
Code regarding referrals and effective arrangements for ongoing 51342
mental health services. 51343

(B) If the prospective resident is not referred to the 51344
facility by a mental health agency or ADAMHS board ~~of alcohol,~~ 51345
~~drug addiction, and mental health services, document that the~~ 51346
owner or manager ~~has offered~~ shall offer to assist the prospective 51347
resident in obtaining appropriate mental health services and 51348

document the offer of assistance in accordance with rules adopted 51349
under division (A)(12) of section 3722.10 of the Revised Code. 51350

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Sec. 3722.99. Whoever violates division (A) ~~or (B)(1)~~ of 51352
section 3722.16 of the Revised Code shall be fined ~~five hundred~~ 51353
two thousand dollars for a first offense; for each subsequent 51354
offense, such person shall be fined ~~one~~ five thousand dollars. 51355

Whoever violates division (C) of section 3722.12 or division 51356
(A)(2), (3), (4), (5) or (6), (B), (C), (D), (E), or (F) of 51357
section 3722.16 of the Revised Code shall be fined ~~one~~ five 51358
hundred dollars for a first offense; for each subsequent offense, 51359
such person shall be fined ~~five hundred~~ one thousand dollars. 51360

Sec. 3727.02. (A) No person and no political subdivision, 51361
agency, or instrumentality of this state shall operate a hospital 51362
unless it is certified under Title XVIII of the "Social Security 51363
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or is 51364
accredited by ~~the joint commission or the American osteopathic~~ 51365
~~association~~ a national accrediting organization approved by the 51366
centers for medicare and medicaid services. 51367

(B) No person and no political subdivision, agency, or 51368
instrumentality of this state shall hold out as a hospital any 51369
health facility that is not certified or accredited as required in 51370
division (A) of this section. 51371

Sec. 3733.02. (A)(1) The public health council, subject to 51372
Chapter 119. of the Revised Code, shall adopt, and has the 51373
exclusive power to adopt, rules of uniform application throughout 51374
the state governing the review of plans, issuance of flood plain 51375
management permits, and issuance of licenses for manufactured home 51376
parks; the location, layout, density, construction, drainage, 51377
sanitation, safety, and operation of those parks; and notices of 51378

flood events concerning, and flood protection at, those parks. The 51379
rules pertaining to flood plain management shall be consistent 51380
with and not less stringent than the flood plain management 51381
criteria of the national flood insurance program adopted under the 51382
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 51383
4001, as amended. The rules shall not apply to the construction, 51384
erection, or manufacture of any building to which section 3781.06 51385
of the Revised Code is applicable. 51386

(2) The rules pertaining to manufactured home parks 51387
constructed after June 30, 1971, shall specify that each home must 51388
be placed on its lot to provide not less than fifteen feet between 51389
the side of one home and the side of another home, ten feet 51390
between the end of one home and the side of another home, and five 51391
feet between the ends of two homes placed end to end. 51392

(3) The ~~department of health~~ manufactured homes commission 51393
shall determine compliance with the installation, blocking, 51394
tiedown, foundation, and base support system standards for 51395
manufactured housing located in manufactured home parks adopted by 51396
the ~~manufactured homes~~ commission pursuant to section 4781.04 of 51397
the Revised Code. All inspections of the installation, blocking, 51398
tiedown, foundation, and base support systems of manufactured 51399
housing in a manufactured home park that the department of health 51400
or a licensor conducts shall be conducted by a person who has 51401
completed an installation training course approved by the 51402
manufactured homes commission pursuant to division (B)(12) of 51403
section 4781.04 of the Revised Code. 51404

As used in division (A)(3) of this section, "manufactured 51405
housing" has the same meaning as in section 4781.01 of the Revised 51406
Code. 51407

(B) The public health council, in accordance with Chapter 51408
119. of the Revised Code, shall adopt rules of uniform application 51409
throughout the state establishing requirements and procedures in 51410

accordance with which the director of health may authorize 51411
licensors for the purposes of sections 3733.022 and 3733.025 of 51412
the Revised Code. The rules shall include at least provisions 51413
under which a licensor may enter into contracts for the purpose of 51414
fulfilling the licensor's responsibilities under either or both of 51415
those sections. 51416

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 51417
(8), and (9) of this section, no person shall operate or maintain 51418
a solid waste facility without a license issued under this 51419
division by the board of health of the health district in which 51420
the facility is located or by the director of environmental 51421
protection when the health district in which the facility is 51422
located is not on the approved list under section 3734.08 of the 51423
Revised Code. 51424

During the month of December, but before the first day of 51425
January of the next year, every person proposing to continue to 51426
operate an existing solid waste facility shall procure a license 51427
under this division to operate the facility for that year from the 51428
board of health of the health district in which the facility is 51429
located or, if the health district is not on the approved list 51430
under section 3734.08 of the Revised Code, from the director. The 51431
application for such a license shall be submitted to the board of 51432
health or to the director, as appropriate, on or before the last 51433
day of September of the year preceding that for which the license 51434
is sought. In addition to the application fee prescribed in 51435
division (A)(2) of this section, a person who submits an 51436
application after that date shall pay an additional ten per cent 51437
of the amount of the application fee for each week that the 51438
application is late. Late payment fees accompanying an application 51439
submitted to the board of health shall be credited to the special 51440
fund of the health district created in division (B) of section 51441
3734.06 of the Revised Code, and late payment fees accompanying an 51442

application submitted to the director shall be credited to the 51443
general revenue fund. A person who has received a license, upon 51444
sale or disposition of a solid waste facility, and upon consent of 51445
the board of health and the director, may have the license 51446
transferred to another person. The board of health or the director 51447
may include such terms and conditions in a license or revision to 51448
a license as are appropriate to ensure compliance with this 51449
chapter and rules adopted under it. The terms and conditions may 51450
establish the authorized maximum daily waste receipts for the 51451
facility. Limitations on maximum daily waste receipts shall be 51452
specified in cubic yards of volume for the purpose of regulating 51453
the design, construction, and operation of solidwaste facilities. 51454
Terms and conditions included in a license or revision to a 51455
license by a board of health shall be consistent with, and pertain 51456
only to the subjects addressed in, the rules adopted under 51457
division (A) of section 3734.02 and division (D) of section 51458
3734.12 of the Revised Code. 51459

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 51460
(9) of this section, each person proposing to open a new solid 51461
waste facility or to modify an existing solid waste facility shall 51462
submit an application for a permit with accompanying detail plans 51463
and specifications to the environmental protection agency for 51464
required approval under the rules adopted by the director pursuant 51465
to division (A) of section 3734.02 of the Revised Code and 51466
applicable rules adopted under division (D) of section 3734.12 of 51467
the Revised Code at least two hundred seventy days before proposed 51468
operation of the facility and shall concurrently make application 51469
for the issuance of a license under division (A)(1) of this 51470
section with the board of health of the health district in which 51471
the proposed facility is to be located. 51472

(b) On and after the effective date of the rules adopted 51473
under division (A) of section 3734.02 of the Revised Code and 51474

division (D) of section 3734.12 of the Revised Code governing 51475
solid waste transfer facilities, each person proposing to open a 51476
new solid waste transfer facility or to modify an existing solid 51477
waste transfer facility shall submit an application for a permit 51478
with accompanying engineering detail plans, specifications, and 51479
information regarding the facility and its method of operation to 51480
the environmental protection agency for required approval under 51481
those rules at least two hundred seventy days before commencing 51482
proposed operation of the facility and concurrently shall make 51483
application for the issuance of a license under division (A)(1) of 51484
this section with the board of health of the health district in 51485
which the facility is located or proposed. 51486

(c) Each application for a permit under division (A)(2)(a) or 51487
(b) of this section shall be accompanied by a nonrefundable 51488
application fee of four hundred dollars that shall be credited to 51489
the general revenue fund. Each application for an annual license 51490
under division (A)(1) or (2) of this section shall be accompanied 51491
by a nonrefundable application fee of one hundred dollars. If the 51492
application for an annual license is submitted to a board of 51493
health on the approved list under section 3734.08 of the Revised 51494
Code, the application fee shall be credited to the special fund of 51495
the health district created in division (B) of section 3734.06 of 51496
the Revised Code. If the application for an annual license is 51497
submitted to the director, the application fee shall be credited 51498
to the general revenue fund. If a permit or license is issued, the 51499
amount of the application fee paid shall be deducted from the 51500
amount of the permit fee due under division (Q) of section 3745.11 51501
of the Revised Code or the amount of the license fee due under 51502
division (A)(1), (2), (3), or (4) of section 3734.06 of the 51503
Revised Code. 51504

(d) As used in divisions (A)(2)(d), (e), and (f) of this 51505
section, "modify" means any of the following: 51506

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;	51507 51508
(ii) Any expansion of the limits of solid waste placement at a solid waste facility;	51509 51510
(iii) Any increase in the depth of excavation at a solid waste facility;	51511 51512
(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.	51513 51514 51515 51516
Not later than thirty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a permit to open a new or modify an existing solid waste facility, the applicant, in conjunction with an officer or employee of the environmental protection agency, shall hold a public meeting on the application within the county in which the new or modified solid waste facility is or is proposed to be located or within a contiguous county. Not less than thirty days before holding the public meeting on the application, the applicant shall publish notice of the meeting in each newspaper of general circulation that is published in the county in which the facility is or is proposed to be located. If no newspaper of general circulation is published in the county, the applicant shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public meeting and a general description of the proposed new or modified facility. Not later than five days after publishing the notice, the applicant shall send by certified mail a copy of the notice and the date the notice was published to the director and the legislative authority of each municipal corporation, township, and county, and to the chief executive officer of each municipal corporation, in which the facility is or is proposed to be located. At the public	51517 51518 51519 51520 51521 51522 51523 51524 51525 51526 51527 51528 51529 51530 51531 51532 51533 51534 51535 51536 51537 51538

meeting, the applicant shall provide information and describe the 51539
application and respond to comments or questions concerning the 51540
application, and the officer or employee of the agency shall 51541
describe the permit application process. At the public meeting, 51542
any person may submit written or oral comments on or objections to 51543
the application. Not more than thirty days after the public 51544
meeting, the applicant shall provide the director with a copy of a 51545
transcript of the full meeting, copies of any exhibits, displays, 51546
or other materials presented by the applicant at the meeting, and 51547
the original copy of any written comments submitted at the 51548
meeting. 51549

(e) Except as provided in division (A)(2)(f) of this section, 51550
prior to taking an action, other than a proposed or final denial, 51551
upon an application submitted under division (A)(2)(a) of this 51552
section for a permit to open a new or modify an existing solid 51553
waste facility, the director shall hold a public information 51554
session and a public hearing on the application within the county 51555
in which the new or modified solid waste facility is or is 51556
proposed to be located or within a contiguous county. If the 51557
application is for a permit to open a new solid waste facility, 51558
the director shall hold the hearing not less than fourteen days 51559
after the information session. If the application is for a permit 51560
to modify an existing solid waste facility, the director may hold 51561
both the information session and the hearing on the same day 51562
unless any individual affected by the application requests in 51563
writing that the information session and the hearing not be held 51564
on the same day, in which case the director shall hold the hearing 51565
not less than fourteen days after the information session. The 51566
director shall publish notice of the public information session or 51567
public hearing not less than thirty days before holding the 51568
information session or hearing, as applicable. The notice shall be 51569
published in each newspaper of general circulation that is 51570
published in the county in which the facility is or is proposed to 51571

be located. If no newspaper of general circulation is published in 51572
the county, the director shall publish the notice in a newspaper 51573
of general circulation in the county. The notice shall contain the 51574
date, time, and location of the information session or hearing, as 51575
applicable, and a general description of the proposed new or 51576
modified facility. At the public information session, an officer 51577
or employee of the environmental protection agency shall describe 51578
the status of the permit application and be available to respond 51579
to comments or questions concerning the application. At the public 51580
hearing, any person may submit written or oral comments on or 51581
objections to the approval of the application. The applicant, or a 51582
representative of the applicant who has knowledge of the location, 51583
construction, and operation of the facility, shall attend the 51584
information session and public hearing to respond to comments or 51585
questions concerning the facility directed to the applicant or 51586
representative by the officer or employee of the environmental 51587
protection agency presiding at the information session and 51588
hearing. 51589

(f) The solid waste management policy committee of a county 51590
or joint solid waste management district may adopt a resolution 51591
requesting expeditious consideration of a specific application 51592
submitted under division (A)(2)(a) of this section for a permit to 51593
modify an existing solid waste facility within the district. The 51594
resolution shall make the finding that expedited consideration of 51595
the application without the public information session and public 51596
hearing under division (A)(2)(e) of this section is in the public 51597
interest and will not endanger human health, as determined by the 51598
director by rules adopted in accordance with Chapter 119. of the 51599
Revised Code. Upon receiving such a resolution, the director, at 51600
the director's discretion, may issue a final action upon the 51601
application without holding a public information session or public 51602
hearing pursuant to division (A)(2)(e) of this section. 51603

(3) Except as provided in division (A)(10) of this section, 51604
and unless the owner or operator of any solid waste facility, 51605
other than a solid waste transfer facility or a compost facility 51606
that accepts exclusively source separated yard wastes, that 51607
commenced operation on or before July 1, 1968, has obtained an 51608
exemption from the requirements of division (A)(3) of this section 51609
in accordance with division (G) of section 3734.02 of the Revised 51610
Code, the owner or operator shall submit to the director an 51611
application for a permit with accompanying engineering detail 51612
plans, specifications, and information regarding the facility and 51613
its method of operation for approval under rules adopted under 51614
division (A) of section 3734.02 of the Revised Code and applicable 51615
rules adopted under division (D) of section 3734.12 of the Revised 51616
Code in accordance with the following schedule: 51617

(a) Not later than September 24, 1988, if the facility is 51618
located in the city of Garfield Heights or Parma in Cuyahoga 51619
county; 51620

(b) Not later than December 24, 1988, if the facility is 51621
located in Delaware, Greene, Guernsey, Hamilton, Madison, 51622
Mahoning, Ottawa, or Vinton county; 51623

(c) Not later than March 24, 1989, if the facility is located 51624
in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or 51625
Washington county, or is located in the city of Brooklyn or 51626
Cuyahoga Heights in Cuyahoga county; 51627

(d) Not later than June 24, 1989, if the facility is located 51628
in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or 51629
Summit county or is located in Cuyahoga county outside the cities 51630
of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights; 51631

(e) Not later than September 24, 1989, if the facility is 51632
located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross 51633
county; 51634

(f) Not later than December 24, 1989, if the facility is 51635
located in a county not listed in divisions (A)(3)(a) to (e) of 51636
this section; 51637

(g) Notwithstanding divisions (A)(3)(a) to (f) of this 51638
section, not later than December 31, 1990, if the facility is a 51639
solid waste facility owned by a generator of solid wastes when the 51640
solid waste facility exclusively disposes of solid wastes 51641
generated at one or more premises owned by the generator 51642
regardless of whether the facility is located on a premises where 51643
the wastes are generated and if the facility disposes of more than 51644
one hundred thousand tons of solid wastes per year, provided that 51645
any such facility shall be subject to division (A)(5) of this 51646
section. 51647

(4) Except as provided in divisions (A)(8), (9), and (10) of 51648
this section, unless the owner or operator of any solid waste 51649
facility for which a permit was issued after July 1, 1968, but 51650
before January 1, 1980, has obtained an exemption from the 51651
requirements of division (A)(4) of this section under division (G) 51652
of section 3734.02 of the Revised Code, the owner or operator 51653
shall submit to the director an application for a permit with 51654
accompanying engineering detail plans, specifications, and 51655
information regarding the facility and its method of operation for 51656
approval under those rules. 51657

(5) The director may issue an order in accordance with 51658
Chapter 3745. of the Revised Code to the owner or operator of a 51659
solid waste facility requiring the person to submit to the 51660
director updated engineering detail plans, specifications, and 51661
information regarding the facility and its method of operation for 51662
approval under rules adopted under division (A) of section 3734.02 51663
of the Revised Code and applicable rules adopted under division 51664
(D) of section 3734.12 of the Revised Code if, in the director's 51665
judgment, conditions at the facility constitute a substantial 51666

threat to public health or safety or are causing or contributing 51667
to or threatening to cause or contribute to air or water pollution 51668
or soil contamination. Any person who receives such an order shall 51669
submit the updated engineering detail plans, specifications, and 51670
information to the director within one hundred eighty days after 51671
the effective date of the order. 51672

(6) The director shall act upon an application submitted 51673
under division (A)(3) or (4) of this section and any updated 51674
engineering plans, specifications, and information submitted under 51675
division (A)(5) of this section within one hundred eighty days 51676
after receiving them. If the director denies any such permit 51677
application, the order denying the application or disapproving the 51678
plans shall include the requirements that the owner or operator 51679
submit a plan for closure and post-closure care of the facility to 51680
the director for approval within six months after issuance of the 51681
order, cease accepting solid wastes for disposal or transfer at 51682
the facility, and commence closure of the facility not later than 51683
one year after issuance of the order. If the director determines 51684
that closure of the facility within that one-year period would 51685
result in the unavailability of sufficient solid waste management 51686
facility capacity within the county or joint solid waste 51687
management district in which the facility is located to dispose of 51688
or transfer the solid waste generated within the district, the 51689
director in the order of denial or disapproval may postpone 51690
commencement of closure of the facility for such period of time as 51691
the director finds necessary for the board of county commissioners 51692
or directors of the district to secure access to or for there to 51693
be constructed within the district sufficient solid waste 51694
management facility capacity to meet the needs of the district, 51695
provided that the director shall certify in the director's order 51696
that postponing the date for commencement of closure will not 51697
endanger ground water or any property surrounding the facility, 51698
allow methane gas migration to occur, or cause or contribute to 51699

any other type of environmental damage. 51700

If an emergency need for disposal capacity that may affect 51701
public health and safety exists as a result of closure of a 51702
facility under division (A)(6) of this section, the director may 51703
issue an order designating another solid waste facility to accept 51704
the wastes that would have been disposed of at the facility to be 51705
closed. 51706

(7) If the director determines that standards more stringent 51707
than those applicable in rules adopted under division (A) of 51708
section 3734.02 of the Revised Code and division (D) of section 51709
3734.12 of the Revised Code, or standards pertaining to subjects 51710
not specifically addressed by those rules, are necessary to ensure 51711
that a solid waste facility constructed at the proposed location 51712
will not cause a nuisance, cause or contribute to water pollution, 51713
or endanger public health or safety, the director may issue a 51714
permit for the facility with such terms and conditions as the 51715
director finds necessary to protect public health and safety and 51716
the environment. If a permit is issued, the director shall state 51717
in the order issuing it the specific findings supporting each such 51718
term or condition. 51719

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 51720
not apply to a solid waste compost facility that accepts 51721
exclusively source separated yard wastes and that is registered 51722
under division (C) of section 3734.02 of the Revised Code or, 51723
unless otherwise provided in rules adopted under division (N)(3) 51724
of section 3734.02 of the Revised Code, to a solid waste compost 51725
facility if the director has adopted rules establishing an 51726
alternative system for authorizing the establishment, operation, 51727
or modification of a solid waste compost facility under that 51728
division. 51729

(9) Divisions (A)(1) to (7) of this section do not apply to 51730
scrap tire collection, storage, monocell, monofill, and recovery 51731

facilities. The approval of plans and specifications, as 51732
applicable, and the issuance of registration certificates, 51733
permits, and licenses for those facilities are subject to sections 51734
3734.75 to 3734.78 of the Revised Code, as applicable, and section 51735
3734.81 of the Revised Code. 51736

(10) Divisions (A)(3) and (4) of this section do not apply to 51737
a solid waste incinerator that was placed into operation on or 51738
before October 12, 1994, and that is not authorized to accept and 51739
treat infectious wastes pursuant to division (B) of this section. 51740

(B)(1) Each person who is engaged in the business of treating 51741
infectious wastes for profit at a treatment facility located off 51742
the premises where the wastes are generated that is in operation 51743
on August 10, 1988, and who proposes to continue operating the 51744
facility shall submit to the board of health of the health 51745
district in which the facility is located an application for a 51746
license to operate the facility. 51747

Thereafter, no person shall operate or maintain an infectious 51748
waste treatment facility without a license issued by the board of 51749
health of the health district in which the facility is located or 51750
by the director when the health district in which the facility is 51751
located is not on the approved list under section 3734.08 of the 51752
Revised Code. 51753

(2)(a) During the month of December, but before the first day 51754
of January of the next year, every person proposing to continue to 51755
operate an existing infectious waste treatment facility shall 51756
procure a license to operate the facility for that year from the 51757
board of health of the health district in which the facility is 51758
located or, if the health district is not on the approved list 51759
under section 3734.08 of the Revised Code, from the director. The 51760
application for such a license shall be submitted to the board of 51761
health or to the director, as appropriate, on or before the last 51762
day of September of the year preceding that for which the license 51763

is sought. In addition to the application fee prescribed in 51764
division (B)(2)(c) of this section, a person who submits an 51765
application after that date shall pay an additional ten per cent 51766
of the amount of the application fee for each week that the 51767
application is late. Late payment fees accompanying an application 51768
submitted to the board of health shall be credited to the special 51769
infectious waste fund of the health district created in division 51770
(C) of section 3734.06 of the Revised Code, and late payment fees 51771
accompanying an application submitted to the director shall be 51772
credited to the general revenue fund. A person who has received a 51773
license, upon sale or disposition of an infectious waste treatment 51774
facility and upon consent of the board of health and the director, 51775
may have the license transferred to another person. The board of 51776
health or the director may include such terms and conditions in a 51777
license or revision to a license as are appropriate to ensure 51778
compliance with the infectious waste provisions of this chapter 51779
and rules adopted under them. 51780

(b) Each person proposing to open a new infectious waste 51781
treatment facility or to modify an existing infectious waste 51782
treatment facility shall submit an application for a permit with 51783
accompanying detail plans and specifications to the environmental 51784
protection agency for required approval under the rules adopted by 51785
the director pursuant to section 3734.021 of the Revised Code two 51786
hundred seventy days before proposed operation of the facility and 51787
concurrently shall make application for a license with the board 51788
of health of the health district in which the facility is or is 51789
proposed to be located. Not later than ninety days after receiving 51790
a completed application under division (B)(2)(b) of this section 51791
for a permit to open a new infectious waste treatment facility or 51792
modify an existing infectious waste treatment facility to expand 51793
its treatment capacity, or receiving a completed application under 51794
division (A)(2)(a) of this section for a permit to open a new 51795
solid waste incineration facility, or modify an existing solid 51796

waste incineration facility to also treat infectious wastes or to 51797
increase its infectious waste treatment capacity, that pertains to 51798
a facility for which a notation authorizing infectious waste 51799
treatment is included or proposed to be included in the solid 51800
waste incineration facility's license pursuant to division (B)(3) 51801
of this section, the director shall hold a public hearing on the 51802
application within the county in which the new or modified 51803
infectious waste or solid waste facility is or is proposed to be 51804
located or within a contiguous county. Not less than thirty days 51805
before holding the public hearing on the application, the director 51806
shall publish notice of the hearing in each newspaper that has 51807
general circulation and that is published in the county in which 51808
the facility is or is proposed to be located. If there is no 51809
newspaper that has general circulation and that is published in 51810
the county, the director shall publish the notice in a newspaper 51811
of general circulation in the county. The notice shall contain the 51812
date, time, and location of the public hearing and a general 51813
description of the proposed new or modified facility. At the 51814
public hearing, any person may submit written or oral comments on 51815
or objections to the approval or disapproval of the application. 51816
The applicant, or a representative of the applicant who has 51817
knowledge of the location, construction, and operation of the 51818
facility, shall attend the public hearing to respond to comments 51819
or questions concerning the facility directed to the applicant or 51820
representative by the officer or employee of the environmental 51821
protection agency presiding at the hearing. 51822

(c) Each application for a permit under division (B)(2)(b) of 51823
this section shall be accompanied by a nonrefundable application 51824
fee of four hundred dollars that shall be credited to the general 51825
revenue fund. Each application for an annual license under 51826
division (B)(2)(a) of this section shall be accompanied by a 51827
nonrefundable application fee of one hundred dollars. If the 51828
application for an annual license is submitted to a board of 51829

health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule:

(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;

(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;

(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma;

(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross

county; 51861

(v) Not later than December 24, 1989, if the facility is 51862
located in a county not listed in divisions (B)(2)(d)(i) to (iv) 51863
of this section. 51864

The owner or operator of an infectious waste treatment 51865
facility required to submit a permit application under division 51866
(B)(2)(d) of this section is not required to pay any permit 51867
application fee under division (B)(2)(c) of this section, or 51868
permit fee under division (Q) of section 3745.11 of the Revised 51869
Code, with respect thereto unless the owner or operator also 51870
proposes to modify the facility. 51871

(e) The director may issue an order in accordance with 51872
Chapter 3745. of the Revised Code to the owner or operator of an 51873
infectious waste treatment facility requiring the person to submit 51874
to the director updated engineering detail plans, specifications, 51875
and information regarding the facility and its method of operation 51876
for approval under rules adopted under section 3734.021 of the 51877
Revised Code if, in the director's judgment, conditions at the 51878
facility constitute a substantial threat to public health or 51879
safety or are causing or contributing to or threatening to cause 51880
or contribute to air or water pollution or soil contamination. Any 51881
person who receives such an order shall submit the updated 51882
engineering detail plans, specifications, and information to the 51883
director within one hundred eighty days after the effective date 51884
of the order. 51885

(f) The director shall act upon an application submitted 51886
under division (B)(2)(d) of this section and any updated 51887
engineering plans, specifications, and information submitted under 51888
division (B)(2)(e) of this section within one hundred eighty days 51889
after receiving them. If the director denies any such permit 51890
application or disapproves any such updated engineering plans, 51891
specifications, and information, the director shall include in the 51892

order denying the application or disapproving the plans the 51893
requirement that the owner or operator cease accepting infectious 51894
wastes for treatment at the facility. 51895

(3) Division (B) of this section does not apply to an 51896
infectious waste treatment facility that meets any of the 51897
following conditions: 51898

(a) Is owned or operated by the generator of the wastes and 51899
exclusively treats, by methods, techniques, and practices 51900
established by rules adopted under division (C)(1) or (3) of 51901
section 3734.021 of the Revised Code, wastes that are generated at 51902
any premises owned or operated by that generator regardless of 51903
whether the wastes are generated on the same premises where the 51904
generator's treatment facility is located or, if the generator is 51905
a hospital as defined in section 3727.01 of the Revised Code, 51906
infectious wastes that are described in division (A)(1)(g), (h), 51907
or (i) of section 3734.021 of the Revised Code; 51908

(b) Holds a license or renewal of a license to operate a 51909
crematory facility issued under Chapter 4717. and a permit issued 51910
under Chapter 3704. of the Revised Code; 51911

(c) Treats or disposes of dead animals or parts thereof, or 51912
the blood of animals, and is subject to any of the following: 51913

(i) Inspection under the "Federal Meat Inspection Act," 81 51914
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 51915

(ii) Chapter 918. of the Revised Code; 51916

(iii) Chapter 953. of the Revised Code. 51917

Nothing in division (B) of this section requires a facility 51918
that holds a license issued under division (A) of this section as 51919
a solid waste facility and that also treats infectious wastes by 51920
the same method, technique, or process to obtain a license under 51921
division (B) of this section as an infectious waste treatment 51922

facility. However, the solid waste facility license for the 51923
facility shall include the notation that the facility also treats 51924
infectious wastes. 51925

On and after the effective date of the amendments to the 51926
rules adopted under division (C)(2) of section 3734.021 of the 51927
Revised Code that are required by Section 6 of Substitute House 51928
Bill No. 98 of the 120th General Assembly, the director shall not 51929
issue a permit to open a new solid waste incineration facility 51930
unless the proposed facility complies with the requirements for 51931
the location of new infectious waste incineration facilities 51932
established in the required amendments to those rules. 51933

(C) Except for a facility or activity described in division 51934
(E)(3) of section 3734.02 of the Revised Code, a person who 51935
proposes to establish or operate a hazardous waste facility shall 51936
submit a complete application for a hazardous waste facility 51937
installation and operation permit and accompanying detail plans, 51938
specifications, and such information as the director may require 51939
to the environmental protection agency at least one hundred eighty 51940
days before the proposed beginning of operation of the facility. 51941
The applicant shall notify by certified mail the legislative 51942
authority of each municipal corporation, township, and county in 51943
which the facility is proposed to be located of the submission of 51944
the application within ten days after the submission or at such 51945
earlier time as the director may establish by rule. If the 51946
application is for a proposed new hazardous waste disposal or 51947
thermal treatment facility, the applicant also shall give actual 51948
notice of the general design and purpose of the facility to the 51949
legislative authority of each municipal corporation, township, and 51950
county in which the facility is proposed to be located at least 51951
ninety days before the permit application is submitted to the 51952
environmental protection agency. 51953

In accordance with rules adopted under section 3734.12 of the 51954

Revised Code, prior to the submission of a complete application 51955
for a hazardous waste facility installation and operation permit, 51956
the applicant shall hold at least one meeting in the township or 51957
municipal corporation in which the facility is proposed to be 51958
located, whichever is geographically closer to the proposed 51959
location of the facility. The meeting shall be open to the public 51960
and shall be held to inform the community of the proposed 51961
hazardous waste management activities and to solicit questions 51962
from the community concerning the activities. 51963

(D)(1) Except as provided in section 3734.123 of the Revised 51964
Code, upon receipt of a complete application for a hazardous waste 51965
facility installation and operation permit under division (C) of 51966
this section, the director shall consider the application and 51967
accompanying information to determine whether the application 51968
complies with agency rules and the requirements of division (D)(2) 51969
of this section. After making a determination, the director shall 51970
issue either a draft permit or a notice of intent to deny the 51971
permit. The director, in accordance with rules adopted under 51972
section 3734.12 of the Revised Code or with rules adopted to 51973
implement Chapter 3745. of the Revised Code, shall provide public 51974
notice of the application and the draft permit or the notice of 51975
intent to deny the permit, provide an opportunity for public 51976
comments, and, if significant interest is shown, schedule a public 51977
meeting in the county in which the facility is proposed to be 51978
located and give public notice of the date, time, and location of 51979
the public meeting in a newspaper of general circulation in that 51980
county. 51981

(2) The director shall not approve an application for a 51982
hazardous waste facility installation and operation permit or an 51983
application for a modification under division (I)(3) of this 51984
section unless the director finds and determines as follows: 51985

(a) The nature and volume of the waste to be treated, stored, 51986

or disposed of at the facility; 51987

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code; 51988
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(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations; 51991
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(d) That the facility represents the minimum risk of all of the following: 51995
51996

(i) Fires or explosions from treatment, storage, or disposal methods; 51997
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(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility; 51999
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(iii) Adverse impact on the public health and safety. 52001

(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them; 52002
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(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, 52005
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expertise, and competency to operate a hazardous waste facility 52017
under the applicable provisions of this chapter and Chapters 3704. 52018
and 6111. of the Revised Code, the applicable rules and standards 52019
adopted under them, and terms and conditions of a hazardous waste 52020
facility installation and operation permit, given the potential 52021
for harm to the public health and safety and the environment that 52022
could result from the irresponsible operation of the facility. For 52023
off-site facilities, as defined in section 3734.41 of the Revised 52024
Code, the director may use the investigative reports of the 52025
attorney general prepared pursuant to section 3734.42 of the 52026
Revised Code as a basis for making a finding and determination 52027
under division (D)(2)(f) of this section. 52028

(g) That the active areas within a new hazardous waste 52029
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 52030
(e), as amended, or organic waste that is toxic and is listed 52031
under 40 C.F.R. 261, as amended, is being stored, treated, or 52032
disposed of and where the aggregate of the storage design capacity 52033
and the disposal design capacity of all hazardous waste in those 52034
areas is greater than two hundred fifty thousand gallons, are not 52035
located or operated within any of the following: 52036

(i) Two thousand feet of any residence, school, hospital, 52037
jail, or prison; 52038

(ii) Any naturally occurring wetland; 52039

(iii) Any flood hazard area if the applicant cannot show that 52040
the facility will be designed, constructed, operated, and 52041
maintained to prevent washout by a one-hundred-year flood. 52042

Division (D)(2)(g) of this section does not apply to the 52043
facility of any applicant who demonstrates to the director that 52044
the limitations specified in that division are not necessary 52045
because of the nature or volume of the waste and the manner of 52046
management applied, the facility will impose no substantial danger 52047

to the health and safety of persons occupying the structures 52048
listed in division (D)(2)(g)(i) of this section, and the facility 52049
is to be located or operated in an area where the proposed 52050
hazardous waste activities will not be incompatible with existing 52051
land uses in the area. 52052

(h) That the facility will not be located within the 52053
boundaries of a state park established or dedicated under Chapter 52054
1541. of the Revised Code, a state park purchase area established 52055
under section 1541.02 of the Revised Code, any unit of the 52056
national park system, or any property that lies within the 52057
boundaries of a national park or recreation area, but that has not 52058
been acquired or is not administered by the secretary of the 52059
United States department of the interior, located in this state, 52060
or any candidate area located in this state identified for 52061
potential inclusion in the national park system in the edition of 52062
the "national park system plan" submitted under paragraph (b) of 52063
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 52064
U.S.C.A. 1a-5, as amended, current at the time of filing of the 52065
application for the permit, unless the facility will be used 52066
exclusively for the storage of hazardous waste generated within 52067
the park or recreation area in conjunction with the operation of 52068
the park or recreation area. Division (D)(2)(h) of this section 52069
does not apply to the facility of any applicant for modification 52070
of a permit unless the modification application proposes to 52071
increase the land area included in the facility or to increase the 52072
quantity of hazardous waste that will be treated, stored, or 52073
disposed of at the facility. 52074

(3) Not later than one hundred eighty days after the end of 52075
the public comment period, the director, without prior hearing, 52076
shall issue or deny the permit in accordance with Chapter 3745. of 52077
the Revised Code. If the director approves an application for a 52078
hazardous waste facility installation and operation permit, the 52079

director shall issue the permit, upon such terms and conditions as 52080
the director finds are necessary to ensure the construction and 52081
operation of the hazardous waste facility in accordance with the 52082
standards of this section. 52083

(E)÷ No political subdivision of this state shall require any 52084
additional zoning or other approval, consent, permit, certificate, 52085
or condition for the construction or operation of a hazardous 52086
waste facility authorized by a hazardous waste facility 52087
installation and operation permit issued pursuant to this chapter, 52088
nor shall any political subdivision adopt or enforce any law, 52089
ordinance, or rule that in any way alters, impairs, or limits the 52090
authority granted in the permit. 52091

(F) The director may issue a single hazardous waste facility 52092
installation and operation permit to a person who operates two or 52093
more adjoining facilities where hazardous waste is stored, 52094
treated, or disposed of if the application includes detail plans, 52095
specifications, and information on all facilities. For the 52096
purposes of this section, "adjoining" means sharing a common 52097
boundary, separated only by a public road, or in such proximity 52098
that the director determines that the issuance of a single permit 52099
will not create a hazard to the public health or safety or the 52100
environment. 52101

(G) No person shall falsify or fail to keep or submit any 52102
plans, specifications, data, reports, records, manifests, or other 52103
information required to be kept or submitted to the director by 52104
this chapter or the rules adopted under it. 52105

(H)(1) Each person who holds an installation and operation 52106
permit issued under this section and who wishes to obtain a permit 52107
renewal shall submit a completed application for an installation 52108
and operation permit renewal and any necessary accompanying 52109
general plans, detail plans, specifications, and such information 52110
as the director may require to the director no later than one 52111

hundred eighty days prior to the expiration date of the existing 52112
permit or upon a later date prior to the expiration of the 52113
existing permit if the permittee can demonstrate good cause for 52114
the late submittal. The director shall consider the application 52115
and accompanying information, inspection reports of the facility, 52116
results of performance tests, a report regarding the facility's 52117
compliance or noncompliance with the terms and conditions of its 52118
permit and rules adopted by the director under this chapter, and 52119
such other information as is relevant to the operation of the 52120
facility and shall issue a draft renewal permit or a notice of 52121
intent to deny the renewal permit. The director, in accordance 52122
with rules adopted under this section or with rules adopted to 52123
implement Chapter 3745. of the Revised Code, shall give public 52124
notice of the application and draft renewal permit or notice of 52125
intent to deny the renewal permit, provide for the opportunity for 52126
public comments within a specified time period, schedule a public 52127
meeting in the county in which the facility is located if 52128
significant interest is shown, and give public notice of the 52129
public meeting. 52130

(2) Within sixty days after the public meeting or close of 52131
the public comment period, the director, without prior hearing, 52132
shall issue or deny the renewal permit in accordance with Chapter 52133
3745. of the Revised Code. The director shall not issue a renewal 52134
permit unless the director determines that the facility under the 52135
existing permit has a history of compliance with this chapter, 52136
rules adopted under it, the existing permit, or orders entered to 52137
enforce such requirements that demonstrates sufficient 52138
reliability, expertise, and competency to operate the facility 52139
henceforth under this chapter, rules adopted under it, and the 52140
renewal permit. If the director approves an application for a 52141
renewal permit, the director shall issue the permit subject to the 52142
payment of the annual permit fee required under division (E) of 52143
section 3734.02 of the Revised Code and upon such terms and 52144

conditions as the director finds are reasonable to ensure that 52145
continued operation, maintenance, closure, and post-closure care 52146
of the hazardous waste facility are in accordance with the rules 52147
adopted under section 3734.12 of the Revised Code. 52148

(3) An installation and operation permit renewal application 52149
submitted to the director that also contains or would constitute 52150
an application for a modification shall be acted upon by the 52151
director in accordance with division (I) of this section in the 52152
same manner as an application for a modification. In approving or 52153
disapproving the renewal portion of a permit renewal application 52154
containing an application for a modification, the director shall 52155
apply the criteria established under division (H)(2) of this 52156
section. 52157

(4) An application for renewal or modification of a permit 52158
that does not contain an application for a modification as 52159
described in divisions (I)(3)(a) to (d) of this section shall not 52160
be subject to division (D)(2) of this section. 52161

(I)(1) As used in this section, "modification" means a change 52162
or alteration to a hazardous waste facility or its operations that 52163
is inconsistent with or not authorized by its existing permit or 52164
authorization to operate. Modifications shall be classified as 52165
Class 1, 2, or 3 modifications in accordance with rules adopted 52166
under division (K) of this section. Modifications classified as 52167
Class 3 modifications, in accordance with rules adopted under that 52168
division, shall be further classified by the director as either 52169
Class 3 modifications that are to be approved or disapproved by 52170
the director under divisions (I)(3)(a) to (d) of this section or 52171
as Class 3 modifications that are to be approved or disapproved by 52172
the director under division (I)(5) of this section. Not later than 52173
thirty days after receiving a request for a modification under 52174
division (I)(4) of this section that is not listed in Appendix I 52175
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 52176

section, the director shall classify the modification and shall 52177
notify the owner or operator of the facility requesting the 52178
modification of the classification. Notwithstanding any other law 52179
to the contrary, any modification that involves the transfer of a 52180
hazardous waste facility installation and operation permit to a 52181
new owner or operator for an off-site facility as defined in 52182
section 3734.41 of the Revised Code shall be classified as a Class 52183
3 modification. The transfer of a hazardous waste facility 52184
installation and operation permit to a new owner or operator for a 52185
facility that is not an off-site facility shall be classified as a 52186
Class 1 modification requiring prior approval of the director. 52187

(2) Except as provided in section 3734.123 of the Revised 52188
Code, a hazardous waste facility installation and operation permit 52189
may be modified at the request of the director or upon the written 52190
request of the permittee only if any of the following applies: 52191

(a) The permittee desires to accomplish alterations, 52192
additions, or deletions to the permitted facility or to undertake 52193
alterations, additions, deletions, or activities that are 52194
inconsistent with or not authorized by the existing permit; 52195

(b) New information or data justify permit conditions in 52196
addition to or different from those in the existing permit; 52197

(c) The standards, criteria, or rules upon which the existing 52198
permit is based have been changed by new, amended, or rescinded 52199
standards, criteria, or rules, or by judicial decision after the 52200
existing permit was issued, and the change justifies permit 52201
conditions in addition to or different from those in the existing 52202
permit; 52203

(d) The permittee proposes to transfer the permit to another 52204
person. 52205

(3) The director shall approve or disapprove an application 52206
for a modification in accordance with division (D)(2) of this 52207

section and rules adopted under division (K) of this section for 52208
all of the following categories of Class 3 modifications: 52209

(a) Authority to conduct treatment, storage, or disposal at a 52210
site, location, or tract of land that has not been authorized for 52211
the proposed category of treatment, storage, or disposal activity 52212
by the facility's permit; 52213

(b) Modification or addition of a hazardous waste management 52214
unit, as defined in rules adopted under section 3734.12 of the 52215
Revised Code, that results in an increase in a facility's storage 52216
capacity of more than twenty-five per cent over the capacity 52217
authorized by the facility's permit, an increase in a facility's 52218
treatment rate of more than twenty-five per cent over the rate so 52219
authorized, or an increase in a facility's disposal capacity over 52220
the capacity so authorized. The authorized disposal capacity for a 52221
facility shall be calculated from the approved design plans for 52222
the disposal units at that facility. In no case during a five-year 52223
period shall a facility's storage capacity or treatment rate be 52224
modified to increase by more than twenty-five per cent in the 52225
aggregate without the director's approval in accordance with 52226
division (D)(2) of this section. Notwithstanding any provision of 52227
division (I) of this section to the contrary, a request for 52228
modification of a facility's annual total waste receipt limit 52229
shall be classified and approved or disapproved by the director 52230
under division (I)(5) of this section. 52231

(c) Authority to add any of the following categories of 52232
regulated activities not previously authorized at a facility by 52233
the facility's permit: storage at a facility not previously 52234
authorized to store hazardous waste, treatment at a facility not 52235
previously authorized to treat hazardous waste, or disposal at a 52236
facility not previously authorized to dispose of hazardous waste; 52237
or authority to add a category of hazardous waste management unit 52238
not previously authorized at the facility by the facility's 52239

permit. Notwithstanding any provision of division (I) of this 52240
section to the contrary, a request for authority to add or to 52241
modify an activity or a hazardous waste management unit for the 52242
purposes of performing a corrective action shall be classified and 52243
approved or disapproved by the director under division (I)(5) of 52244
this section. 52245

(d) Authority to treat, store, or dispose of waste types 52246
listed or characterized as reactive or explosive, in rules adopted 52247
under section 3734.12 of the Revised Code, or any acute hazardous 52248
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 52249
previously authorized to treat, store, or dispose of those types 52250
of wastes by the facility's permit unless the requested authority 52251
is limited to wastes that no longer exhibit characteristics 52252
meeting the criteria for listing or characterization as reactive 52253
or explosive wastes, or for listing as acute hazardous waste, but 52254
still are required to carry those waste codes as established in 52255
rules adopted under section 3734.12 of the Revised Code because of 52256
the requirements established in 40 C.F.R. 261(a) and (e), as 52257
amended, that is, the "mixture," "derived-from," or "contained-in" 52258
regulations. 52259

(4) A written request for a modification from the permittee 52260
shall be submitted to the director and shall contain such 52261
information as is necessary to support the request. Requests for 52262
modifications shall be acted upon by the director in accordance 52263
with this section and rules adopted under it. 52264

(5) Class 1 modification applications that require prior 52265
approval of the director, as provided in division (I)(1) of this 52266
section or as determined in accordance with rules adopted under 52267
division (K) of this section, Class 2 modification applications, 52268
and Class 3 modification applications that are not described in 52269
divisions (I)(3)(a) to (d) of this section shall be approved or 52270
disapproved by the director in accordance with rules adopted under 52271

division (K) of this section. The board of county commissioners of 52272
the county, the board of township trustees of the township, and 52273
the city manager or mayor of the municipal corporation in which a 52274
hazardous waste facility is located shall receive notification of 52275
any application for a modification for that facility and shall be 52276
considered as interested persons with respect to the director's 52277
consideration of the application. 52278

~~For those modification applications for a transfer of a 52279
permit to a new owner or operator of a facility, the director also 52280
shall determine that, if the transferee owner or operator has been 52281
involved in any prior activity involving the transportation, 52282
treatment, storage, or disposal of hazardous waste, the transferee 52283
owner or operator has a history of compliance with this chapter 52284
and Chapters 3704. and 6111. of the Revised Code and all rules and 52285
standards adopted under them, the "Resource Conservation and 52286
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 52287
amended, and all regulations adopted under it, and similar laws 52288
and rules of another state if the transferee owner or operator 52289
owns or operates a facility in that state, that demonstrates 52290
sufficient reliability, expertise, and competency to operate a 52291
hazardous waste facility under this chapter and Chapters 3704. and 52292
6111. of the Revised Code, all rules and standards adopted under 52293
them, and terms and conditions of a hazardous waste facility 52294
installation and operation permit, given the potential for harm to 52295
the public health and safety and the environment that could result 52296
from the irresponsible operation of the facility. A permit may be 52297
transferred to a new owner or operator only pursuant to a Class 3 52298
permit modification. 52299~~

~~As used in division (I)(5) of this section: 52300~~

~~(a) "Owner" means the person who owns a majority or 52301
controlling interest in a facility. 52302~~

~~(b) "Operator" means the person who is responsible for the 52303~~

~~overall operation of a facility.~~ 52304

The director shall approve or disapprove an application for a 52305
Class 1 modification that requires the director's approval within 52306
sixty days after receiving the request for modification. The 52307
director shall approve or disapprove an application for a Class 2 52308
modification within three hundred days after receiving the request 52309
for modification. The director shall approve or disapprove an 52310
application for a Class 3 modification within three hundred 52311
sixty-five days after receiving the request for modification. 52312

(6) The approval or disapproval by the director of a Class 1 52313
modification application is not a final action that is appealable 52314
under Chapter 3745. of the Revised Code. The approval or 52315
disapproval by the director of a Class 2 modification or a Class 3 52316
modification is a final action that is appealable under that 52317
chapter. In approving or disapproving a request for a 52318
modification, the director shall consider all comments pertaining 52319
to the request that are received during the public comment period 52320
and the public meetings. The administrative record for appeal of a 52321
final action by the director in approving or disapproving a 52322
request for a modification shall include all comments received 52323
during the public comment period relating to the request for 52324
modification, written materials submitted at the public meetings 52325
relating to the request, and any other documents related to the 52326
director's action. 52327

(7) Notwithstanding any other provision of law to the 52328
contrary, a change or alteration to a hazardous waste facility 52329
described in division (E)(3)(a) or (b) of section 3734.02 of the 52330
Revised Code, or its operations, is a modification for the 52331
purposes of this section. An application for a modification at 52332
such a facility shall be submitted, classified, and approved or 52333
disapproved in accordance with divisions (I)(1) to (6) of this 52334
section in the same manner as a modification to a hazardous waste 52335

facility installation and operation permit. 52336

(J)(1) Except as provided in division (J)(2) of this section, 52337
an owner or operator of a hazardous waste facility that is 52338
operating in accordance with a permit by rule under rules adopted 52339
by the director under division (E)(3)(b) of section 3734.02 of the 52340
Revised Code shall submit either a hazardous waste facility 52341
installation and operation permit application for the facility or 52342
a modification application, whichever is required under division 52343
(J)(1)(a) or (b) of this section, within one hundred eighty days 52344
after the director has requested the application or upon a later 52345
date if the owner or operator demonstrates to the director good 52346
cause for the late submittal. 52347

(a) If the owner or operator does not have a hazardous waste 52348
facility installation and operation permit for any hazardous waste 52349
treatment, storage, or disposal activities at the facility, the 52350
owner or operator shall submit an application for such a permit to 52351
the director for the activities authorized by the permit by rule. 52352
Notwithstanding any other provision of law to the contrary, the 52353
director shall approve or disapprove the application for the 52354
permit in accordance with the procedures governing the approval or 52355
disapproval of permit renewals under division (H) of this section. 52356

(b) If the owner or operator has a hazardous waste facility 52357
installation and operation permit for hazardous waste treatment, 52358
storage, or disposal activities at the facility other than those 52359
authorized by the permit by rule, the owner or operator shall 52360
submit to the director a request for modification in accordance 52361
with division (I) of this section. Notwithstanding any other 52362
provision of law to the contrary, the director shall approve or 52363
disapprove the modification application in accordance with 52364
division (I)(5) of this section. 52365

(2) The owner or operator of a boiler or industrial furnace 52366
that is conducting thermal treatment activities in accordance with 52367

a permit by rule under rules adopted by the director under 52368
division (E)(3)(b) of section 3734.02 of the Revised Code shall 52369
submit a hazardous waste facility installation and operation 52370
permit application if the owner or operator does not have such a 52371
permit for any hazardous waste treatment, storage, or disposal 52372
activities at the facility or, if the owner or operator has such a 52373
permit for hazardous waste treatment, storage, or disposal 52374
activities at the facility other than thermal treatment activities 52375
authorized by the permit by rule, a modification application to 52376
add those activities authorized by the permit by rule, whichever 52377
is applicable, within one hundred eighty days after the director 52378
has requested the submission of the application or upon a later 52379
date if the owner or operator demonstrates to the director good 52380
cause for the late submittal. The application shall be accompanied 52381
by information necessary to support the request. The director 52382
shall approve or disapprove an application for a hazardous waste 52383
facility installation and operation permit in accordance with 52384
division (D) of this section and approve or disapprove an 52385
application for a modification in accordance with division (I)(3) 52386
of this section, except that the director shall not disapprove an 52387
application for the thermal treatment activities on the basis of 52388
the criteria set forth in division (D)(2)(g) or (h) of this 52389
section. 52390

(3) As used in division (J) of this section: 52391

(a) "Modification application" means a request for a 52392
modification submitted in accordance with division (I) of this 52393
section. 52394

(b) "Thermal treatment," "boiler," and "industrial furnace" 52395
have the same meanings as in rules adopted under section 3734.12 52396
of the Revised Code. 52397

(K) The director shall adopt, and may amend, suspend, or 52398
rescind, rules in accordance with Chapter 119. of the Revised Code 52399

in order to implement divisions (H) and (I) of this section. 52400
Except when in actual conflict with this section, rules governing 52401
the classification of and procedures for the modification of 52402
hazardous waste facility installation and operation permits shall 52403
be substantively and procedurally identical to the regulations 52404
governing hazardous waste facility permitting and permit 52405
modifications adopted under the "Resource Conservation and 52406
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 52407
amended. 52408

Sec. 3734.28. ~~All~~ Except as otherwise provided in section 52409
3734.282 of the Revised Code, moneys collected under sections 52410
3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the 52411
Revised Code and ~~natural resource damages collected by the state~~ 52412
under the "Comprehensive Environmental Response, Compensation, and 52413
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 52414
amended, shall be paid into the state treasury to the credit of 52415
the hazardous waste clean-up fund, which is hereby created. In 52416
addition, any moneys recovered for costs paid from the fund for 52417
activities described in ~~division~~ divisions (A)(1) and (2) of 52418
section 3745.12 of the Revised Code shall be credited to the fund. 52419
The environmental protection agency shall use the moneys in the 52420
fund for the purposes set forth in division (D) of section 52421
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 52422
3734.26, and 3734.27, ~~and, through October 15, 2005,~~ divisions 52423
(A)(1) and (2) of section 3745.12, and Chapter 3746. of the 52424
Revised Code, including any related enforcement expenses. In 52425
addition, the agency shall use the moneys in the fund to pay the 52426
state's long-term operation and maintenance costs or matching 52427
share for actions taken under the "Comprehensive Environmental 52428
Response, Compensation, and Liability Act of 1980," as amended. If 52429
those moneys are reimbursed by grants or other moneys from the 52430
United States or any other person, the moneys shall be placed in 52431

the fund and not in the general revenue fund. 52432

The director of environmental protection may enter into 52433
contracts and grant agreements with federal, state, or local 52434
government agencies, nonprofit organizations, and colleges and 52435
universities for the purpose of carrying out the responsibilities 52436
of the environmental protection agency for which money may be 52437
expended from the fund. 52438

Sec. 3734.281. ~~Notwithstanding any provision of law to the~~ 52439
~~contrary, any moneys set aside by the state for the cleanup and~~ 52440
~~remediation of the Ashtabula river; any~~ Except as otherwise 52441
provided in section 3734.282 of the Revised Code, moneys collected 52442
from judgements for the state or settlements ~~made by~~ with the 52443
director of environmental protection, including those associated 52444
with bankruptcies, related to actions brought under Chapter 3714. 52445
and section 3734.13, 3734.20, 3734.22, 6111.03, or 6111.04 of the 52446
Revised Code; and ~~any~~ moneys received under the "Comprehensive 52447
Environmental Response, Compensation, and Liability Act of 1980," 52448
94 Stat. 2767, 42 U.S.C. ~~9602~~ 9601 et seq., as amended, may be 52449
paid into the state treasury to the credit of the environmental 52450
protection remediation fund, which is hereby created. The 52451
environmental protection agency shall use the moneys in the fund 52452
only for the purpose of remediating conditions at a hazardous 52453
waste facility, a solid waste facility, a construction and 52454
demolition debris facility licensed under Chapter 3714. of the 52455
Revised Code, or another location at which the director has reason 52456
to believe there is a substantial threat to public health or 52457
safety or the environment. Remediation may include the direct and 52458
indirect costs associated with the overseeing, supervising, 52459
performing, verifying, or reviewing of remediation activities by 52460
agency employees. All investment earnings of the fund shall be 52461
credited to the fund. 52462

The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and universities for the purpose of carrying out the responsibilities of the environmental protection agency for which money may be expended from the fund. 52463
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Sec. 3734.282. All money collected by the state for natural resources damages under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, the "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 2701 et seq., as amended, the "Clean Water Act," 86 Stat. 862, 33 U.S.C. 1321, as amended, or any other applicable federal or state law shall be paid into the state treasury to the credit of the natural resource damages fund, which is hereby created. The director of environmental protection shall use money in the fund only in accordance with the purposes of and the limitations on natural resources damages set forth in the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," as amended, the "Oil Pollution Act of 1990," as amended, the "Clean Water Act," as amended, or another applicable federal or state law. All investment earnings of the fund shall be credited to the fund. 52469
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The director of environmental protection may enter into contracts and grant agreements with federal, state, or local government agencies, nonprofit organizations, and colleges and universities for the purpose of carrying out the director's responsibilities for which money may be expended from the fund. 52485
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Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state: 52490
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(1) One dollar per ton on and after July 1, 2003, through 52492

June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be 52493
deposited in the state treasury to the credit of the hazardous 52494
waste facility management fund created in section 3734.18 of the 52495
Revised Code and one-half of the proceeds of which shall be 52496
deposited in the state treasury to the credit of the hazardous 52497
waste clean-up fund created in section 3734.28 of the Revised 52498
Code; 52499

(2) An additional one dollar per ton on and after July 1, 52500
2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be 52501
deposited in the state treasury to the credit of the solid waste 52502
fund, which is hereby created. The environmental protection agency 52503
shall use money in the solid waste fund to pay the costs of 52504
administering and enforcing the laws pertaining to solid wastes, 52505
infectious wastes, and construction and demolition debris, 52506
including, without limitation, ground water evaluations related to 52507
solid wastes, infectious wastes, and construction and demolition 52508
debris, under this chapter and Chapter 3714. of the Revised Code 52509
and any rules adopted under them, providing compliance assistance 52510
to small businesses, and paying a share of the administrative 52511
costs of the environmental protection agency pursuant to section 52512
3745.014 of the Revised Code. 52513

(3) An additional one dollar and fifty cents per ton on and 52514
after July 1, 2005, through June 30, ~~2010~~ 2012, the proceeds of 52515
which shall be deposited in the state treasury to the credit of 52516
the environmental protection fund created in section 3745.015 of 52517
the Revised Code; 52518

(4) An additional one dollar per ton on and after August 1, 52519
2009, through June 30, 2012, the proceeds of which shall be 52520
deposited in the state treasury to the credit of the environmental 52521
protection fund; 52522

(5) An additional twenty-five cents per ton on and after 52523
August 1, 2009, through June 30, 2012, the proceeds of which shall 52524

be deposited in the state treasury to the credit of the soil and 52525
water conservation district assistance fund created in section 52526
1515.14 of the Revised Code. 52527

In the case of solid wastes that are taken to a solid waste 52528
transfer facility located in this state prior to being transported 52529
for disposal at a solid waste disposal facility located in this 52530
state or outside of this state, the fees levied under this 52531
division shall be collected by the owner or operator of the 52532
transfer facility as a trustee for the state. The amount of fees 52533
required to be collected under this division at such a transfer 52534
facility shall equal the total tonnage of solid wastes received at 52535
the facility multiplied by the fees levied under this division. In 52536
the case of solid wastes that are not taken to a solid waste 52537
transfer facility located in this state prior to being transported 52538
to a solid waste disposal facility, the fees shall be collected by 52539
the owner or operator of the solid waste disposal facility as a 52540
trustee for the state. The amount of fees required to be collected 52541
under this division at such a disposal facility shall equal the 52542
total tonnage of solid wastes received at the facility that was 52543
not previously taken to a solid waste transfer facility located in 52544
this state multiplied by the fees levied under this division. Fees 52545
levied under this division do not apply to materials separated 52546
from a mixed waste stream for recycling by a generator or 52547
materials removed from the solid waste stream through recycling, 52548
as "recycling" is defined in rules adopted under section 3734.02 52549
of the Revised Code. 52550

The owner or operator of a solid waste transfer facility or 52551
disposal facility, as applicable, shall prepare and file with the 52552
director of environmental protection each month a return 52553
indicating the total tonnage of solid wastes received at the 52554
facility during that month and the total amount of the fees 52555
required to be collected under this division during that month. In 52556

addition, the owner or operator of a solid waste disposal facility 52557
shall indicate on the return the total tonnage of solid wastes 52558
received from transfer facilities located in this state during 52559
that month for which the fees were required to be collected by the 52560
transfer facilities. The monthly returns shall be filed on a form 52561
prescribed by the director. Not later than thirty days after the 52562
last day of the month to which a return applies, the owner or 52563
operator shall mail to the director the return for that month 52564
together with the fees required to be collected under this 52565
division during that month as indicated on the return or may 52566
submit the return and fees electronically in a manner approved by 52567
the director. If the return is filed and the amount of the fees 52568
due is paid in a timely manner as required in this division, the 52569
owner or operator may retain a discount of three-fourths of one 52570
per cent of the total amount of the fees that are required to be 52571
paid as indicated on the return. 52572

The owner or operator may request an extension of not more 52573
than thirty days for filing the return and remitting the fees, 52574
provided that the owner or operator has submitted such a request 52575
in writing to the director together with a detailed description of 52576
why the extension is requested, the director has received the 52577
request not later than the day on which the return is required to 52578
be filed, and the director has approved the request. If the fees 52579
are not remitted within thirty days after the last day of the 52580
month to which the return applies or are not remitted by the last 52581
day of an extension approved by the director, the owner or 52582
operator shall not retain the three-fourths of one per cent 52583
discount and shall pay an additional ten per cent of the amount of 52584
the fees for each month that they are late. For purposes of 52585
calculating the late fee, the first month in which fees are late 52586
begins on the first day after the deadline has passed for timely 52587
submitting the return and fees, and one additional month shall be 52588
counted every thirty days thereafter. 52589

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written

explanation of the reason for the submittal. 52622

For purposes of computing the fees levied under this division 52623
or division (B) of this section, any solid waste transfer or 52624
disposal facility that does not use scales as a means of 52625
determining gate receipts shall use a conversion factor of three 52626
cubic yards per ton of solid waste or one cubic yard per ton for 52627
baled waste, as applicable. 52628

The fees levied under this division and divisions (B) and (C) 52629
of this section are in addition to all other applicable fees and 52630
taxes and shall be paid by the customer or a political subdivision 52631
to the owner or operator of a solid waste transfer or disposal 52632
facility. In the alternative, the fees shall be paid by a customer 52633
or political subdivision to a transporter of waste who 52634
subsequently transfers the fees to the owner or operator of such a 52635
facility. The fees shall be paid notwithstanding the existence of 52636
any provision in a contract that the customer or a political 52637
subdivision may have with the owner or operator or with a 52638
transporter of waste to the facility that would not require or 52639
allow such payment regardless of whether the contract was entered 52640
prior to or after the effective date of this amendment. For those 52641
purposes, "customer" means a person who contracts with, or 52642
utilizes the solid waste services of, the owner or operator of a 52643
solid waste transfer or disposal facility or a transporter of 52644
solid waste to such a facility. 52645

(B) For the purposes specified in division (G) of this 52646
section, the solid waste management policy committee of a county 52647
or joint solid waste management district may levy fees upon the 52648
following activities: 52649

(1) The disposal at a solid waste disposal facility located 52650
in the district of solid wastes generated within the district; 52651

(2) The disposal at a solid waste disposal facility within 52652

the district of solid wastes generated outside the boundaries of 52653
the district, but inside this state; 52654

(3) The disposal at a solid waste disposal facility within 52655
the district of solid wastes generated outside the boundaries of 52656
this state. 52657

The solid waste management plan of the county or joint 52658
district approved under section 3734.521 or 3734.55 of the Revised 52659
Code and any amendments to it, or the resolution adopted under 52660
this division, as appropriate, shall establish the rates of the 52661
fees levied under divisions (B)(1), (2), and (3) of this section, 52662
if any, and shall specify whether the fees are levied on the basis 52663
of tons or cubic yards as the unit of measurement. A solid waste 52664
management district that levies fees under this division on the 52665
basis of cubic yards shall do so in accordance with division (A) 52666
of this section. 52667

The fee levied under division (B)(1) of this section shall be 52668
not less than one dollar per ton nor more than two dollars per 52669
ton, the fee levied under division (B)(2) of this section shall be 52670
not less than two dollars per ton nor more than four dollars per 52671
ton, and the fee levied under division (B)(3) of this section 52672
shall be not more than the fee levied under division (B)(1) of 52673
this section. 52674

Prior to the approval of the solid waste management plan of a 52675
district under section 3734.55 of the Revised Code, the solid 52676
waste management policy committee of a district may levy fees 52677
under this division by adopting a resolution establishing the 52678
proposed amount of the fees. Upon adopting the resolution, the 52679
committee shall deliver a copy of the resolution to the board of 52680
county commissioners of each county forming the district and to 52681
the legislative authority of each municipal corporation and 52682
township under the jurisdiction of the district and shall prepare 52683
and publish the resolution and a notice of the time and location 52684

where a public hearing on the fees will be held. Upon adopting the 52685
resolution, the committee shall deliver written notice of the 52686
adoption of the resolution; of the amount of the proposed fees; 52687
and of the date, time, and location of the public hearing to the 52688
director and to the fifty industrial, commercial, or institutional 52689
generators of solid wastes within the district that generate the 52690
largest quantities of solid wastes, as determined by the 52691
committee, and to their local trade associations. The committee 52692
shall make good faith efforts to identify those generators within 52693
the district and their local trade associations, but the 52694
nonprovision of notice under this division to a particular 52695
generator or local trade association does not invalidate the 52696
proceedings under this division. The publication shall occur at 52697
least thirty days before the hearing. After the hearing, the 52698
committee may make such revisions to the proposed fees as it 52699
considers appropriate and thereafter, by resolution, shall adopt 52700
the revised fee schedule. Upon adopting the revised fee schedule, 52701
the committee shall deliver a copy of the resolution doing so to 52702
the board of county commissioners of each county forming the 52703
district and to the legislative authority of each municipal 52704
corporation and township under the jurisdiction of the district. 52705
Within sixty days after the delivery of a copy of the resolution 52706
adopting the proposed revised fees by the policy committee, each 52707
such board and legislative authority, by ordinance or resolution, 52708
shall approve or disapprove the revised fees and deliver a copy of 52709
the ordinance or resolution to the committee. If any such board or 52710
legislative authority fails to adopt and deliver to the policy 52711
committee an ordinance or resolution approving or disapproving the 52712
revised fees within sixty days after the policy committee 52713
delivered its resolution adopting the proposed revised fees, it 52714
shall be conclusively presumed that the board or legislative 52715
authority has approved the proposed revised fees. The committee 52716
shall determine if the resolution has been ratified in the same 52717

manner in which it determines if a draft solid waste management 52718
plan has been ratified under division (B) of section 3734.55 of 52719
the Revised Code. 52720

The committee may amend the schedule of fees levied pursuant 52721
to a resolution adopted and ratified under this division by 52722
adopting a resolution establishing the proposed amount of the 52723
amended fees. The committee may repeal the fees levied pursuant to 52724
such a resolution by adopting a resolution proposing to repeal 52725
them. Upon adopting such a resolution, the committee shall proceed 52726
to obtain ratification of the resolution in accordance with this 52727
division. 52728

Not later than fourteen days after declaring the new fees to 52729
be ratified or the fees to be repealed under this division, the 52730
committee shall notify by certified mail the owner or operator of 52731
each solid waste disposal facility that is required to collect the 52732
fees of the ratification and the amount of the fees or of the 52733
repeal of the fees. Collection of any fees shall commence or 52734
collection of repealed fees shall cease on the first day of the 52735
second month following the month in which notification is sent to 52736
the owner or operator. 52737

Fees levied under this division also may be established, 52738
amended, or repealed by a solid waste management policy committee 52739
through the adoption of a new district solid waste management 52740
plan, the adoption of an amended plan, or the amendment of the 52741
plan or amended plan in accordance with sections 3734.55 and 52742
3734.56 of the Revised Code or the adoption or amendment of a 52743
district plan in connection with a change in district composition 52744
under section 3734.521 of the Revised Code. 52745

Not later than fourteen days after the director issues an 52746
order approving a district's solid waste management plan, amended 52747
plan, or amendment to a plan or amended plan that establishes, 52748
amends, or repeals a schedule of fees levied by the district, the 52749

committee shall notify by certified mail the owner or operator of 52750
each solid waste disposal facility that is required to collect the 52751
fees of the approval of the plan or amended plan, or the amendment 52752
to the plan, as appropriate, and the amount of the fees, if any. 52753
In the case of an initial or amended plan approved under section 52754
3734.521 of the Revised Code in connection with a change in 52755
district composition, other than one involving the withdrawal of a 52756
county from a joint district, the committee, within fourteen days 52757
after the change takes effect pursuant to division (G) of that 52758
section, shall notify by certified mail the owner or operator of 52759
each solid waste disposal facility that is required to collect the 52760
fees that the change has taken effect and of the amount of the 52761
fees, if any. Collection of any fees shall commence or collection 52762
of repealed fees shall cease on the first day of the second month 52763
following the month in which notification is sent to the owner or 52764
operator. 52765

If, in the case of a change in district composition involving 52766
the withdrawal of a county from a joint district, the director 52767
completes the actions required under division (G)(1) or (3) of 52768
section 3734.521 of the Revised Code, as appropriate, forty-five 52769
days or more before the beginning of a calendar year, the policy 52770
committee of each of the districts resulting from the change that 52771
obtained the director's approval of an initial or amended plan in 52772
connection with the change, within fourteen days after the 52773
director's completion of the required actions, shall notify by 52774
certified mail the owner or operator of each solid waste disposal 52775
facility that is required to collect the district's fees that the 52776
change is to take effect on the first day of January immediately 52777
following the issuance of the notice and of the amount of the fees 52778
or amended fees levied under divisions (B)(1) to (3) of this 52779
section pursuant to the district's initial or amended plan as so 52780
approved or, if appropriate, the repeal of the district's fees by 52781
that initial or amended plan. Collection of any fees set forth in 52782

such a plan or amended plan shall commence on the first day of 52783
January immediately following the issuance of the notice. If such 52784
an initial or amended plan repeals a schedule of fees, collection 52785
of the fees shall cease on that first day of January. 52786

If, in the case of a change in district composition involving 52787
the withdrawal of a county from a joint district, the director 52788
completes the actions required under division (G)(1) or (3) of 52789
section 3734.521 of the Revised Code, as appropriate, less than 52790
forty-five days before the beginning of a calendar year, the 52791
director, on behalf of each of the districts resulting from the 52792
change that obtained the director's approval of an initial or 52793
amended plan in connection with the change proceedings, shall 52794
notify by certified mail the owner or operator of each solid waste 52795
disposal facility that is required to collect the district's fees 52796
that the change is to take effect on the first day of January 52797
immediately following the mailing of the notice and of the amount 52798
of the fees or amended fees levied under divisions (B)(1) to (3) 52799
of this section pursuant to the district's initial or amended plan 52800
as so approved or, if appropriate, the repeal of the district's 52801
fees by that initial or amended plan. Collection of any fees set 52802
forth in such a plan or amended plan shall commence on the first 52803
day of the second month following the month in which notification 52804
is sent to the owner or operator. If such an initial or amended 52805
plan repeals a schedule of fees, collection of the fees shall 52806
cease on the first day of the second month following the month in 52807
which notification is sent to the owner or operator. 52808

If the schedule of fees that a solid waste management 52809
district is levying under divisions (B)(1) to (3) of this section 52810
is amended or repealed, the fees in effect immediately prior to 52811
the amendment or repeal shall continue to be collected until 52812
collection of the amended fees commences or collection of the 52813
repealed fees ceases, as applicable, as specified in this 52814

division. In the case of a change in district composition, money 52815
so received from the collection of the fees of the former 52816
districts shall be divided among the resulting districts in 52817
accordance with division (B) of section 343.012 of the Revised 52818
Code and the agreements entered into under division (B) of section 52819
343.01 of the Revised Code to establish the former and resulting 52820
districts and any amendments to those agreements. 52821

For the purposes of the provisions of division (B) of this 52822
section establishing the times when newly established or amended 52823
fees levied by a district are required to commence and the 52824
collection of fees that have been amended or repealed is required 52825
to cease, "fees" or "schedule of fees" includes, in addition to 52826
fees levied under divisions (B)(1) to (3) of this section, those 52827
levied under section 3734.573 or 3734.574 of the Revised Code. 52828

(C) For the purposes of defraying the added costs to a 52829
municipal corporation or township of maintaining roads and other 52830
public facilities and of providing emergency and other public 52831
services, and compensating a municipal corporation or township for 52832
reductions in real property tax revenues due to reductions in real 52833
property valuations resulting from the location and operation of a 52834
solid waste disposal facility within the municipal corporation or 52835
township, a municipal corporation or township in which such a 52836
solid waste disposal facility is located may levy a fee of not 52837
more than twenty-five cents per ton on the disposal of solid 52838
wastes at a solid waste disposal facility located within the 52839
boundaries of the municipal corporation or township regardless of 52840
where the wastes were generated. 52841

The legislative authority of a municipal corporation or 52842
township may levy fees under this division by enacting an 52843
ordinance or adopting a resolution establishing the amount of the 52844
fees. Upon so doing the legislative authority shall mail a 52845
certified copy of the ordinance or resolution to the board of 52846

county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

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

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

(b) Are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that

is not combined in any way with garbage at one or more premises 52879
owned by the generator. 52880

(2) Except as provided in section 3734.571 of the Revised 52881
Code, any fees levied under division (B)(1) of this section apply 52882
to solid wastes originating outside the boundaries of a county or 52883
joint district that are covered by an agreement for the joint use 52884
of solid waste facilities entered into under section 343.02 of the 52885
Revised Code by the board of county commissioners or board of 52886
directors of the county or joint district where the wastes are 52887
generated and disposed of. 52888

(3) When solid wastes, other than solid wastes that consist 52889
of scrap tires, are burned in a disposal facility that is an 52890
incinerator or energy recovery facility, the fees levied under 52891
divisions (A), (B), and (C) of this section shall be levied upon 52892
the disposal of the fly ash and bottom ash remaining after burning 52893
of the solid wastes and shall be collected by the owner or 52894
operator of the sanitary landfill where the ash is disposed of. 52895

(4) When solid wastes are delivered to a solid waste transfer 52896
facility, the fees levied under divisions (B) and (C) of this 52897
section shall be levied upon the disposal of solid wastes 52898
transported off the premises of the transfer facility for disposal 52899
and shall be collected by the owner or operator of the solid waste 52900
disposal facility where the wastes are disposed of. 52901

(5) The fees levied under divisions (A), (B), and (C) of this 52902
section do not apply to sewage sludge that is generated by a waste 52903
water treatment facility holding a national pollutant discharge 52904
elimination system permit and that is disposed of through 52905
incineration, land application, or composting or at another 52906
resource recovery or disposal facility that is not a landfill. 52907

(6) The fees levied under divisions (A), (B), and (C) of this 52908
section do not apply to solid wastes delivered to a solid waste 52909

composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

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

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not

adversely impact the implementation and financing of the 52942
district's approved solid waste management plan and any approved 52943
amendments to the plan. Such an order is a final action of the 52944
director of environmental protection. 52945

(E) The fees levied under divisions (B) and (C) of this 52946
section shall be collected by the owner or operator of the solid 52947
waste disposal facility where the wastes are disposed of as a 52948
trustee for the county or joint district and municipal corporation 52949
or township where the wastes are disposed of. Moneys from the fees 52950
levied under division (B) of this section shall be forwarded to 52951
the board of county commissioners or board of directors of the 52952
district in accordance with rules adopted under division (H) of 52953
this section. Moneys from the fees levied under division (C) of 52954
this section shall be forwarded to the treasurer or such other 52955
officer of the municipal corporation as, by virtue of the charter, 52956
has the duties of the treasurer or to the fiscal officer of the 52957
township, as appropriate, in accordance with those rules. 52958

(F) Moneys received by the treasurer or other officer of the 52959
municipal corporation under division (E) of this section shall be 52960
paid into the general fund of the municipal corporation. Moneys 52961
received by the fiscal officer of the township under that division 52962
shall be paid into the general fund of the township. The treasurer 52963
or other officer of the municipal corporation or the township 52964
fiscal officer, as appropriate, shall maintain separate records of 52965
the moneys received from the fees levied under division (C) of 52966
this section. 52967

(G) Moneys received by the board of county commissioners or 52968
board of directors under division (E) of this section or section 52969
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 52970
shall be paid to the county treasurer, or other official acting in 52971
a similar capacity under a county charter, in a county district or 52972
to the county treasurer or other official designated by the board 52973

of directors in a joint district and kept in a separate and 52974
distinct fund to the credit of the district. If a regional solid 52975
waste management authority has been formed under section 343.011 52976
of the Revised Code, moneys received by the board of trustees of 52977
that regional authority under division (E) of this section shall 52978
be kept by the board in a separate and distinct fund to the credit 52979
of the district. Moneys in the special fund of the county or joint 52980
district arising from the fees levied under division (B) of this 52981
section and the fee levied under division (A) of section 3734.573 52982
of the Revised Code shall be expended by the board of county 52983
commissioners or directors of the district in accordance with the 52984
district's solid waste management plan or amended plan approved 52985
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 52986
exclusively for the following purposes: 52987

(1) Preparation of the solid waste management plan of the 52988
district under section 3734.54 of the Revised Code, monitoring 52989
implementation of the plan, and conducting the periodic review and 52990
amendment of the plan required by section 3734.56 of the Revised 52991
Code by the solid waste management policy committee; 52992

(2) Implementation of the approved solid waste management 52993
plan or amended plan of the district, including, without 52994
limitation, the development and implementation of solid waste 52995
recycling or reduction programs; 52996

(3) Providing financial assistance to boards of health within 52997
the district, if solid waste facilities are located within the 52998
district, for enforcement of this chapter and rules, orders, and 52999
terms and conditions of permits, licenses, and variances adopted 53000
or issued under it, other than the hazardous waste provisions of 53001
this chapter and rules adopted and orders and terms and conditions 53002
of permits issued under those provisions; 53003

(4) Providing financial assistance to each county within the 53004
district to defray the added costs of maintaining roads and other 53005

public facilities and of providing emergency and other public 53006
services resulting from the location and operation of a solid 53007
waste facility within the county under the district's approved 53008
solid waste management plan or amended plan; 53009

(5) Pursuant to contracts entered into with boards of health 53010
within the district, if solid waste facilities contained in the 53011
district's approved plan or amended plan are located within the 53012
district, for paying the costs incurred by those boards of health 53013
for collecting and analyzing samples from public or private water 53014
wells on lands adjacent to those facilities; 53015

(6) Developing and implementing a program for the inspection 53016
of solid wastes generated outside the boundaries of this state 53017
that are disposed of at solid waste facilities included in the 53018
district's approved solid waste management plan or amended plan; 53019

(7) Providing financial assistance to boards of health within 53020
the district for the enforcement of section 3734.03 of the Revised 53021
Code or to local law enforcement agencies having jurisdiction 53022
within the district for enforcing anti-littering laws and 53023
ordinances; 53024

(8) Providing financial assistance to boards of health of 53025
health districts within the district that are on the approved list 53026
under section 3734.08 of the Revised Code to defray the costs to 53027
the health districts for the participation of their employees 53028
responsible for enforcement of the solid waste provisions of this 53029
chapter and rules adopted and orders and terms and conditions of 53030
permits, licenses, and variances issued under those provisions in 53031
the training and certification program as required by rules 53032
adopted under division (L) of section 3734.02 of the Revised Code; 53033

(9) Providing financial assistance to individual municipal 53034
corporations and townships within the district to defray their 53035
added costs of maintaining roads and other public facilities and 53036

of providing emergency and other public services resulting from 53037
the location and operation within their boundaries of a 53038
composting, energy or resource recovery, incineration, or 53039
recycling facility that either is owned by the district or is 53040
furnishing solid waste management facility or recycling services 53041
to the district pursuant to a contract or agreement with the board 53042
of county commissioners or directors of the district; 53043

(10) Payment of any expenses that are agreed to, awarded, or 53044
ordered to be paid under section 3734.35 of the Revised Code and 53045
of any administrative costs incurred pursuant to that section. In 53046
the case of a joint solid waste management district, if the board 53047
of county commissioners of one of the counties in the district is 53048
negotiating on behalf of affected communities, as defined in that 53049
section, in that county, the board shall obtain the approval of 53050
the board of directors of the district in order to expend moneys 53051
for administrative costs incurred. 53052

Prior to the approval of the district's solid waste 53053
management plan under section 3734.55 of the Revised Code, moneys 53054
in the special fund of the district arising from the fees shall be 53055
expended for those purposes in the manner prescribed by the solid 53056
waste management policy committee by resolution. 53057

Notwithstanding division (G)(6) of this section as it existed 53058
prior to October 29, 1993, or any provision in a district's solid 53059
waste management plan prepared in accordance with division 53060
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 53061
prior to that date, any moneys arising from the fees levied under 53062
division (B)(3) of this section prior to January 1, 1994, may be 53063
expended for any of the purposes authorized in divisions (G)(1) to 53064
(10) of this section. 53065

(H) The director shall adopt rules in accordance with Chapter 53066
119. of the Revised Code prescribing procedures for collecting and 53067
forwarding the fees levied under divisions (B) and (C) of this 53068

section to the boards of county commissioners or directors of 53069
county or joint solid waste management districts and to the 53070
treasurers or other officers of municipal corporations and the 53071
fiscal officers of townships. The rules also shall prescribe the 53072
dates for forwarding the fees to the boards and officials and may 53073
prescribe any other requirements the director considers necessary 53074
or appropriate to implement and administer divisions (A), (B), and 53075
(C) of this section. 53076

Sec. 3734.573. (A) For the purposes specified in division (G) 53077
of section 3734.57 of the Revised Code, the solid waste management 53078
policy committee of a county or joint solid waste management 53079
district may levy a fee on the generation of solid wastes within 53080
the district. 53081

The initial or amended solid waste management plan of the 53082
county or joint district approved under section 3734.521, 3734.55, 53083
or 3734.56 of the Revised Code, an amendment to the district's 53084
plan adopted under division (E) of section 3734.56 of the Revised 53085
Code, or the resolution adopted and ratified under division (B) of 53086
this section shall establish the rate of the fee levied under this 53087
division and shall specify whether the fee is levied on the basis 53088
of tons or cubic yards as the unit of measurement. 53089

(B) Prior to the approval under division (A) of section 53090
3734.56 of the Revised Code of the first amended plan that the 53091
district is required to submit for approval under that section, 53092
the approval of an initial plan under section 3734.521 of the 53093
Revised Code, the approval of an amended plan under section 53094
3734.521 or division (D) of section 3734.56 of the Revised Code, 53095
or the amendment of the district's plan under division (E) of 53096
section 3734.56 of the Revised Code, the solid waste management 53097
policy committee of a county or joint district that is operating 53098
under an initial plan approved under section 3734.55 of the 53099

Revised Code, or one for which approval of its initial plan is 53100
pending before the director of environmental protection on October 53101
29, 1993, under section 3734.55 of the Revised Code, may levy a 53102
fee under division (A) of this section by adopting and obtaining 53103
ratification of a resolution establishing the amount of the fee. A 53104
policy committee that, after December 1, 1993, concurrently 53105
proposes to levy a fee under division (A) of this section and to 53106
amend the fees levied by the district under divisions (B)(1) to 53107
(3) of section 3734.57 of the Revised Code may adopt and obtain 53108
ratification of one resolution proposing to do both. The 53109
requirements and procedures set forth in division (B) of section 53110
3734.57 of the Revised Code governing the adoption, amendment, and 53111
repeal of resolutions levying fees under divisions (B)(1) to (3) 53112
of that section, the ratification of those resolutions, and the 53113
notification of owners and operators of solid waste facilities 53114
required to collect fees levied under those divisions govern the 53115
adoption of the resolutions authorized to be adopted under this 53116
division, the ratification thereof, and the notification of owners 53117
and operators required to collect the fees, except as otherwise 53118
specifically provided in division (C) of this section. 53119
53120

(C) Any initial or amended plan of a district adopted under 53121
section 3734.521 or 3734.56 of the Revised Code, or resolution 53122
adopted under division (B) of this section, that proposes to levy 53123
a fee under division (A) of this section that exceeds five dollars 53124
per ton shall be ratified in accordance with the provisions of 53125
section 3734.55 or division (B) of section 3734.57 of the Revised 53126
Code, as applicable, except that such an initial or amended plan 53127
or resolution shall be approved by a combination of municipal 53128
corporations and townships with a combined population within the 53129
boundaries of the district comprising at least seventy-five per 53130
cent, rather than at least sixty per cent, of the total population 53131
of the district. 53132

(D) The policy committee of a county or joint district may 53133
amend the fee levied by the district under division (A) of this 53134
section by adopting and obtaining ratification of a resolution 53135
establishing the amount of the amended fee. The policy committee 53136
may abolish the fee or an amended fee established under this 53137
division by adopting and obtaining ratification of a resolution 53138
proposing to repeal it. The requirements and procedures under 53139
division (B) and, if applicable, division (C) of this section 53140
govern the adoption and ratification of a resolution authorized to 53141
be adopted under this division and the notification of owners and 53142
operators of solid waste facilities required to collect the fees. 53143

(E) Collection of a fee or amended fee levied under division 53144
(A) or (D) of this section shall commence or cease in accordance 53145
with division (B) of section 3734.57 of the Revised Code. If a 53146
district is levying a fee under section 3734.572 of the Revised 53147
Code, collection of that fee shall cease on the date on which 53148
collection of the fee levied under division (A) of this section 53149
commences in accordance with division (B) of section 3734.57 of 53150
the Revised Code. 53151

(F) In the case of solid wastes that are taken to a solid 53152
waste transfer facility prior to being transported to a solid 53153
waste disposal facility for disposal, the fee levied under 53154
division (A) of this section shall be collected by the owner or 53155
operator of the transfer facility as a trustee for the district. 53156
In the case of solid wastes that are not taken to a solid waste 53157
transfer facility prior to being transported to a solid waste 53158
disposal facility, the fee shall be collected by the owner or 53159
operator of the solid waste disposal facility where the wastes are 53160
disposed of. An owner or operator of a solid waste transfer or 53161
disposal facility who is required to collect the fee shall collect 53162
and forward the fee to the district in accordance with section 53163
3734.57 of the Revised Code and rules adopted under division (H) 53164

of that section. 53165

If the owner or operator of a solid waste transfer or 53166
disposal facility who did not receive notice pursuant to division 53167
(B) of this section to collect the fee levied by a district under 53168
division (A) of this section receives solid wastes generated in 53169
the district, the owner or operator, within thirty days after 53170
receiving the wastes, shall send written notice of that fact to 53171
the board of county commissioners or directors of the district. 53172
Within thirty days after receiving such a notice, the board of 53173
county commissioners or directors shall send written notice to the 53174
owner or operator indicating whether the district is levying a fee 53175
under division (A) of this section and, if so, the amount of the 53176
fee. 53177

(G) Moneys received by a district levying a fee under 53178
division (A) of this section shall be credited to the special fund 53179
of the district created in division (G) of section 3734.57 of the 53180
Revised Code and shall be used exclusively for the purposes 53181
specified in that division. Prior to the approval under division 53182
(A) of section 3734.56 of the Revised Code of the first amended 53183
plan that the district is required to submit for approval under 53184
that section, the approval of an initial plan under section 53185
3734.521 of the Revised Code, the approval of an amended plan 53186
under that section or division (D) of section 3734.56 of the 53187
Revised Code, or the amendment of the district's plan under 53188
division (E) of section 3734.56 of the Revised Code, moneys 53189
credited to the special fund arising from the fee levied pursuant 53190
to a resolution adopted and ratified under division (B) of this 53191
section shall be expended for those purposes in the manner 53192
prescribed by the solid waste management policy committee by 53193
resolution. 53194

(H) The fee levied under division (A) of this section does 53195
not apply to the management of solid wastes that: 53196

(1) Are disposed of at a facility owned by the generator of 53197
the wastes when the solid waste facility exclusively disposes of 53198
solid wastes generated at one or more premises owned by the 53199
generator regardless of whether the facility is located on a 53200
premises where the wastes were generated; 53201

(2) Are disposed of at facilities that exclusively dispose of 53202
wastes that are generated from the combustion of coal, or from the 53203
combustion of primarily coal in combination with scrap tires, that 53204
is not combined in any way with garbage at one or more premises 53205
owned by the generator. 53206

(I) When solid wastes that are burned in a disposal facility 53207
that is an incinerator or energy recovery facility are delivered 53208
to a solid waste transfer facility prior to being transported to 53209
the incinerator or energy recovery facility where they are burned, 53210
the fee levied under division (A) of this section shall be levied 53211
on the wastes delivered to the transfer facility. 53212

(J) When solid wastes that are burned in a disposal facility 53213
that is an incinerator or energy recovery facility are not 53214
delivered to a solid waste transfer facility prior to being 53215
transported to the incinerator or energy recovery facility where 53216
they are burned, the fee levied under division (A) of this section 53217
shall be levied on the wastes delivered to the incinerator or 53218
energy recovery facility. 53219

(K) The fee levied under division (A) of this section does 53220
not apply to sewage sludge that is generated by a waste water 53221
treatment facility holding a national pollutant discharge 53222
elimination system permit and that is disposed of through 53223
incineration, land application, or composting or at another 53224
resource recovery or disposal facility that is not a landfill. 53225

(L) The fee levied under division (A) of this section does 53226
not apply to ~~yard-waste~~ solid waste delivered to a solid waste 53227

composting facility for processing ~~or to a solid waste transfer~~ 53228
~~facility. If any unprocessed solid waste or compost product is~~ 53229
~~transported off the premises of a composting facility for disposal~~ 53230
~~at a landfill, the fee levied under division (A) of this section~~ 53231
~~applies and shall be collected by the owner or operator of the~~ 53232
~~landfill.~~ 53233

(M) The fee levied under division (A) of this section does 53234
not apply to materials separated from a mixed waste stream for 53235
recycling by the generator or materials removed from the solid 53236
waste stream as a result of recycling, as "recycling" is defined 53237
in rules adopted under section 3734.02 of the Revised Code. 53238

(N) The director of environmental protection may issue an 53239
order exempting from the fees levied under this section solid 53240
wastes, including, but not limited to, scrap tires, that are 53241
generated, transferred, or disposed of as a result of a contract 53242
providing for the expenditure of public funds entered into by the 53243
administrator or regional administrator of the United States 53244
environmental protection agency, the director of environmental 53245
protection, or the director of administrative services on behalf 53246
of the director of environmental protection for the purpose of 53247
remediating conditions at a hazardous waste facility, solid waste 53248
facility, or other location at which the administrator or regional 53249
administrator or the director of environmental protection has 53250
reason to believe that there is a substantial threat to public 53251
health or safety or the environment or that the conditions are 53252
causing or contributing to air or water pollution or soil 53253
contamination. An order issued by the director of environmental 53254
protection under this division shall include a determination that 53255
the amount of fees not received by a solid waste management 53256
district as a result of the order will not adversely impact the 53257
implementation and financing of the district's approved solid 53258
waste ~~management~~ management plan and any approved amendments to the 53259

plan. Such an order is a final action of the director of 53260
environmental protection. 53261

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 53262
facility license issued under section 3734.81 of the Revised Code 53263
shall be in accordance with the following schedule: 53264

Daily Design	Annual	53265
Input Capacity	License	53266
(Tons)	Fee	53267
1 or less	\$ 100	53268
2 to 25	500	53269
26 to 50	1,000	53270
51 to 100	1,500	53271
101 to 200	2,500	53272
201 to 500	3,500	53273
501 or more	5,500	53274

For the purpose of determining the applicable license fee 53275
under this division, the daily design input capacity shall be the 53276
quantity of scrap tires the facility is designed to process daily 53277
as set forth in the registration certificate or permit for the 53278
facility, and any modifications to the permit, if applicable, 53279
issued under section 3734.78 of the Revised Code. 53280

(B) The annual fee for a scrap tire monocell or monofill 53281
facility license shall be in accordance with the following 53282
schedule: 53283

Authorized Maximum	Annual	53284
Daily Waste Receipt	License	53285
(Tons)	Fee	53286
100 or less	\$ 5,000	53287
101 to 200	12,500	53288
201 to 500	30,000	53289
501 or more	60,000	53290

For the purpose of determining the applicable license fee 53291
under this division, the authorized maximum daily waste receipt 53292
shall be the maximum amount of scrap tires the facility is 53293
authorized to receive daily that is established in the permit for 53294
the facility, and any modification to that permit, issued under 53295
section 3734.77 of the Revised Code. 53296

(C)(1) Except as otherwise provided in division (C)(2) of 53297
this section, the annual fee for a scrap tire storage facility 53298
license shall equal one thousand dollars times the number of acres 53299
on which scrap tires are to be stored at the facility during the 53300
license year, as set forth on the application for the annual 53301
license, except that the total annual license fee for any such 53302
facility shall not exceed three thousand dollars. 53303

(2) The annual fee for a scrap tire storage facility license 53304
for a storage facility that is owned or operated by a motor 53305
vehicle salvage dealer licensed under Chapter 4738. of the Revised 53306
Code is one hundred dollars. 53307

(D)(1) Except as otherwise provided in division (D)(2) of 53308
this section, the annual fee for a scrap tire collection facility 53309
license is two hundred dollars. 53310

(2) The annual fee for a scrap tire collection facility 53311
license for a collection facility that is owned or operated by a 53312
motor vehicle salvage dealer licensed under Chapter 4738. of the 53313
Revised Code is fifty dollars. 53314

(E) Except as otherwise provided in divisions (C)(2) and 53315
(D)(2) of this section, the same fees apply to private operators 53316
and to the state and its political subdivisions and shall be paid 53317
within thirty days after the issuance of a license. The fees 53318
include the cost of licensing, all inspections, and other costs 53319
associated with the administration of the scrap tire provisions of 53320
this chapter and rules adopted under them. Each license shall 53321

specify that it is conditioned upon payment of the applicable fee 53322
to the board of health or the director of environmental 53323
protection, as appropriate, within thirty days after the issuance 53324
of the license. 53325

(F) The board of health shall retain fifteen thousand dollars 53326
of each license fee collected by the board under division (B) of 53327
this section, or the entire amount of any such fee that is less 53328
than fifteen thousand dollars, and the entire amount of each 53329
license fee collected by the board under divisions (A), (C), and 53330
(D) of this section. The moneys retained shall be paid into a 53331
special fund, which is hereby created in each health district, and 53332
used solely to administer and enforce the scrap tire provisions of 53333
this chapter and rules adopted under them. The remainder, if any, 53334
of each license fee collected by the board under division (B) of 53335
this section shall be transmitted to the director within 53336
forty-five days after receipt of the fee. 53337

(G) The director shall transmit the moneys received by the 53338
director from license fees collected under division (B) of this 53339
section to the treasurer of state to be credited to the scrap tire 53340
management fund, which is hereby created in the state treasury. 53341
The fund shall consist of all federal moneys received by the 53342
environmental protection agency for the scrap tire management 53343
program; all grants, gifts, and contributions made to the director 53344
for that program; and all other moneys that may be provided by law 53345
for that program. The director shall use moneys in the fund as 53346
follows: 53347

(1) Expend not more than seven hundred fifty thousand dollars 53348
during each fiscal year to implement, administer, and enforce the 53349
scrap tire provisions of this chapter and rules adopted under 53350
them; 53351

(2) During each fiscal year, request the director of budget 53352
and management to, and the director of budget and management 53353

shall, transfer one million dollars to the scrap tire grant fund 53354
created in section 1502.12 of the Revised Code for the purposes 53355
~~specified in that section;~~ supporting market development 53356
activities for scrap tires and synthetic rubber from tire 53357
manufacturing processes and tire recycling processes. In addition, 53358
during a fiscal year, the director of environmental protection may 53359
request the director of budget and management to, and the director 53360
of budget and management shall, transfer up to an additional five 53361
hundred thousand dollars to the scrap tire grant fund for scrap 53362
tire amnesty events and scrap tire cleanup events. 53363

(3) ~~Expend not more than three million dollars per year~~ 53364
~~during fiscal years 2002 and 2003 to conduct removal actions under~~ 53365
~~section 3734.85 of the Revised Code and to make grants to boards~~ 53366
~~of health under section 3734.042 of the Revised Code. However,~~ 53367
~~more than three million dollars may be expended in fiscal years~~ 53368
~~2002 and 2003 for the purposes of division (G)(3) of this section~~ 53369
~~if more moneys are collected from the fee levied under division~~ 53370
~~(A)(2) of section 3734.901 of the Revised Code. During each~~ 53371
~~subsequent fiscal year the director shall expend not more than~~ 53372
~~four million five hundred thousand dollars to conduct removal~~ 53373
~~actions under section 3734.85 of the Revised Code and to make~~ 53374
~~grants to boards of health under section 3734.042 of the Revised~~ 53375
~~Code. However, more than four million five hundred thousand~~ 53376
~~dollars may be expended in a fiscal year for the purposes of~~ 53377
~~division (G)(3) of this section if more moneys are collected from~~ 53378
~~the fee levied under division (A)(2) of section 3734.901 of the~~ 53379
~~Revised Code. The director shall request the approval of the~~ 53380
~~controlling board prior to the use of the moneys to conduct~~ 53381
~~removal actions under section 3734.85 of the Revised Code. The~~ 53382
~~request shall be accompanied by a plan describing the removal~~ 53383
~~actions to be conducted during the fiscal year and an estimate of~~ 53384
~~the costs of conducting them. The controlling board shall approve~~ 53385
~~the plan only if it finds that the proposed removal actions are in~~ 53386

~~accordance with the priorities set forth in division (B) of 53387
section 3734.85 of the Revised Code and that the costs of 53388
conducting them are reasonable. Controlling board approval is not 53389
required for grants made to boards of health under section 53390
3734.042 of the Revised Code. 53391~~

~~(H) If, during a fiscal year, more than seven million dollars 53392
are credited to the scrap tire management fund, the director, at 53393
the conclusion of the fiscal year, shall request the director of 53394
budget and management to, and the director of budget and 53395
management shall, transfer one half of those excess moneys to the 53396
scrap tire grant fund. The director shall expend the remaining 53397
excess moneys in the scrap tire management fund to conduct removal 53398
actions under section 3734.85 of the Revised Code in accordance 53399
with the procedures established under division (I) of this 53400
section. 53401~~

~~(I) After the actions in divisions (G)(1) to (3) and (H) of 53402
this section are completed during each prior fiscal year, the 53403
director may expend up to the balance remaining from prior fiscal 53404
years in the scrap tire management fund to conduct removal actions 53405
under section 3734.85 of the Revised Code. Prior to using any 53406
moneys in the fund for that purpose in a fiscal year, the director 53407
shall request the approval of the controlling board for that use 53408
of the moneys. The request shall be accompanied by a plan 53409
describing the removal actions to be conducted during the fiscal 53410
year and an estimate of the costs of conducting them. The 53411
controlling board shall approve the plan only if the board finds 53412
that the proposed removal actions are in accordance with the 53413
priorities set forth in division (B) of section 3734.85 of the 53414
Revised Code and that the costs of conducting them are reasonable 53415
After the expenditures and transfers are made under divisions 53416
(G)(1) and (2) of this section, expend the balance of the money in 53417
the scrap tire management fund remaining in each fiscal year to 53418~~

conduct removal actions under section 3734.85 of the Revised Code 53419
and to provide grants to boards of health under section 3734.042 53420
of the Revised Code. 53421

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 53422
defray the cost of administering and enforcing the scrap tire 53423
provisions of this chapter, rules adopted under those provisions, 53424
and terms and conditions of orders, variances, and licenses issued 53425
under those provisions; to abate accumulations of scrap tires; to 53426
make grants ~~to promote research regarding alternative methods of~~ 53427
~~recycling scrap tires and~~ supporting market development activities 53428
for scrap tires and synthetic rubber from tire manufacturing 53429
processes and tire recycling processes and to support scrap tire 53430
amnesty and cleanup events; to make loans to promote the recycling 53431
or recovery of energy from scrap tires; and to defray the costs of 53432
administering and enforcing sections 3734.90 to 3734.9014 of the 53433
Revised Code, a fee of fifty cents per tire is hereby levied on 53434
the sale of tires. The proceeds of the fee shall be deposited in 53435
the state treasury to the credit of the scrap tire management fund 53436
created in section 3734.82 of the Revised Code. The fee is levied 53437
from the first day of the calendar month that begins next after 53438
thirty days from October 29, 1993, through June 30, 2011. 53439

(2) Beginning on September 5, 2001, and ending on June 30, 53440
2011, there is hereby levied an additional fee of fifty cents per 53441
tire on the sale of tires the proceeds of which shall be deposited 53442
in the state treasury to the credit of the scrap tire management 53443
fund ~~created in section 3734.82 of the Revised Code~~ and be used 53444
exclusively for the purposes specified in division (G)(3) of that 53445
section. 53446

(B) Only one sale of the same article shall be used in 53447
computing the amount of the fee due. 53448

Sec. 3734.9010. Two per cent of all amounts paid to the 53449
treasurer of state pursuant to sections 3734.90 to 3734.9014 of 53450
the Revised Code shall be certified directly to the credit of the 53451
tire fee administrative fund, which is hereby created in the state 53452
treasury, for appropriation to the department of taxation for use 53453
in administering those sections. The remainder of the amounts paid 53454
to the treasurer of state shall be deposited ~~to the credit of the~~ 53455
~~scrap tire management fund created and credited~~ in accordance with 53456
section ~~3734.82~~ 3734.901 of the Revised Code. 53457

Sec. 3737.71. Each insurance company doing business in this 53458
state shall pay to the state in installments, at the time of 53459
making the payments required by section 5729.05 of the Revised 53460
Code, in addition to the taxes required to be paid by it, 53461
three-fourths of one per cent on the gross premium receipts 53462
derived from fire insurance and that portion of the premium 53463
reasonably allocable to insurance against the hazard of fire 53464
included in other coverages except life and sickness and accident 53465
insurance, after deducting return premiums paid and considerations 53466
received for reinsurances as shown by the annual statement of such 53467
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 53468
the Revised Code. The money received shall be paid into the state 53469
treasury to the credit of the state fire marshal's fund, which is 53470
hereby created. The fund shall be used for the maintenance and 53471
administration of the office of the fire marshal and the Ohio fire 53472
academy established by section 3737.33 of the Revised Code. If the 53473
director of commerce certifies to the director of budget and 53474
management that the cash balance in the state fire marshal's fund 53475
is in excess of the amount needed to pay ongoing operating 53476
expenses, the director of commerce, with the approval of the 53477
director of budget and management, may use the excess amount to 53478
acquire by purchase, lease, or otherwise, real property or 53479

interests in real property to be used for the benefit of the 53480
office of the state fire marshal, or to construct, acquire, 53481
enlarge, equip, furnish, or improve the fire marshal's office 53482
facilities or the facilities of the Ohio fire academy. The state 53483
fire marshal's fund shall be assessed a proportionate share of the 53484
administrative costs of the department of commerce in accordance 53485
with procedures prescribed by the director of commerce and 53486
approved by the director of budget and management. Such assessment 53487
shall be paid from the state fire marshal's fund to the division 53488
of administration fund. 53489

Notwithstanding any other provision in this section, if the 53490
director of budget and management determines at any time that the 53491
money in the state fire marshal's fund exceeds the amount 53492
necessary to defray ongoing operating expenses in a fiscal year, 53493
the director may transfer the excess to the general revenue fund. 53494

Sec. 3745.11. (A) Applicants for and holders of permits, 53495
licenses, variances, plan approvals, and certifications issued by 53496
the director of environmental protection pursuant to Chapters 53497
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 53498
to the environmental protection agency for each such issuance and 53499
each application for an issuance as provided by this section. No 53500
fee shall be charged for any issuance for which no application has 53501
been submitted to the director. 53502

(B) Each person who is issued a permit to install prior to 53503
July 1, 2003, pursuant to rules adopted under division (F) of 53504
section 3704.03 of the Revised Code shall pay the fees specified 53505
in the following schedules: 53506

(1) Fuel-burning equipment (boilers) 53507
Input capacity (maximum) 53508
(million British thermal units per hour) Permit to install 53509
Greater than 0, but less than 10 \$ 200 53510

10 or more, but less than 100	400	53511
100 or more, but less than 300	800	53512
300 or more, but less than 500	1500	53513
500 or more, but less than 1000	2500	53514
1000 or more, but less than 5000	4000	53515
5000 or more	6000	53516

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

(2) Incinerators		53520
Input capacity (pounds per hour)	Permit to install	53521
0 to 100	\$ 100	53522
101 to 500	400	53523
501 to 2000	750	53524
2001 to 20,000	1000	53525
more than 20,000	2500	53526

(3)(a) Process		53527
Process weight rate (pounds per hour)	Permit to install	53528
0 to 1000	\$ 200	53529
1001 to 5000	400	53530
5001 to 10,000	600	53531
10,001 to 50,000	800	53532
more than 50,000	1000	53533

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

(b) Notwithstanding division (B)(3)(a) of this section, any
person issued a permit to install pursuant to rules adopted under
division (F) of section 3704.03 of the Revised Code shall pay the
fees established in division (B)(3)(c) of this section for a
process used in any of the following industries, as identified by
the applicable four-digit standard industrial classification code
according to the Standard Industrial Classification Manual

published by the United States office of management and budget in	53543	
the executive office of the president, 1972, as revised:	53544	
1211 Bituminous coal and lignite mining;	53545	
1213 Bituminous coal and lignite mining services;	53546	
1411 Dimension stone;	53547	
1422 Crushed and broken limestone;	53548	
1427 Crushed and broken stone, not elsewhere classified;	53549	
1442 Construction sand and gravel;	53550	
1446 Industrial sand;	53551	
3281 Cut stone and stone products;	53552	
3295 Minerals and earth, ground or otherwise treated.	53553	
(c) The fees established in the following schedule apply to	53554	
the issuance of a permit to install pursuant to rules adopted	53555	
under division (F) of section 3704.03 of the Revised Code for a	53556	
process listed in division (B)(3)(b) of this section:	53557	
Process weight rate (pounds per hour)	Permit to install	53558
0 to 1000	\$ 200	53559
10,001 to 50,000	300	53560
50,001 to 100,000	400	53561
100,001 to 200,000	500	53562
200,001 to 400,000	600	53563
400,001 or more	700	53564
(4) Storage tanks		53565
Gallons (maximum useful capacity)	Permit to install	53566
0 to 20,000	\$ 100	53567
20,001 to 40,000	150	53568
40,001 to 100,000	200	53569
100,001 to 250,000	250	53570
250,001 to 500,000	350	53571

500,001 to 1,000,000	500	53572
1,000,001 or greater	750	53573
(5) Gasoline/fuel dispensing facilities		53574
For each gasoline/fuel dispensing facility	Permit to install	53575
	\$ 100	53576
(6) Dry cleaning facilities		53577
For each dry cleaning facility	Permit to install	53578
(includes all units at the facility)	\$ 100	53579
(7) Registration status		53580
For each source covered by registration status	Permit to install	53581
	\$ 75	53582
(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.		53583 53584 53585 53586 53587 53588 53589 53590 53591
The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:		53592 53593 53594 53595
(a) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;		53596 53597 53598
(b) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;		53599 53600 53601
(c) Twenty-five dollars per ton on the total actual emissions		53602

of each such regulated pollutant in calendar year 1995, and each 53603
subsequent calendar year, to be collected no sooner than the 53604
fifteenth day of April of the year next succeeding the calendar 53605
year in which the emissions occurred. 53606

The fees levied under division (C)(1) of this section do not 53607
apply to that portion of the emissions of a regulated pollutant at 53608
a facility that exceed four thousand tons during a calendar year. 53609

(2) The fees assessed under division (C)(1) of this section 53610
are for the purpose of providing funding for the Title V permit 53611
program. 53612

(3) The fees assessed under division (C)(1) of this section 53613
do not apply to emissions from any electric generating unit 53614
designated as a Phase I unit under Title IV of the federal Clean 53615
Air Act prior to calendar year 2000. Those fees shall be assessed 53616
on the emissions from such a generating unit commencing in 53617
calendar year 2001 based upon the total actual emissions from the 53618
generating unit during calendar year 2000 and shall continue to be 53619
assessed each subsequent calendar year based on the total actual 53620
emissions from the generating unit during the preceding calendar 53621
year. 53622

(4) The director shall issue invoices to owners or operators 53623
of air contaminant sources who are required to pay a fee assessed 53624
under division (C) or (D) of this section. Any such invoice shall 53625
be issued no sooner than the applicable date when the fee first 53626
may be collected in a year under the applicable division, shall 53627
identify the nature and amount of the fee assessed, and shall 53628
indicate that the fee is required to be paid within thirty days 53629
after the issuance of the invoice. 53630

(D)(1) Except as provided in division (D)(3) of this section, 53631
from January 1, 1994, through December 31, 2003, each person who 53632
owns or operates an air contaminant source; who is required to 53633

apply for a permit to operate pursuant to rules adopted under 53634
division (G), or a variance pursuant to division (H), of section 53635
3704.03 of the Revised Code; and who is not required to apply for 53636
and obtain a Title V permit under section 3704.036 of the Revised 53637
Code shall pay a single fee based upon the sum of the actual 53638
annual emissions from the facility of the regulated pollutants 53639
particulate matter, sulfur dioxide, nitrogen oxides, organic 53640
compounds, and lead in accordance with the following schedule: 53641

Total tons per year		53642
of regulated pollutants	Annual fee	53643
emitted	per facility	53644
More than 0, but less than 50	\$ 75	53645
50 or more, but less than 100	300	53646
100 or more	700	53647

(2) Except as provided in division (D)(3) of this section, 53648
beginning January 1, 2004, each person who owns or operates an air 53649
contaminant source; who is required to apply for a permit to 53650
operate pursuant to rules adopted under division (G), or a 53651
variance pursuant to division (H), of section 3704.03 of the 53652
Revised Code; and who is not required to apply for and obtain a 53653
Title V permit under section 3704.03 of the Revised Code shall pay 53654
a single fee based upon the sum of the actual annual emissions 53655
from the facility of the regulated pollutants particulate matter, 53656
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 53657
accordance with the following schedule: 53658

Total tons per year		53659
of regulated pollutants	Annual fee	53660
emitted	per facility	53661
More than 0, but less than 10	\$ 100	53662
10 or more, but less than 50	200	53663
50 or more, but less than 100	300	53664
100 or more	700	53665

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2010~~ 2012, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed

under division (D)(3) of this section shall be collected no sooner 53698
than the fifteenth day of April, commencing in 2000. The fees 53699
assessed under division (D) of this section in a calendar year 53700
shall be based upon the sum of the actual emissions of those 53701
regulated pollutants during the preceding calendar year. For the 53702
purpose of division (D) of this section, emissions of air 53703
contaminants may be calculated using engineering calculations, 53704
emission factors, material balance calculations, or performance 53705
testing procedures, as authorized by the director. The director, 53706
by rule, may require persons who are required to pay the fees 53707
assessed under division (D) of this section to pay those fees 53708
biennially rather than annually. 53709

(E)(1) Consistent with the need to cover the reasonable costs 53710
of the Title V permit program, the director annually shall 53711
increase the fees prescribed in division (C)(1) of this section by 53712
the percentage, if any, by which the consumer price index for the 53713
most recent calendar year ending before the beginning of a year 53714
exceeds the consumer price index for calendar year 1989. Upon 53715
calculating an increase in fees authorized by division (E)(1) of 53716
this section, the director shall compile revised fee schedules for 53717
the purposes of division (C)(1) of this section and shall make the 53718
revised schedules available to persons required to pay the fees 53719
assessed under that division and to the public. 53720

(2) For the purposes of division (E)(1) of this section: 53721

(a) The consumer price index for any year is the average of 53722
the consumer price index for all urban consumers published by the 53723
United States department of labor as of the close of the 53724
twelve-month period ending on the thirty-first day of August of 53725
that year. 53726

(b) If the 1989 consumer price index is revised, the director 53727
shall use the revision of the consumer price index that is most 53728
consistent with that for calendar year 1989. 53729

(F) Each person who is issued a permit to install pursuant to 53730
rules adopted under division (F) of section 3704.03 of the Revised 53731
Code on or after July 1, 2003, shall pay the fees specified in the 53732
following schedules: 53733

(1) Fuel-burning equipment (boilers, furnaces, or process 53734
heaters used in the process of burning fuel for the primary 53735
purpose of producing heat or power by indirect heat transfer) 53736
Input capacity (maximum) 53737
(million British thermal units per hour) Permit to install 53738
Greater than 0, but less than 10 \$ 200 53739
10 or more, but less than 100 400 53740
100 or more, but less than 300 1000 53741
300 or more, but less than 500 2250 53742
500 or more, but less than 1000 3750 53743
1000 or more, but less than 5000 6000 53744
5000 or more 9000 53745

Units burning exclusively natural gas, number two fuel oil, 53746
or both shall be assessed a fee that is one-half the applicable 53747
amount shown in division (F)(1) of this section. 53748

(2) Combustion turbines and stationary internal combustion 53749
engines designed to generate electricity 53750
Generating capacity (mega watts) Permit to install 53751
0 or more, but less than 10 \$ 25 53752
10 or more, but less than 25 150 53753
25 or more, but less than 50 300 53754
50 or more, but less than 100 500 53755
100 or more, but less than 250 1000 53756
250 or more 2000 53757

(3) Incinerators 53758
Input capacity (pounds per hour) Permit to install 53759
0 to 100 \$ 100 53760

101 to 500	500	53761
501 to 2000	1000	53762
2001 to 20,000	1500	53763
more than 20,000	3750	53764

(4)(a) Process 53765

Process weight rate (pounds per hour)	Permit to install	53766
0 to 1000	\$ 200	53767
1001 to 5000	500	53768
5001 to 10,000	750	53769
10,001 to 50,000	1000	53770
more than 50,000	1250	53771

In any process where process weight rate cannot be 53772
ascertained, the minimum fee shall be assessed. A boiler, furnace, 53773
combustion turbine, stationary internal combustion engine, or 53774
process heater designed to provide direct heat or power to a 53775
process not designed to generate electricity shall be assessed a 53776
fee established in division (F)(4)(a) of this section. A 53777
combustion turbine or stationary internal combustion engine 53778
designed to generate electricity shall be assessed a fee 53779
established in division (F)(2) of this section. 53780

(b) Notwithstanding division (F)(4)(a) of this section, any 53781
person issued a permit to install pursuant to rules adopted under 53782
division (F) of section 3704.03 of the Revised Code shall pay the 53783
fees set forth in division (F)(4)(c) of this section for a process 53784
used in any of the following industries, as identified by the 53785
applicable two-digit, three-digit, or four-digit standard 53786
industrial classification code according to the Standard 53787
Industrial Classification Manual published by the United States 53788
office of management and budget in the executive office of the 53789
president, 1987, as revised: 53790

Major group 10, metal mining; 53791

Major group 12, coal mining; 53792

Major group 14, mining and quarrying of nonmetallic minerals;		53793
Industry group 204, grain mill products;		53794
2873 Nitrogen fertilizers;		53795
2874 Phosphatic fertilizers;		53796
3281 Cut stone and stone products;		53797
3295 Minerals and earth, ground or otherwise treated;		53798
4221 Grain elevators (storage only);		53799
5159 Farm related raw materials;		53800
5261 Retail nurseries and lawn and garden supply stores.		53801
(c) The fees set forth in the following schedule apply to the		53802
issuance of a permit to install pursuant to rules adopted under		53803
division (F) of section 3704.03 of the Revised Code for a process		53804
identified in division (F)(4)(b) of this section:		53805
Process weight rate (pounds per	Permit to install	53806
hour)		
0 to 10,000	\$ 200	53807
10,001 to 50,000	400	53808
50,001 to 100,000	500	53809
100,001 to 200,000	600	53810
200,001 to 400,000	750	53811
400,001 or more	900	53812
(5) Storage tanks		53813
Gallons (maximum useful capacity)	Permit to install	53814
0 to 20,000	\$ 100	53815
20,001 to 40,000	150	53816
40,001 to 100,000	250	53817
100,001 to 500,000	400	53818
500,001 or greater	750	53819
(6) Gasoline/fuel dispensing facilities		53820

For each gasoline/fuel		53821
dispensing facility (includes all	Permit to install	53822
units at the facility)	\$ 100	53823
(7) Dry cleaning facilities		53824
For each dry cleaning		53825
facility (includes all units	Permit to install	53826
at the facility)	\$ 100	53827
(8) Registration status		53828
For each source covered	Permit to install	53829
by registration status	\$ 75	53830
(G) An owner or operator who is responsible for an asbestos		53831
demolition or renovation project pursuant to rules adopted under		53832
section 3704.03 of the Revised Code shall pay the fees set forth		53833
in the following schedule:		53834
Action	Fee	53835
Each notification	\$75	53836
Asbestos removal	\$3/unit	53837
Asbestos cleanup	\$4/cubic yard	53838
For purposes of this division, "unit" means any combination of		53839
linear feet or square feet equal to fifty.		53840
(H) A person who is issued an extension of time for a permit		53841
to install an air contaminant source pursuant to rules adopted		53842
under division (F) of section 3704.03 of the Revised Code shall		53843
pay a fee equal to one-half the fee originally assessed for the		53844
permit to install under this section, except that the fee for such		53845
an extension shall not exceed two hundred dollars.		53846
(I) A person who is issued a modification to a permit to		53847
install an air contaminant source pursuant to rules adopted under		53848
section 3704.03 of the Revised Code shall pay a fee equal to		53849
one-half of the fee that would be assessed under this section to		53850
obtain a permit to install the source. The fee assessed by this		53851

division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

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

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

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

pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 53884
section shall be deposited in the state treasury to the credit of 53885
the clean air fund created in section 3704.035 of the Revised 53886
Code. 53887

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 53888
or (c) of this section, a person issued a water discharge permit 53889
or renewal of a water discharge permit pursuant to Chapter 6111. 53890
of the Revised Code shall pay a fee based on each point source to 53891
which the issuance is applicable in accordance with the following 53892
schedule: 53893

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	53895
1,001 to 5000	100	53896
5,001 to 50,000	200	53897
50,001 to 100,000	300	53898
100,001 to 300,000	525	53899
over 300,000	750	53900

(b) Notwithstanding the fee schedule specified in division 53901
(L)(1)(a) of this section, the fee for a water discharge permit 53902
that is applicable to coal mining operations regulated under 53903
Chapter 1513. of the Revised Code shall be two hundred fifty 53904
dollars per mine. 53905

(c) Notwithstanding the fee schedule specified in division 53906
(L)(1)(a) of this section, the fee for a water discharge permit 53907
for a public discharger identified by I in the third character of 53908
the permittee's NPDES permit number shall not exceed seven hundred 53909
fifty dollars. 53910

(2) A person applying for a plan approval for a wastewater 53911
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 53912
of the Revised Code shall pay a fee of one hundred dollars plus 53913
sixty-five one-hundredths of one per cent of the estimated project 53914
cost through June 30, ~~2010~~ 2012, and one hundred dollars plus 53915

two-tenths of one per cent of the estimated project cost on and 53916
after July 1, ~~2010~~ 2012, except that the total fee shall not 53917
exceed fifteen thousand dollars through June 30, ~~2010~~ 2012, and 53918
five thousand dollars on and after July 1, ~~2010~~ 2012. The fee 53919
shall be paid at the time the application is submitted. 53920

(3) A person issued a modification of a water discharge 53921
permit shall pay a fee equal to one-half the fee that otherwise 53922
would be charged for a water discharge permit, except that the fee 53923
for the modification shall not exceed four hundred dollars. 53924

(4) A person who has entered into an agreement with the 53925
director under section 6111.14 of the Revised Code shall pay an 53926
administrative service fee for each plan submitted under that 53927
section for approval that shall not exceed the minimum amount 53928
necessary to pay administrative costs directly attributable to 53929
processing plan approvals. The director annually shall calculate 53930
the fee and shall notify all persons who have entered into 53931
agreements under that section, or who have applied for agreements, 53932
of the amount of the fee. 53933

(5)(a)(i) Not later than January 30, ~~2008~~ 2010, and January 53934
30, ~~2009~~ 2011, a person holding an NPDES discharge permit issued 53935
pursuant to Chapter 6111. of the Revised Code with an average 53936
daily discharge flow of five thousand gallons or more shall pay a 53937
nonrefundable annual discharge fee. Any person who fails to pay 53938
the fee at that time shall pay an additional amount that equals 53939
ten per cent of the required annual discharge fee. 53940

(ii) The billing year for the annual discharge fee 53941
established in division (L)(5)(a)(i) of this section shall consist 53942
of a twelve-month period beginning on the first day of January of 53943
the year preceding the date when the annual discharge fee is due. 53944
In the case of an existing source that permanently ceases to 53945
discharge during a billing year, the director shall reduce the 53946
annual discharge fee, including the surcharge applicable to 53947

certain industrial facilities pursuant to division (L)(5)(c) of 53948
this section, by one-twelfth for each full month during the 53949
billing year that the source was not discharging, but only if the 53950
person holding the NPDES discharge permit for the source notifies 53951
the director in writing, not later than the first day of October 53952
of the billing year, of the circumstances causing the cessation of 53953
discharge. 53954

(iii) The annual discharge fee established in division 53955
(L)(5)(a)(i) of this section, except for the surcharge applicable 53956
to certain industrial facilities pursuant to division (L)(5)(c) of 53957
this section, shall be based upon the average daily discharge flow 53958
in gallons per day calculated using first day of May through 53959
thirty-first day of October flow data for the period two years 53960
prior to the date on which the fee is due. In the case of NPDES 53961
discharge permits for new sources, the fee shall be calculated 53962
using the average daily design flow of the facility until actual 53963
average daily discharge flow values are available for the time 53964
period specified in division (L)(5)(a)(iii) of this section. The 53965
annual discharge fee may be prorated for a new source as described 53966
in division (L)(5)(a)(ii) of this section. 53967

(b) An NPDES permit holder that is a public discharger shall 53968
pay the fee specified in the following schedule: 53969

Average daily	Fee due by	
discharge flow	January 30,	
	2008 <u>2010</u> , and	
	January 30, 2009	
	<u>2011</u>	
5,000 to 49,999	\$ 200	53974
50,000 to 100,000	500	53975
100,001 to 250,000	1,050	53976
250,001 to 1,000,000	2,600	53977
1,000,001 to 5,000,000	5,200	53978

5,000,001 to 10,000,000	10,350	53979
10,000,001 to 20,000,000	15,550	53980
20,000,001 to 50,000,000	25,900	53981
50,000,001 to 100,000,000	41,400	53982
100,000,001 or more	62,100	53983

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

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

Average daily discharge flow	Fee due by January 30, 2008 <u>2010</u> , and January 30, 2009 <u>2011</u>	
5,000 to 49,999	\$ 250	54000
50,000 to 250,000	1,200	54001
250,001 to 1,000,000	2,950	54002
1,000,001 to 5,000,000	5,850	54003
5,000,001 to 10,000,000	8,800	54004
10,000,001 to 20,000,000	11,700	54005
20,000,001 to 100,000,000	14,050	54006
100,000,001 to 250,000,000	16,400	54007
250,000,001 or more	18,700	54008

In addition to the fee specified in the above schedule, an

NPDES permit holder that is an industrial discharger classified as 54010
a major discharger during all or part of the annual discharge fee 54011
billing year specified in division (L)(5)(a)(ii) of this section 54012
shall pay a nonrefundable annual surcharge of seven thousand five 54013
hundred dollars not later than January 30, ~~2008~~ 2010, and not 54014
later than January 30, ~~2009~~ 2011. Any person who fails to pay the 54015
surcharge at that time shall pay an additional amount that equals 54016
ten per cent of the amount of the surcharge. 54017

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 54018
section, a public discharger identified by I in the third 54019
character of the permittee's NPDES permit number and an industrial 54020
discharger identified by I, J, L, V, W, X, Y, or Z in the third 54021
character of the permittee's NPDES permit number shall pay a 54022
nonrefundable annual discharge fee of one hundred eighty dollars 54023
not later than January 30, ~~2008~~ 2010, and not later than January 54024
30, ~~2009~~ 2011. Any person who fails to pay the fee at that time 54025
shall pay an additional amount that equals ten per cent of the 54026
required fee. 54027

(6) Each person obtaining a national pollutant discharge 54028
elimination system general or individual permit for municipal 54029
storm water discharge shall pay a nonrefundable storm water 54030
discharge fee of one hundred dollars per square mile of area 54031
permitted. The fee shall not exceed ten thousand dollars and shall 54032
be payable on or before January 30, 2004, and the thirtieth day of 54033
January of each year thereafter. Any person who fails to pay the 54034
fee on the date specified in division (L)(6) of this section shall 54035
pay an additional amount per year equal to ten per cent of the 54036
annual fee that is unpaid. 54037

(7) The director shall transmit all moneys collected under 54038
division (L) of this section to the treasurer of state for deposit 54039
into the state treasury to the credit of the surface water 54040
protection fund created in section 6111.038 of the Revised Code. 54041

(8) As used in division (L) of this section: 54042

(a) "NPDES" means the federally approved national pollutant 54043
discharge elimination system program for issuing, modifying, 54044
revoking, reissuing, terminating, monitoring, and enforcing 54045
permits and imposing and enforcing pretreatment requirements under 54046
Chapter 6111. of the Revised Code and rules adopted under it. 54047

(b) "Public discharger" means any holder of an NPDES permit 54048
identified by P in the second character of the NPDES permit number 54049
assigned by the director. 54050

(c) "Industrial discharger" means any holder of an NPDES 54051
permit identified by I in the second character of the NPDES permit 54052
number assigned by the director. 54053

(d) "Major discharger" means any holder of an NPDES permit 54054
classified as major by the regional administrator of the United 54055
States environmental protection agency in conjunction with the 54056
director. 54057

(M) Through June 30, ~~2010~~ 2012, a person applying for a 54058
license or license renewal to operate a public water system under 54059
section 6109.21 of the Revised Code shall pay the appropriate fee 54060
established under this division at the time of application to the 54061
director. Any person who fails to pay the fee at that time shall 54062
pay an additional amount that equals ten per cent of the required 54063
fee. The director shall transmit all moneys collected under this 54064
division to the treasurer of state for deposit into the drinking 54065
water protection fund created in section 6109.30 of the Revised 54066
Code. 54067

Except as provided in division (M)(4) of this section, fees 54068
required under this division shall be calculated and paid in 54069
accordance with the following schedule: 54070

(1) For the initial license required under division (A)(1) of 54071
section 6109.21 of the Revised Code for any public water system 54072

that is a community water system as defined in section 6109.01 of 54073
the Revised Code, and for each license renewal required for such a 54074
system prior to January 31, ~~2010~~ 2012, the fee is: 54075

Number of service connections	Fee amount	
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Not more than 49	\$ 112	54077
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50 to 99	176	54078
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Number of service connections	Average cost per connection	
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100 to 2,499	\$ 1.92	54080
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2,500 to 4,999	1.48	54081
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5,000 to 7,499	1.42	54082
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7,500 to 9,999	1.34	54083
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10,000 to 14,999	1.16	54084
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15,000 to 24,999	1.10	54085
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25,000 to 49,999	1.04	54086
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50,000 to 99,999	.92	54087
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100,000 to 149,999	.86	54088
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150,000 to 199,999	.80	54089
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200,000 or more	.76	54090
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A public water system may determine how it will pay the total 54091
amount of the fee calculated under division (M)(1) of this 54092
section, including the assessment of additional user fees that may 54093
be assessed on a volumetric basis. 54094

As used in division (M)(1) of this section, "service 54095
connection" means the number of active or inactive pipes, 54096
goosenecks, pigtails, and any other fittings connecting a water 54097
main to any building outlet. 54098

(2) For the initial license required under division (A)(2) of 54099
section 6109.21 of the Revised Code for any public water system 54100
that is not a community water system and serves a nontransient 54101
population, and for each license renewal required for such a 54102
system prior to January 31, ~~2010~~ 2012, the fee is: 54103

Population served	Fee amount	
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Fewer than 150	\$ 112	54105
150 to 299	176	54106
300 to 749	384	54107
750 to 1,499	628	54108
1,500 to 2,999	1,268	54109
3,000 to 7,499	2,816	54110
7,500 to 14,999	5,510	54111
15,000 to 22,499	9,048	54112
22,500 to 29,999	12,430	54113
30,000 or more	16,820	54114

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

(3) For the initial license required under division (A)(3) of section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2010~~ 2012, the fee is:

Number of wells supplying system	Fee amount	
1	\$112	54127
2	112	54128
3	176	54129
4	278	54130
5	568	54131
System designated as using a surface water source	792	54133

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

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2010~~ 2012, and fifteen thousand dollars on and after July 1, ~~2010~~ 2012. The fee shall be paid at the time the application is submitted.

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

(3) Through June 30, ~~2010~~ 2012, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		54164
MMO-MUG	\$2,000	54165
MF	2,100	54166
MMO-MUG and MF	2,550	54167
organic chemical	5,400	54168

trace metals	5,400	54169
standard chemistry	2,800	54170
limited chemistry	1,550	54171

On and after July 1, ~~2010~~ 2012, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	54174
organic chemicals	3,500	54175
trace metals	3,500	54176
standard chemistry	1,800	54177
limited chemistry	1,000	54178

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2010~~ 2012, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

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

(O) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay an

application fee of forty-five dollars through November 30, ~~2010~~ 54199
2012, and twenty-five dollars on and after December 1, ~~2010~~ 2012. 54200
Upon approval from the director that the applicant is eligible to 54201
take the examination therefor, the applicant shall pay a fee in 54202
accordance with the following schedule through November 30, ~~2010~~ 54203
2012: 54204

Class A operator	\$35	54205
Class I operator	60	54206
Class II operator	75	54207
Class III operator	85	54208
Class IV operator	100	54209

On and after December 1, ~~2010~~ 2012, the applicant shall pay a 54210
fee in accordance with the following schedule: 54211

Class A operator	\$25	54212
Class I operator	\$45	54213
Class II operator	55	54214
Class III operator	65	54215
Class IV operator	75	54216

A person shall pay a biennial certification renewal fee for 54217
each applicable class of certification in accordance with the 54218
following schedule: 54219

Class A operator	\$25	54220
Class I operator	35	54221
Class II operator	45	54222
Class III operator	55	54223
Class IV operator	65	54224

If a certification renewal fee is received by the director 54225
more than thirty days, but not more than one year after the 54226
expiration date of the certification, the person shall pay a 54227
certification renewal fee in accordance with the following 54228
schedule: 54229

Class A operator	\$45	54230
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Class I operator	55	54231
Class II operator	65	54232
Class III operator	75	54233
Class IV operator	85	54234

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

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

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic

yards of disposal or treatment capacity, or one thousand dollars, 54263
whichever is greater, except that the total fee for any such 54264
permit shall not exceed eighty thousand dollars. A person issued a 54265
modification of a permit for a solid waste disposal facility or an 54266
infectious waste treatment facility that does not involve an 54267
increase in the total disposal or treatment capacity of the 54268
facility shall pay a fee of one thousand dollars. A person issued 54269
a permit to install a new, or modify an existing, solid waste 54270
transfer facility under that chapter shall pay a fee of two 54271
thousand five hundred dollars. A person issued a permit to install 54272
a new or to modify an existing solid waste incineration or 54273
composting facility, or an existing infectious waste treatment 54274
facility using incineration as its principal method of treatment, 54275
under that chapter shall pay a fee of one thousand dollars. The 54276
increases in the permit fees under this division resulting from 54277
the amendments made by Amended Substitute House Bill 592 of the 54278
117th general assembly do not apply to any person who submitted an 54279
application for a permit to install a new, or modify an existing, 54280
solid waste disposal facility under that chapter prior to 54281
September 1, 1987; any such person shall pay the permit fee 54282
established in this division as it existed prior to June 24, 1988. 54283
In addition to the applicable permit fee under this division, a 54284
person issued a permit to install or modify a solid waste facility 54285
or an infectious waste treatment facility under that chapter who 54286
fails to pay the permit fee to the director in compliance with 54287
division (V) of this section shall pay an additional ten per cent 54288
of the amount of the fee for each week that the permit fee is 54289
late. 54290

Permit and late payment fees paid to the director under this 54291
division shall be credited to the general revenue fund. 54292

(R)(1) A person issued a registration certificate for a scrap 54293
tire collection facility under section 3734.75 of the Revised Code 54294

shall pay a fee of two hundred dollars, except that if the 54295
facility is owned or operated by a motor vehicle salvage dealer 54296
licensed under Chapter 4738. of the Revised Code, the person shall 54297
pay a fee of twenty-five dollars. 54298

(2) A person issued a registration certificate for a new 54299
scrap tire storage facility under section 3734.76 of the Revised 54300
Code shall pay a fee of three hundred dollars, except that if the 54301
facility is owned or operated by a motor vehicle salvage dealer 54302
licensed under Chapter 4738. of the Revised Code, the person shall 54303
pay a fee of twenty-five dollars. 54304

(3) A person issued a permit for a scrap tire storage 54305
facility under section 3734.76 of the Revised Code shall pay a fee 54306
of one thousand dollars, except that if the facility is owned or 54307
operated by a motor vehicle salvage dealer licensed under Chapter 54308
4738. of the Revised Code, the person shall pay a fee of fifty 54309
dollars. 54310

(4) A person issued a permit for a scrap tire monocell or 54311
monofill facility under section 3734.77 of the Revised Code shall 54312
pay a fee of ten dollars per thousand cubic yards of disposal 54313
capacity or one thousand dollars, whichever is greater, except 54314
that the total fee for any such permit shall not exceed eighty 54315
thousand dollars. 54316

(5) A person issued a registration certificate for a scrap 54317
tire recovery facility under section 3734.78 of the Revised Code 54318
shall pay a fee of one hundred dollars. 54319

(6) A person issued a permit for a scrap tire recovery 54320
facility under section 3734.78 of the Revised Code shall pay a fee 54321
of one thousand dollars. 54322

(7) In addition to the applicable registration certificate or 54323
permit fee under divisions (R)(1) to (6) of this section, a person 54324
issued a registration certificate or permit for any such scrap 54325

tire facility who fails to pay the registration certificate or 54326
permit fee to the director in compliance with division (V) of this 54327
section shall pay an additional ten per cent of the amount of the 54328
fee for each week that the fee is late. 54329

(8) The registration certificate, permit, and late payment 54330
fees paid to the director under divisions (R)(1) to (7) of this 54331
section shall be credited to the scrap tire management fund 54332
created in section 3734.82 of the Revised Code. 54333

(S)(1) Except as provided by divisions (L), (M), (N), (O), 54334
(P), and (S)(2) of this section, division (A)(2) of section 54335
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 54336
and rules adopted under division (T)(1) of this section, any 54337
person applying for a registration certificate under section 54338
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 54339
variance, or plan approval under Chapter 3734. of the Revised Code 54340
shall pay a nonrefundable fee of fifteen dollars at the time the 54341
application is submitted. 54342

Except as otherwise provided, any person applying for a 54343
permit, variance, or plan approval under Chapter 6109. or 6111. of 54344
the Revised Code shall pay a nonrefundable fee of one hundred 54345
dollars at the time the application is submitted through June 30, 54346
~~2010~~ 2012, and a nonrefundable fee of fifteen dollars at the time 54347
the application is submitted on and after July 1, ~~2010~~ 2012. 54348
Through June 30, ~~2010~~ 2012, any person applying for a national 54349
pollutant discharge elimination system permit under Chapter 6111. 54350
of the Revised Code shall pay a nonrefundable fee of two hundred 54351
dollars at the time of application for the permit. On and after 54352
July 1, ~~2010~~ 2012, such a person shall pay a nonrefundable fee of 54353
fifteen dollars at the time of application. 54354

In addition to the application fee established under division 54355
(S)(1) of this section, any person applying for a national 54356
pollutant discharge elimination system general storm water 54357

construction permit shall pay a nonrefundable fee of twenty 54358
dollars per acre for each acre that is permitted above five acres 54359
at the time the application is submitted. However, the per acreage 54360
fee shall not exceed three hundred dollars. In addition, any 54361
person applying for a national pollutant discharge elimination 54362
system general storm water industrial permit shall pay a 54363
nonrefundable fee of one hundred fifty dollars at the time the 54364
application is submitted. 54365

The director shall transmit all moneys collected under 54366
division (S)(1) of this section pursuant to Chapter 6109. of the 54367
Revised Code to the treasurer of state for deposit into the 54368
drinking water protection fund created in section 6109.30 of the 54369
Revised Code. 54370

The director shall transmit all moneys collected under 54371
division (S)(1) of this section pursuant to Chapter 6111. of the 54372
Revised Code to the treasurer of state for deposit into the 54373
surface water protection fund created in section 6111.038 of the 54374
Revised Code. 54375

If a registration certificate is issued under section 54376
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 54377
the application fee paid shall be deducted from the amount of the 54378
registration certificate fee due under division (R)(1), (2), or 54379
(5) of this section, as applicable. 54380

If a person submits an electronic application for a 54381
registration certificate, permit, variance, or plan approval for 54382
which an application fee is established under division (S)(1) of 54383
this section, the person shall pay the applicable application fee 54384
as expeditiously as possible after the submission of the 54385
electronic application. An application for a registration 54386
certificate, permit, variance, or plan approval for which an 54387
application fee is established under division (S)(1) of this 54388
section shall not be reviewed or processed until the applicable 54389

application fee, and any other fees established under this 54390
division, are paid. 54391

(2) Division (S)(1) of this section does not apply to an 54392
application for a registration certificate for a scrap tire 54393
collection or storage facility submitted under section 3734.75 or 54394
3734.76 of the Revised Code, as applicable, if the owner or 54395
operator of the facility or proposed facility is a motor vehicle 54396
salvage dealer licensed under Chapter 4738. of the Revised Code. 54397

(T) The director may adopt, amend, and rescind rules in 54398
accordance with Chapter 119. of the Revised Code that do all of 54399
the following: 54400

(1) Prescribe fees to be paid by applicants for and holders 54401
of any license, permit, variance, plan approval, or certification 54402
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 54403
the Revised Code that are not specifically established in this 54404
section. The fees shall be designed to defray the cost of 54405
processing, issuing, revoking, modifying, denying, and enforcing 54406
the licenses, permits, variances, plan approvals, and 54407
certifications. 54408

The director shall transmit all moneys collected under rules 54409
adopted under division (T)(1) of this section pursuant to Chapter 54410
6109. of the Revised Code to the treasurer of state for deposit 54411
into the drinking water protection fund created in section 6109.30 54412
of the Revised Code. 54413

The director shall transmit all moneys collected under rules 54414
adopted under division (T)(1) of this section pursuant to Chapter 54415
6111. of the Revised Code to the treasurer of state for deposit 54416
into the surface water protection fund created in section 6111.038 54417
of the Revised Code. 54418

(2) Exempt the state and political subdivisions thereof, 54419
including education facilities or medical facilities owned by the 54420

state or a political subdivision, or any person exempted from 54421
taxation by section 5709.07 or 5709.12 of the Revised Code, from 54422
any fee required by this section; 54423

(3) Provide for the waiver of any fee, or any part thereof, 54424
otherwise required by this section whenever the director 54425
determines that the imposition of the fee would constitute an 54426
unreasonable cost of doing business for any applicant, class of 54427
applicants, or other person subject to the fee; 54428

(4) Prescribe measures that the director considers necessary 54429
to carry out this section. 54430

(U) When the director reasonably demonstrates that the direct 54431
cost to the state associated with the issuance of a permit to 54432
install, license, variance, plan approval, or certification 54433
exceeds the fee for the issuance or review specified by this 54434
section, the director may condition the issuance or review on the 54435
payment by the person receiving the issuance or review of, in 54436
addition to the fee specified by this section, the amount, or any 54437
portion thereof, in excess of the fee specified under this 54438
section. The director shall not so condition issuances for which 54439
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 54440
section. 54441

(V) Except as provided in divisions (L), (M), and (P) of this 54442
section or unless otherwise prescribed by a rule of the director 54443
adopted pursuant to Chapter 119. of the Revised Code, all fees 54444
required by this section are payable within thirty days after the 54445
issuance of an invoice for the fee by the director or the 54446
effective date of the issuance of the license, permit, variance, 54447
plan approval, or certification. If payment is late, the person 54448
responsible for payment of the fee shall pay an additional ten per 54449
cent of the amount due for each month that it is late. 54450

(W) As used in this section, "fuel-burning equipment," 54451

"fuel-burning equipment input capacity," "incinerator," 54452
"incinerator input capacity," "process," "process weight rate," 54453
"storage tank," "gasoline dispensing facility," "dry cleaning 54454
facility," "design flow discharge," and "new source treatment 54455
works" have the meanings ascribed to those terms by applicable 54456
rules or standards adopted by the director under Chapter 3704. or 54457
6111. of the Revised Code. 54458

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 54459
and (J) of this section, and in any other provision of this 54460
section pertaining to fees paid pursuant to Chapter 3704. of the 54461
Revised Code: 54462

(1) "Facility," "federal Clean Air Act," "person," and "Title 54463
V permit" have the same meanings as in section 3704.01 of the 54464
Revised Code. 54465

(2) "Title V permit program" means the following activities 54466
as necessary to meet the requirements of Title V of the federal 54467
Clean Air Act and 40 C.F.R. part 70, including at least: 54468

(a) Preparing and adopting, if applicable, generally 54469
applicable rules or guidance regarding the permit program or its 54470
implementation or enforcement; 54471

(b) Reviewing and acting on any application for a Title V 54472
permit, permit revision, or permit renewal, including the 54473
development of an applicable requirement as part of the processing 54474
of a permit, permit revision, or permit renewal; 54475

(c) Administering the permit program, including the 54476
supporting and tracking of permit applications, compliance 54477
certification, and related data entry; 54478

(d) Determining which sources are subject to the program and 54479
implementing and enforcing the terms of any Title V permit, not 54480
including any court actions or other formal enforcement actions; 54481

(e) Emission and ambient monitoring;	54482
(f) Modeling, analyses, or demonstrations;	54483
(g) Preparing inventories and tracking emissions;	54484
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	54485 54486 54487 54488 54489 54490 54491
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	54492 54493 54494 54495 54496 54497 54498 54499 54500 54501
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	54502 54503 54504
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:	54505 54506 54507 54508 54509 54510
(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional	54511 54512

quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars. 54513
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(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity. 54515
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A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section. 54521
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(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section. 54524
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In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. 54533
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(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section. 54538
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(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual 54542
54543

fee for each disposal method that the sewage sludge facility uses. 54544
The maximum annual fee does not include the additional amount that 54545
may be charged under division (Y)(5) of this section for late 54546
payment of the annual sludge fee. The maximum annual fee for the 54547
following methods of disposal of sewage sludge is as follows: 54548

(a) Incineration: five thousand dollars; 54549

(b) Preexisting land reclamation project or disposal in a 54550
landfill: five thousand dollars; 54551

(c) Land application, land reclamation, surface disposal, or 54552
any other disposal method not specified in division (Y)(3)(a) or 54553
(b) of this section: twenty thousand dollars. 54554

(4)(a) In the case of an entity that generates sewage sludge 54555
or a sewage sludge facility that treats sewage sludge and 54556
transfers the sewage sludge to an incineration facility for 54557
disposal, the incineration facility, and not the entity generating 54558
the sewage sludge or the sewage sludge facility treating the 54559
sewage sludge, shall pay the annual sludge fee for the tons of 54560
sewage sludge that are transferred. However, the entity or 54561
facility generating or treating the sewage sludge shall pay the 54562
one-hundred-dollar minimum fee required under division (Y)(2)(a) 54563
of this section. 54564

(b) In the case of an entity that generates sewage sludge and 54565
transfers the sewage sludge to a landfill for disposal or to a 54566
sewage sludge facility for land reclamation or surface disposal, 54567
the entity generating the sewage sludge, and not the landfill or 54568
sewage sludge facility, shall pay the annual sludge fee for the 54569
tons of sewage sludge that are transferred. 54570

(5) Not later than the first day of April of the calendar 54571
year following March 17, 2000, and each first day of April 54572
thereafter, the director shall issue invoices to persons who are 54573
required to pay the annual sludge fee. The invoice shall identify 54574

the nature and amount of the annual sludge fee assessed and state 54575
the first day of May as the deadline for receipt by the director 54576
of objections regarding the amount of the fee and the first day of 54577
July as the deadline for payment of the fee. 54578

Not later than the first day of May following receipt of an 54579
invoice, a person required to pay the annual sludge fee may submit 54580
objections to the director concerning the accuracy of information 54581
regarding the number of dry tons of sewage sludge used to 54582
calculate the amount of the annual sludge fee or regarding whether 54583
the sewage sludge qualifies for the exceptional quality sludge 54584
discount established in division (Y)(2)(b) of this section. The 54585
director may consider the objections and adjust the amount of the 54586
fee to ensure that it is accurate. 54587

If the director does not adjust the amount of the annual 54588
sludge fee in response to a person's objections, the person may 54589
appeal the director's determination in accordance with Chapter 54590
119. of the Revised Code. 54591

Not later than the first day of June, the director shall 54592
notify the objecting person regarding whether the director has 54593
found the objections to be valid and the reasons for the finding. 54594
If the director finds the objections to be valid and adjusts the 54595
amount of the annual sludge fee accordingly, the director shall 54596
issue with the notification a new invoice to the person 54597
identifying the amount of the annual sludge fee assessed and 54598
stating the first day of July as the deadline for payment. 54599

Not later than the first day of July, any person who is 54600
required to do so shall pay the annual sludge fee. Any person who 54601
is required to pay the fee, but who fails to do so on or before 54602
that date shall pay an additional amount that equals ten per cent 54603
of the required annual sludge fee. 54604

(6) The director shall transmit all moneys collected under 54605

division (Y) of this section to the treasurer of state for deposit 54606
into the surface water protection fund created in section 6111.038 54607
of the Revised Code. The moneys shall be used to defray the costs 54608
of administering and enforcing provisions in Chapter 6111. of the 54609
Revised Code and rules adopted under it that govern the use, 54610
storage, treatment, or disposal of sewage sludge. 54611

(7) Beginning in fiscal year 2001, and every two years 54612
thereafter, the director shall review the total amount of moneys 54613
generated by the annual sludge fees to determine if that amount 54614
exceeded six hundred thousand dollars in either of the two 54615
preceding fiscal years. If the total amount of moneys in the fund 54616
exceeded six hundred thousand dollars in either fiscal year, the 54617
director, after review of the fee structure and consultation with 54618
affected persons, shall issue an order reducing the amount of the 54619
fees levied under division (Y) of this section so that the 54620
estimated amount of moneys resulting from the fees will not exceed 54621
six hundred thousand dollars in any fiscal year. 54622

If, upon review of the fees under division (Y)(7) of this 54623
section and after the fees have been reduced, the director 54624
determines that the total amount of moneys collected and 54625
accumulated is less than six hundred thousand dollars, the 54626
director, after review of the fee structure and consultation with 54627
affected persons, may issue an order increasing the amount of the 54628
fees levied under division (Y) of this section so that the 54629
estimated amount of moneys resulting from the fees will be 54630
approximately six hundred thousand dollars. Fees shall never be 54631
increased to an amount exceeding the amount specified in division 54632
(Y)(7) of this section. 54633

Notwithstanding section 119.06 of the Revised Code, the 54634
director may issue an order under division (Y)(7) of this section 54635
without the necessity to hold an adjudicatory hearing in 54636
connection with the order. The issuance of an order under this 54637

division is not an act or action for purposes of section 3745.04 54638
of the Revised Code. 54639

(8) As used in division (Y) of this section: 54640

(a) "Sewage sludge facility" means an entity that performs 54641
treatment on or is responsible for the disposal of sewage sludge. 54642

(b) "Sewage sludge" means a solid, semi-solid, or liquid 54643
residue generated during the treatment of domestic sewage in a 54644
treatment works as defined in section 6111.01 of the Revised Code. 54645
"Sewage sludge" includes, but is not limited to, scum or solids 54646
removed in primary, secondary, or advanced wastewater treatment 54647
processes. "Sewage sludge" does not include ash generated during 54648
the firing of sewage sludge in a sewage sludge incinerator, grit 54649
and screenings generated during preliminary treatment of domestic 54650
sewage in a treatment works, animal manure, residue generated 54651
during treatment of animal manure, or domestic septage. 54652

(c) "Exceptional quality sludge" means sewage sludge that 54653
meets all of the following qualifications: 54654

(i) Satisfies the class A pathogen standards in 40 C.F.R. 54655
503.32(a); 54656

(ii) Satisfies one of the vector attraction reduction 54657
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 54658

(iii) Does not exceed the ceiling concentration limitations 54659
for metals listed in table one of 40 C.F.R. 503.13; 54660

(iv) Does not exceed the concentration limitations for metals 54661
listed in table three of 40 C.F.R. 503.13. 54662

(d) "Treatment" means the preparation of sewage sludge for 54663
final use or disposal and includes, but is not limited to, 54664
thickening, stabilization, and dewatering of sewage sludge. 54665

(e) "Disposal" means the final use of sewage sludge, 54666
including, but not limited to, land application, land reclamation, 54667

surface disposal, or disposal in a landfill or an incinerator. 54668

(f) "Land application" means the spraying or spreading of 54669
sewage sludge onto the land surface, the injection of sewage 54670
sludge below the land surface, or the incorporation of sewage 54671
sludge into the soil for the purposes of conditioning the soil or 54672
fertilizing crops or vegetation grown in the soil. 54673

(g) "Land reclamation" means the returning of disturbed land 54674
to productive use. 54675

(h) "Surface disposal" means the placement of sludge on an 54676
area of land for disposal, including, but not limited to, 54677
monofills, surface impoundments, lagoons, waste piles, or 54678
dedicated disposal sites. 54679

(i) "Incinerator" means an entity that disposes of sewage 54680
sludge through the combustion of organic matter and inorganic 54681
matter in sewage sludge by high temperatures in an enclosed 54682
device. 54683

(j) "Incineration facility" includes all incinerators owned 54684
or operated by the same entity and located on a contiguous tract 54685
of land. Areas of land are considered to be contiguous even if 54686
they are separated by a public road or highway. 54687

(k) "Annual sludge fee" means the fee assessed under division 54688
(Y)(1) of this section. 54689

(l) "Landfill" means a sanitary landfill facility, as defined 54690
in rules adopted under section 3734.02 of the Revised Code, that 54691
is licensed under section 3734.05 of the Revised Code. 54692

(m) "Preexisting land reclamation project" means a 54693
property-specific land reclamation project that has been in 54694
continuous operation for not less than five years pursuant to 54695
approval of the activity by the director and includes the 54696
implementation of a community outreach program concerning the 54697

activity. 54698

Sec. 3745.31. (A) As used in this section, "environmental 54699
law" means sections 903.08, 903.17, and 3737.87 to 3737.882 and 54700
Chapters 3704., 3714., 3734., 3745., 3750., 3751., 3752., 3753., 54701
6109., and 6111. of the Revised Code; any rule adopted under those 54702
sections or chapters or adopted for the purpose of implementing 54703
those sections or chapters; and any applicable provisions of 54704
Chapter 3767. of the Revised Code when an environmentally related 54705
nuisance action is brought. 54706

(B)(1) Except as provided in ~~division~~ divisions (B)(2) and 54707
(3) of this section, any action under any environmental law for 54708
civil or administrative penalties of any kind brought by any 54709
agency or department of the state or by any other governmental 54710
authority charged with enforcing environmental laws shall be 54711
commenced within five years of the time when the agency, 54712
department, or governmental authority actually knew or was 54713
informed of the occurrence, omission, or facts on which the cause 54714
of action is based. 54715

(2) ~~If~~ Except as provided in division (B)(3) of this section, 54716
if an agency, department, or governmental authority actually knew 54717
or was informed of an occurrence, omission, or facts on which a 54718
cause of action is based prior to ~~the effective date of this~~ 54719
~~section~~ July 23, 2002, the cause of action for civil or 54720
administrative penalties of any kind for the alleged violation 54721
shall be commenced not later than five years after ~~the effective~~ 54722
~~date of this section~~ July 23, 2002. 54723

(3) With regard to Chapter 3714. of the Revised Code and 54724
rules adopted under it, if an agency, department, or governmental 54725
authority actually knew or was informed of an occurrence, 54726
omission, or facts on which a cause of action is based prior to 54727
the effective date of this amendment, the cause of action for 54728

civil or administrative penalties of any kind for the alleged 54729
violation shall be commenced not later than five years after the 54730
effective date of this amendment. 54731

(C) Division (B) of this section applies only if, during the 54732
time periods established in that division, proper service of 54733
process can be given in accordance with the Rules of Civil 54734
Procedure and jurisdiction of a court in this state can be 54735
obtained. 54736

(D) The time periods established in division (B) of this 54737
section may be tolled by mutual agreement between the enforcing 54738
agency, department, or authority and the person who is subject to 54739
a civil or administrative penalty of any kind under an 54740
environmental law. 54741

(E) When an action seeks injunctive relief or another remedy 54742
in addition to a remedy of civil or administrative penalties of 54743
any kind under an environmental law, division (B) of this section 54744
applies only to the remedy of civil or administrative penalties of 54745
any kind. 54746

(F) Beginning on the first anniversary of ~~the effective date~~ 54747
~~of this section~~ July 23, 2002, and for four years thereafter, the 54748
director of environmental protection and the fire marshal shall 54749
each annually submit a report concerning the aggregate number of 54750
enforcement cases that are based on occurrences, omissions, or 54751
facts about which the director or the fire marshal actually knew 54752
or was informed prior to ~~the effective date of this section~~ July 54753
23, 2002 for which a cause of action has not been brought pursuant 54754
to division (B)(2) of this section as of the date of the report. 54755
The respective reports submitted by the director and the fire 54756
marshal shall only address the aggregate number of occurrences, 54757
omissions, or facts under environmental laws concerning which the 54758
director or fire marshal has regulatory authority. The respective 54759
reports submitted by the director and the fire marshal shall not 54760

include any names, addresses, or other identifying information. 54761
The report shall be submitted to the speaker of the house of 54762
representatives, the president of the senate, and the chairpersons 54763
of the standing committees of the house of representatives and the 54764
senate that are primarily responsible for considering 54765
environmental issues. 54766

Sec. 3767.41. (A) As used in this section: 54767

(1) "Building" means, except as otherwise provided in this 54768
division, any building or structure that is used or intended to be 54769
used for residential purposes. "Building" includes, but is not 54770
limited to, a building or structure in which any floor is used for 54771
retail stores, shops, salesrooms, markets, or similar commercial 54772
uses, or for offices, banks, civic administration activities, 54773
professional services, or similar business or civic uses, and in 54774
which the other floors are used, or designed and intended to be 54775
used, for residential purposes. "Building" does not include any 54776
building or structure that is occupied by its owner and that 54777
contains three or fewer residential units. 54778

(2)(a) "Public nuisance" means a building that is a menace to 54779
the public health, welfare, or safety; that is structurally 54780
unsafe, unsanitary, or not provided with adequate safe egress; 54781
that constitutes a fire hazard, is otherwise dangerous to human 54782
life, or is otherwise no longer fit and habitable; or that, in 54783
relation to its existing use, constitutes a hazard to the public 54784
health, welfare, or safety by reason of inadequate maintenance, 54785
dilapidation, obsolescence, or abandonment. 54786

(b) "Public nuisance" as it applies to subsidized housing 54787
means subsidized housing that fails to meet the following 54788
standards as specified in the federal rules governing each 54789
standard: 54790

(i) Each building on the site is structurally sound, secure, 54791

habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 54792

(ii) Each building's domestic water, electrical system, 54793
elevators, emergency power, fire protection, HVAC, and sanitary 54794
system is free of health and safety hazards, functionally 54795
adequate, operable, and in good repair, as defined in 24 C.F.R. 54796
5.703(c); 54797

(iii) Each dwelling unit within the building is structurally 54798
sound, habitable, and in good repair, and all areas and aspects of 54799
the dwelling unit are free of health and safety hazards, 54800
functionally adequate, operable, and in good repair, as defined in 54801
24 C.F.R. 5.703(d)(1); 54802

(iv) Where applicable, the dwelling unit has hot and cold 54803
running water, including an adequate source of potable water, as 54804
defined in 24 C.F.R. 5.703(d)(2); 54805

(v) If the dwelling unit includes its own sanitary facility, 54806
it is in proper operating condition, usable in privacy, and 54807
adequate for personal hygiene, and the disposal of human waste, as 54808
defined in 24 C.F.R. 5.703(d)(3); 54809

(vi) The common areas are structurally sound, secure, and 54810
functionally adequate for the purposes intended. The basement, 54811
garage, carport, restrooms, closets, utility, mechanical, 54812
community rooms, daycare, halls, corridors, stairs, kitchens, 54813
laundry rooms, office, porch, patio, balcony, and trash collection 54814
areas are free of health and safety hazards, operable, and in good 54815
repair. All common area ceilings, doors, floors, HVAC, lighting, 54816
smoke detectors, stairs, walls, and windows, to the extent 54817
applicable, are free of health and safety hazards, operable, and 54818
in good repair, as defined in 24 C.F.R. 5.703(e); 54819

(vii) All areas and components of the housing are free of 54820
health and safety hazards. These areas include, but are not 54821
limited to, air quality, electrical hazards, elevators, 54822

emergency/fire exits, flammable materials, garbage and debris, 54823
handrail hazards, infestation, and lead-based paint, as defined in 54824
24 C.F.R. 5.703(f). 54825

(3) "Abate" or "abatement" in connection with any building 54826
means the removal or correction of any conditions that constitute 54827
a public nuisance and the making of any other improvements that 54828
are needed to effect a rehabilitation of the building that is 54829
consistent with maintaining safe and habitable conditions over its 54830
remaining useful life. "Abatement" does not include the closing or 54831
boarding up of any building that is found to be a public nuisance. 54832

(4) "Interested party" means any owner, mortgagee, 54833
lienholder, tenant, or person that possesses an interest of record 54834
in any property that becomes subject to the jurisdiction of a 54835
court pursuant to this section, and any applicant for the 54836
appointment of a receiver pursuant to this section. 54837

(5) "Neighbor" means any owner of property, including, but 54838
not limited to, any person who is purchasing property by land 54839
installment contract or under a duly executed purchase contract, 54840
that is located within five hundred feet of any property that 54841
becomes subject to the jurisdiction of a court pursuant to this 54842
section, and any occupant of a building that is so located. 54843

(6) "Tenant" has the same meaning as in section 5321.01 of 54844
the Revised Code. 54845

(7) "Subsidized housing" means a property consisting of more 54846
than four dwelling units that, in whole or in part, receives 54847
project-based assistance pursuant to a contract under any of the 54848
following federal housing programs: 54849

(a) The new construction or substantial rehabilitation 54850
program under section 8(b)(2) of the "United States Housing Act of 54851
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 54852
that program was in effect immediately before the first day of 54853

October, 1983;	54854
(b) The moderate rehabilitation program under section 8(e)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(e)(2);	54855 54856 54857
(c) The loan management assistance program under section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f;	54858 54859 54860
(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;	54861 54862 54863
(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;	54864 54865 54866 54867 54868
(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q;	54869 54870 54871
(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013;	54872 54873 54874
(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a.	54875 54876 54877 54878
(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on behalf of tenants who reside in that property.	54879 54880 54881
(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code.	54882 54883

(B)(1)(a) In any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings, that is commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, or in any civil action for abatement commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, by a municipal corporation or township in which the building involved is located, by any neighbor, tenant, or by a nonprofit corporation that is duly organized and has as one of its goals the improvement of housing conditions in the county or municipal corporation in which the building involved is located, if a building is alleged to be a public nuisance, the municipal corporation, township, neighbor, tenant, or nonprofit corporation may apply in its complaint for an injunction or other order as described in division (C)(1) of this section, or for the relief described in division (C)(2) of this section, including, if necessary, the appointment of a receiver as described in divisions (C)(2) and (3) of this section, or for both such an injunction or other order and such relief. The municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action is not liable for the costs, expenses, and fees of any receiver appointed pursuant to divisions (C)(2) and (3) of this section.

(b) Prior to commencing a civil action for abatement when the property alleged to be a public nuisance is subsidized housing, the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action shall provide the landlord of that property with written notice that specifies one or more defective conditions that constitute a public nuisance as that term applies to subsidized housing and states that if the landlord fails to remedy the condition within sixty days of the service of the notice, a claim pursuant to this section may be

brought on the basis that the property constitutes a public 54917
nuisance in subsidized housing. Any party authorized to bring an 54918
action against the landlord shall make reasonable attempts to 54919
serve the notice in the manner prescribed in the Rules of Civil 54920
Procedure to the landlord or the landlord's agent for the property 54921
at the property's management office, or at the place where the 54922
tenants normally pay or send rent. If the landlord is not the 54923
owner of record, the party bringing the action shall make a 54924
reasonable attempt to serve the owner. If the owner does not 54925
receive service the person bringing the action shall certify the 54926
attempts to serve the owner. 54927

(2)(a) In a civil action described in division (B)(1) of this 54928
section, a copy of the complaint and a notice of the date and time 54929
of a hearing on the complaint shall be served upon the owner of 54930
the building and all other interested parties in accordance with 54931
the Rules of Civil Procedure. If certified mail service, personal 54932
service, or residence service of the complaint and notice is 54933
refused or certified mail service of the complaint and notice is 54934
not claimed, and if the municipal corporation, township, neighbor, 54935
tenant, or nonprofit corporation commencing the action makes a 54936
written request for ordinary mail service of the complaint and 54937
notice, or uses publication service, in accordance with the Rules 54938
of Civil Procedure, then a copy of the complaint and notice shall 54939
be posted in a conspicuous place on the building. 54940

(b) The judge in a civil action described in division (B)(1) 54941
of this section shall conduct a hearing at least twenty-eight days 54942
after the owner of the building and the other interested parties 54943
have been served with a copy of the complaint and the notice of 54944
the date and time of the hearing in accordance with division 54945
(B)(2)(a) of this section. 54946

(c) In considering whether subsidized housing is a public 54947
nuisance, the judge shall construe the standards set forth in 54948

division (A)(2)(b) of this section in a manner consistent with 54949
department of housing and urban development and judicial 54950
interpretations of those standards. The judge shall deem that the 54951
property is not a public nuisance if during the twelve months 54952
prior to the service of the notice that division (B)(1)(b) of this 54953
section requires, the department of housing and urban 54954
development's real estate assessment center issued a score of 54955
seventy-five or higher out of a possible one hundred points 54956
pursuant to its regulations governing the physical condition of 54957
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 54958
and since the most recent inspection, there has been no 54959
significant change in the property's conditions that would create 54960
a serious threat to the health, safety, or welfare of the 54961
property's tenants. 54962

(C)(1) If the judge in a civil action described in division 54963
(B)(1) of this section finds at the hearing required by division 54964
(B)(2) of this section that the building involved is a public 54965
nuisance, if the judge additionally determines that the owner of 54966
the building previously has not been afforded a reasonable 54967
opportunity to abate the public nuisance or has been afforded such 54968
an opportunity and has not refused or failed to abate the public 54969
nuisance, and if the complaint of the municipal corporation, 54970
township, neighbor, tenant, or nonprofit corporation commencing 54971
the action requested the issuance of an injunction as described in 54972
this division, then the judge may issue an injunction requiring 54973
the owner of the building to abate the public nuisance or issue 54974
any other order that the judge considers necessary or appropriate 54975
to cause the abatement of the public nuisance. If an injunction is 54976
issued pursuant to this division, the owner of the building 54977
involved shall be given no more than thirty days from the date of 54978
the entry of the judge's order to comply with the injunction, 54979
unless the judge, for good cause shown, extends the time for 54980
compliance. 54981

(2) If the judge in a civil action described in division 54982
(B)(1) of this section finds at the hearing required by division 54983
(B)(2) of this section that the building involved is a public 54984
nuisance, if the judge additionally determines that the owner of 54985
the building previously has been afforded a reasonable opportunity 54986
to abate the public nuisance and has refused or failed to do so, 54987
and if the complaint of the municipal corporation, township, 54988
neighbor, tenant, or nonprofit corporation commencing the action 54989
requested relief as described in this division, then the judge 54990
shall offer any mortgagee, lienholder, or other interested party 54991
associated with the property on which the building is located, in 54992
the order of the priority of interest in title, the opportunity to 54993
undertake the work and to furnish the materials necessary to abate 54994
the public nuisance. Prior to selecting any interested party, the 54995
judge shall require the interested party to demonstrate the 54996
ability to promptly undertake the work and furnish the materials 54997
required, to provide the judge with a viable financial and 54998
construction plan for the rehabilitation of the building as 54999
described in division (D) of this section, and to post security 55000
for the performance of the work and the furnishing of the 55001
materials. 55002

If the judge determines, at the hearing, that no interested 55003
party is willing or able to undertake the work and to furnish the 55004
materials necessary to abate the public nuisance, or if the judge 55005
determines, at any time after the hearing, that any party who is 55006
undertaking corrective work pursuant to this division cannot or 55007
will not proceed, or has not proceeded with due diligence, the 55008
judge may appoint a receiver pursuant to division (C)(3) of this 55009
section to take possession and control of the building. 55010

(3)(a) The judge in a civil action described in division 55011
(B)(1) of this section shall not appoint any person as a receiver 55012
unless the person first has provided the judge with a viable 55013

financial and construction plan for the rehabilitation of the 55014
building involved as described in division (D) of this section and 55015
has demonstrated the capacity and expertise to perform the 55016
required work and to furnish the required materials in a 55017
satisfactory manner. An appointed receiver may be a financial 55018
institution that possesses an interest of record in the building 55019
or the property on which it is located, a nonprofit corporation as 55020
described in divisions (B)(1) and (C)(3)(b) of this section, 55021
including, but not limited to, a nonprofit corporation that 55022
commenced the action described in division (B)(1) of this section, 55023
or any other qualified property manager. 55024

(b) To be eligible for appointment as a receiver, no part of 55025
the net earnings of a nonprofit corporation shall inure to the 55026
benefit of any private shareholder or individual. Membership on 55027
the board of trustees of a nonprofit corporation appointed as a 55028
receiver does not constitute the holding of a public office or 55029
employment within the meaning of sections 731.02 and 731.12 or any 55030
other section of the Revised Code and does not constitute a direct 55031
or indirect interest in a contract or expenditure of money by any 55032
municipal corporation. A member of a board of trustees of a 55033
nonprofit corporation appointed as a receiver shall not be 55034
disqualified from holding any public office or employment, and 55035
shall not forfeit any public office or employment, by reason of 55036
membership on the board of trustees, notwithstanding any law to 55037
the contrary. 55038

(D) Prior to ordering any work to be undertaken, or the 55039
furnishing of any materials, to abate a public nuisance under this 55040
section, the judge in a civil action described in division (B)(1) 55041
of this section shall review the submitted financial and 55042
construction plan for the rehabilitation of the building involved 55043
and, if it specifies all of the following, shall approve that 55044
plan: 55045

(1) The estimated cost of the labor, materials, and any other development costs that are required to abate the public nuisance; 55046
55047

(2) The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements; 55048
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(3) The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials; 55051
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(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance. 55054
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(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership. 55057
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(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge. 55065
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The judge may empower the receiver to do any or all of the following: 55070
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(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 55072
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(2) Pay all expenses of operating and conserving the building	55076
and the property, including, but not limited to, the cost of	55077
electricity, gas, water, sewerage, heating fuel, repairs and	55078
supplies, custodian services, taxes and assessments, and insurance	55079
premiums, and hire and pay reasonable compensation to a managing	55080
agent;	55081
(3) Pay pre-receivership mortgages or installments of them	55082
and other liens;	55083
(4) Perform or enter into contracts for the performance of	55084
all work and the furnishing of materials necessary to abate, and	55085
obtain financing for the abatement of, the public nuisance;	55086
(5) Pursuant to court order, remove and dispose of any	55087
personal property abandoned, stored, or otherwise located in or on	55088
the building and the property that creates a dangerous or unsafe	55089
condition or that constitutes a violation of any local building,	55090
housing, air pollution, sanitation, health, fire, zoning, or	55091
safety code, ordinance, or regulation;	55092
(6) Obtain mortgage insurance for any receiver's mortgage	55093
from any agency of the federal government;	55094
(7) Enter into any agreement and do those things necessary to	55095
maintain and preserve the building and the property and comply	55096
with all local building, housing, air pollution, sanitation,	55097
health, fire, zoning, or safety codes, ordinances, <u>resolutions</u> ,	55098
and regulations;	55099
(8) Give the custody of the building and the property, and	55100
the opportunity to abate the nuisance and operate the property, to	55101
its owner or any mortgagee or lienholder of record;	55102
(9) Issue notes and secure them by a mortgage bearing	55103
interest, and upon terms and conditions, that the judge approves.	55104
When sold or transferred by the receiver in return for valuable	55105
consideration in money, material, labor, or services, the notes or	55106

certificates shall be freely transferable. Any mortgages granted 55107
by the receiver shall be superior to any claims of the receiver. 55108
Priority among the receiver's mortgages shall be determined by the 55109
order in which they are recorded. 55110

(G) A receiver appointed pursuant to this section is not 55111
personally liable except for misfeasance, malfeasance, or 55112
nonfeasance in the performance of the functions of the office of 55113
receiver. 55114

(H)(1) The judge in a civil action described in division 55115
(B)(1) of this section may assess as court costs, the expenses 55116
described in division (F)(2) of this section, and may approve 55117
receiver's fees to the extent that they are not covered by the 55118
income from the property. Subject to that limitation, a receiver 55119
appointed pursuant to divisions (C)(2) and (3) of this section is 55120
entitled to receive fees in the same manner and to the same extent 55121
as receivers appointed in actions to foreclose mortgages. 55122

(2)(a) Pursuant to the police powers vested in the state, all 55123
expenditures of a mortgagee, lienholder, or other interested party 55124
that has been selected pursuant to division (C)(2) of this section 55125
to undertake the work and to furnish the materials necessary to 55126
abate a public nuisance, and any expenditures in connection with 55127
the foreclosure of the lien created by this division, is a first 55128
lien upon the building involved and the property on which it is 55129
located and is superior to all prior and subsequent liens or other 55130
encumbrances associated with the building or the property, 55131
including, but not limited to, those for taxes and assessments, 55132
upon the occurrence of both of the following: 55133

(i) The prior approval of the expenditures by, and the entry 55134
of a judgment to that effect by, the judge in the civil action 55135
described in division (B)(1) of this section; 55136

(ii) The recordation of a certified copy of the judgment 55137

entry and a sufficient description of the property on which the 55138
building is located with the county recorder in the county in 55139
which the property is located within sixty days after the date of 55140
the entry of the judgment. 55141

(b) Pursuant to the police powers vested in the state, all 55142
expenses and other amounts paid in accordance with division (F) of 55143
this section by a receiver appointed pursuant to divisions (C)(2) 55144
and (3) of this section, the amounts of any notes issued by the 55145
receiver in accordance with division (F) of this section, all 55146
mortgages granted by the receiver in accordance with that 55147
division, the fees of the receiver approved pursuant to division 55148
(H)(1) of this section, and any amounts expended in connection 55149
with the foreclosure of a mortgage granted by the receiver in 55150
accordance with division (F) of this section or with the 55151
foreclosure of the lien created by this division, are a first lien 55152
upon the building involved and the property on which it is located 55153
and are superior to all prior and subsequent liens or other 55154
encumbrances associated with the building or the property, 55155
including, but not limited to, those for taxes and assessments, 55156
upon the occurrence of both of the following: 55157

(i) The approval of the expenses, amounts, or fees by, and 55158
the entry of a judgment to that effect by, the judge in the civil 55159
action described in division (B)(1) of this section; or the 55160
approval of the mortgages in accordance with division (F)(9) of 55161
this section by, and the entry of a judgment to that effect by, 55162
that judge; 55163

(ii) The recordation of a certified copy of the judgment 55164
entry and a sufficient description of the property on which the 55165
building is located, or, in the case of a mortgage, the 55166
recordation of the mortgage, a certified copy of the judgment 55167
entry, and such a description, with the county recorder of the 55168
county in which the property is located within sixty days after 55169

the date of the entry of the judgment. 55170

(c) Priority among the liens described in divisions (H)(2)(a) 55171
and (b) of this section shall be determined as described in 55172
division (I) of this section. Additionally, the creation pursuant 55173
to this section of a mortgage lien that is prior to or superior to 55174
any mortgage of record at the time the mortgage lien is so 55175
created, does not disqualify the mortgage of record as a legal 55176
investment under Chapter 1107. or 1151. or any other chapter of 55177
the Revised Code. 55178

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 55179
and (3) of this section files with the judge in the civil action 55180
described in division (B)(1) of this section a report indicating 55181
that the public nuisance has been abated, if the judge confirms 55182
that the receiver has abated the public nuisance, and if the 55183
receiver or any interested party requests the judge to enter an 55184
order directing the receiver to sell the building and the property 55185
on which it is located, the judge may enter that order after 55186
holding a hearing as described in division (I)(2) of this section 55187
and otherwise complying with that division. 55188

(2)(a) The receiver or interested party requesting an order 55189
as described in division (I)(1) of this section shall cause a 55190
notice of the date and time of a hearing on the request to be 55191
served on the owner of the building involved and all other 55192
interested parties in accordance with division (B)(2)(a) of this 55193
section. The judge in the civil action described in division 55194
(B)(1) of this section shall conduct the scheduled hearing. At the 55195
hearing, if the owner or any interested party objects to the sale 55196
of the building and the property, the burden of proof shall be 55197
upon the objecting person to establish, by a preponderance of the 55198
evidence, that the benefits of not selling the building and the 55199
property outweigh the benefits of selling them. If the judge 55200
determines that there is no objecting person, or if the judge 55201

determines that there is one or more objecting persons but no 55202
objecting person has sustained the burden of proof specified in 55203
this division, the judge may enter an order directing the receiver 55204
to offer the building and the property for sale upon terms and 55205
conditions that the judge shall specify. 55206

(b) In any sale of subsidized housing that is ordered 55207
pursuant to this section, the judge shall specify that the 55208
subsidized housing not be conveyed unless that conveyance complies 55209
with applicable federal law and applicable program contracts for 55210
that housing. Any such conveyance shall be subject to the 55211
condition that the purchaser enter into a contract with the 55212
department of housing and urban development or the rural housing 55213
service of the federal department of agriculture under which the 55214
property continues to be subsidized housing and the owner 55215
continues to operate that property as subsidized housing unless 55216
the secretary of housing and urban development or the 55217
administrator of the rural housing service terminates that 55218
property's contract prior to or upon the conveyance of the 55219
property. 55220

(3) If a sale of a building and the property on which it is 55221
located is ordered pursuant to divisions (I)(1) and (2) of this 55222
section and if the sale occurs in accordance with the terms and 55223
conditions specified by the judge in the judge's order of sale, 55224
then the receiver shall distribute the proceeds of the sale and 55225
the balance of any funds that the receiver may possess, after the 55226
payment of the costs of the sale, in the following order of 55227
priority and in the described manner: 55228

(a) First, in satisfaction of any notes issued by the 55229
receiver pursuant to division (F) of this section, in their order 55230
of priority; 55231

(b) Second, any unreimbursed expenses and other amounts paid 55232
in accordance with division (F) of this section by the receiver, 55233

and the fees of the receiver approved pursuant to division (H)(1) 55234
of this section; 55235

(c) Third, all expenditures of a mortgagee, lienholder, or 55236
other interested party that has been selected pursuant to division 55237
(C)(2) of this section to undertake the work and to furnish the 55238
materials necessary to abate a public nuisance, provided that the 55239
expenditures were approved as described in division (H)(2)(a) of 55240
this section and provided that, if any such interested party 55241
subsequently became the receiver, its expenditures shall be paid 55242
prior to the expenditures of any of the other interested parties 55243
so selected; 55244

(d) Fourth, the amount due for delinquent taxes, assessments, 55245
charges, penalties, and interest owed to this state or a political 55246
subdivision of this state, provided that, if the amount available 55247
for distribution pursuant to division (I)(3)(d) of this section is 55248
insufficient to pay the entire amount of those taxes, assessments, 55249
charges, penalties, and interest, the proceeds and remaining funds 55250
shall be paid to each claimant in proportion to the amount of 55251
those taxes, assessments, charges, penalties, and interest that 55252
each is due. 55253

(e) The amount of any pre-receivership mortgages, liens, or 55254
other encumbrances, in their order of priority. 55255

(4) Following a distribution in accordance with division 55256
(I)(3) of this section, the receiver shall request the judge in 55257
the civil action described in division (B)(1) of this section to 55258
enter an order terminating the receivership. If the judge 55259
determines that the sale of the building and the property on which 55260
it is located occurred in accordance with the terms and conditions 55261
specified by the judge in the judge's order of sale under division 55262
(I)(2) of this section and that the receiver distributed the 55263
proceeds of the sale and the balance of any funds that the 55264
receiver possessed, after the payment of the costs of the sale, in 55265

accordance with division (I)(3) of this section, and if the judge 55266
approves any final accounting required of the receiver, the judge 55267
may terminate the receivership. 55268

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 55269
(3) of this section may be discharged at any time in the 55270
discretion of the judge in the civil action described in division 55271
(B)(1) of this section. The receiver shall be discharged by the 55272
judge as provided in division (I)(4) of this section, or when all 55273
of the following have occurred: 55274

(a) The public nuisance has been abated; 55275

(b) All costs, expenses, and approved fees of the 55276
receivership have been paid; 55277

(c) Either all receiver's notes issued and mortgages granted 55278
pursuant to this section have been paid, or all the holders of the 55279
notes and mortgages request that the receiver be discharged. 55280

(2) If a judge in a civil action described in division (B)(1) 55281
of this section determines that, and enters of record a 55282
declaration that, a public nuisance has been abated by a receiver, 55283
and if, within three days after the entry of the declaration, all 55284
costs, expenses, and approved fees of the receivership have not 55285
been paid in full, then, in addition to the circumstances 55286
specified in division (I) of this section for the entry of such an 55287
order, the judge may enter an order directing the receiver to sell 55288
the building involved and the property on which it is located. Any 55289
such order shall be entered, and the sale shall occur, only in 55290
compliance with division (I) of this section. 55291

(K) The title in any building, and in the property on which 55292
it is located, that is sold at a sale ordered under division (I) 55293
or (J)(2) of this section shall be incontestable in the purchaser 55294
and shall be free and clear of all liens for delinquent taxes, 55295
assessments, charges, penalties, and interest owed to this state 55296

or any political subdivision of this state, that could not be 55297
satisfied from the proceeds of the sale and the remaining funds in 55298
the receiver's possession pursuant to the distribution under 55299
division (I)(3) of this section. All other liens and encumbrances 55300
with respect to the building and the property shall survive the 55301
sale, including, but not limited to, a federal tax lien notice 55302
properly filed in accordance with section 317.09 of the Revised 55303
Code prior to the time of the sale, and the easements and 55304
covenants of record running with the property that were created 55305
prior to the time of the sale. 55306

(L)(1) Nothing in this section shall be construed as a 55307
limitation upon the powers granted to a court of common pleas, a 55308
municipal court or a housing or environmental division of a 55309
municipal court under Chapter 1901. of the Revised Code, or a 55310
county court under Chapter 1907. of the Revised Code. 55311

(2) The monetary and other limitations specified in Chapters 55312
1901. and 1907. of the Revised Code upon the jurisdiction of 55313
municipal and county courts, and of housing or environmental 55314
divisions of municipal courts, in civil actions do not operate as 55315
limitations upon any of the following: 55316

(a) Expenditures of a mortgagee, lienholder, or other 55317
interested party that has been selected pursuant to division 55318
(C)(2) of this section to undertake the work and to furnish the 55319
materials necessary to abate a public nuisance; 55320

(b) Any notes issued by a receiver pursuant to division (F) 55321
of this section; 55322

(c) Any mortgage granted by a receiver in accordance with 55323
division (F) of this section; 55324

(d) Expenditures in connection with the foreclosure of a 55325
mortgage granted by a receiver in accordance with division (F) of 55326
this section; 55327

(e) The enforcement of an order of a judge entered pursuant 55328
to this section; 55329

(f) The actions that may be taken pursuant to this section by 55330
a receiver or a mortgagee, lienholder, or other interested party 55331
that has been selected pursuant to division (C)(2) of this section 55332
to undertake the work and to furnish the materials necessary to 55333
abate a public nuisance. 55334

(3) A judge in a civil action described in division (B)(1) of 55335
this section, or the judge's successor in office, has continuing 55336
jurisdiction to review the condition of any building that was 55337
determined to be a public nuisance pursuant to this section. 55338

(4) Nothing in this section shall be construed to limit or 55339
prohibit a municipal corporation or township that has filed with 55340
the superintendent of insurance a certified copy of an adopted 55341
resolution, ordinance, or regulation authorizing the procedures 55342
described in divisions (C) and (D) of section 3929.86 of the 55343
Revised Code from receiving insurance proceeds under section 55344
3929.86 of the Revised Code. 55345

Sec. 3770.05. (A) As used in this section, "person" means any 55346
person, association, corporation, partnership, club, trust, 55347
estate, society, receiver, trustee, person acting in a fiduciary 55348
or representative capacity, instrumentality of the state or any of 55349
its political subdivisions, or any other combination of 55350
individuals meeting the requirements set forth in this section or 55351
established by rule or order of the state lottery commission. 55352

(B) The director of the state lottery commission may license 55353
any person as a lottery sales agent. No license shall be issued to 55354
any person or group of persons to engage in the sale of lottery 55355
tickets as the person's or group's sole occupation or business. 55356

Before issuing any license to a lottery sales agent, the 55357

director shall consider all of the following: 55358

(1) The financial responsibility and security of the 55359
applicant and the applicant's business or activity; 55360

(2) The accessibility of the applicant's place of business or 55361
activity to the public; 55362

(3) The sufficiency of existing licensed agents to serve the 55363
public interest; 55364

(4) The volume of expected sales by the applicant; 55365

(5) Any other factors pertaining to the public interest, 55366
convenience, or trust. 55367

(C) Except as otherwise provided in division (F) of this 55368
section, the director of the state lottery commission shall refuse 55369
to grant, or shall suspend or revoke, a license if the applicant 55370
or licensee: 55371

(1) Has been convicted of a felony or has been convicted of a 55372
crime involving moral turpitude; 55373

(2) Has been convicted of an offense that involves illegal 55374
gambling; 55375

(3) Has been found guilty of fraud or misrepresentation in 55376
any connection; 55377

(4) Has been found to have violated any rule or order of the 55378
commission; or 55379

(5) Has been convicted of illegal trafficking in ~~food stamps~~ 55380
supplemental nutrition assistance program benefits. 55381

(D) Except as otherwise provided in division (F) of this 55382
section, the director of the state lottery commission shall refuse 55383
to grant, or shall suspend or revoke, a license if the applicant 55384
or licensee is a corporation and any of the following applies: 55385

(1) Any of the corporation's directors, officers, or 55386

controlling shareholders has been found guilty of any of the 55387
activities specified in divisions (C)(1) to (5) of this section; 55388

(2) It appears to the director of the state lottery 55389
commission that, due to the experience, character, or general 55390
fitness of any director, officer, or controlling shareholder of 55391
the corporation, the granting of a license as a lottery sales 55392
agent would be inconsistent with the public interest, convenience, 55393
or trust; 55394

(3) The corporation is not the owner or lessee of the 55395
business at which it would conduct a lottery sales agency pursuant 55396
to the license applied for; 55397

(4) Any person, firm, association, or corporation other than 55398
the applicant or licensee shares or will share in the profits of 55399
the applicant or licensee, other than receiving dividends or 55400
distributions as a shareholder, or participates or will 55401
participate in the management of the affairs of the applicant or 55402
licensee. 55403

(E)(1) The director of the state lottery commission shall 55404
refuse to grant a license to an applicant for a lottery sales 55405
agent license and shall revoke a lottery sales agent license if 55406
the applicant or licensee is or has been convicted of a violation 55407
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 55408

(2) The director shall refuse to grant a license to an 55409
applicant for a lottery sales agent license that is a corporation 55410
and shall revoke the lottery sales agent license of a corporation 55411
if the corporation is or has been convicted of a violation of 55412
division (A) or (C)(1) of section 2913.46 of the Revised Code. 55413

(F) The director of the state lottery commission shall 55414
request the bureau of criminal identification and investigation, 55415
the department of public safety, or any other state, local, or 55416
federal agency to supply the director with the criminal records of 55417

any applicant for a lottery sales agent license, and may 55418
periodically request the criminal records of any person to whom a 55419
lottery sales agent license has been issued. At or prior to the 55420
time of making such a request, the director shall require an 55421
applicant or licensee to obtain fingerprint impressions on 55422
fingerprint cards prescribed by the superintendent of the bureau 55423
of criminal identification and investigation at a qualified law 55424
enforcement agency, and the director shall cause those fingerprint 55425
cards to be forwarded to the bureau of criminal identification and 55426
investigation, to the federal bureau of investigation, or to both 55427
bureaus. The commission shall assume the cost of obtaining the 55428
fingerprint cards. 55429

The director shall pay to each agency supplying criminal 55430
records for each investigation a reasonable fee, as determined by 55431
the agency. 55432

The commission may adopt uniform rules specifying time 55433
periods after which the persons described in divisions (C)(1) to 55434
(5) and (D)(1) to (4) of this section may be issued a license and 55435
establishing requirements for those persons to seek a court order 55436
to have records sealed in accordance with law. 55437

(G)(1) Each applicant for a lottery sales agent license shall 55438
do both of the following: 55439

(a) Pay to the state lottery commission, at the time the 55440
application is submitted, a fee in an amount that the director of 55441
the state lottery commission determines by rule adopted under 55442
Chapter 119. of the Revised Code and that the controlling board 55443
approves; 55444

(b) Prior to approval of the application, obtain a surety 55445
bond in an amount the director determines by rule adopted under 55446
Chapter 119. of the Revised Code or, alternatively, with the 55447
director's approval, deposit the same amount into a dedicated 55448

account for the benefit of the state lottery. The director also 55449
may approve the obtaining of a surety bond to cover part of the 55450
amount required, together with a dedicated account deposit to 55451
cover the remainder of the amount required. 55452

A surety bond may be with any company that complies with the 55453
bonding and surety laws of this state and the requirements 55454
established by rules of the commission pursuant to this chapter. A 55455
dedicated account deposit shall be conducted in accordance with 55456
policies and procedures the director establishes. 55457

A surety bond, dedicated account, or both, as applicable, may 55458
be used to pay for the lottery sales agent's failure to make 55459
prompt and accurate payments for lottery ticket sales, for missing 55460
or stolen lottery tickets, or for damage to equipment or materials 55461
issued to the lottery sales agent, or to pay for expenses the 55462
commission incurs in connection with the lottery sales agent's 55463
license. 55464

(2) A lottery sales agent license is effective for one year. 55465

A licensed lottery sales agent, on or before the date 55466
established by the director, shall renew the agent's license and 55467
provide at that time evidence to the director that the surety 55468
bond, dedicated account deposit, or both, required under division 55469
(G)(1)(b) of this section has been renewed or is active, whichever 55470
applies. 55471

Before the commission renews a lottery sales agent license, 55472
the lottery sales agent shall submit a renewal fee to the 55473
commission in an amount that the director determines by rule 55474
adopted under Chapter 119. of the Revised Code and that the 55475
controlling board approves. The renewal fee shall not exceed the 55476
actual cost of administering the license renewal and processing 55477
changes reflected in the renewal application. The renewal of the 55478
license is effective for up to one year. 55479

(3) A lottery sales agent license shall be complete, 55480
accurate, and current at all times during the term of the license. 55481
Any changes to an original license application or a renewal 55482
application may subject the applicant or lottery sales agent, as 55483
applicable, to paying an administrative fee that shall be in an 55484
amount that the director determines by rule adopted under Chapter 55485
119. of the Revised Code, that the controlling board approves, and 55486
that shall not exceed the actual cost of administering and 55487
processing the changes to an application. 55488

(4) The relationship between the commission and a lottery 55489
sales agent is one of trust. A lottery sales agent collects funds 55490
on behalf of the commission through the sale of lottery tickets 55491
for which the agent receives a compensation. 55492

(H) Pending a final resolution of any question arising under 55493
this section, the director of the state lottery commission may 55494
issue a temporary lottery sales agent license, subject to the 55495
terms and conditions the director considers appropriate. 55496

(I) If a lottery sales agent's rental payments for the 55497
lottery sales agent's premises are determined, in whole or in 55498
part, by the amount of retail sales the lottery sales agent makes, 55499
and if the rental agreement does not expressly provide that the 55500
amount of those retail sales includes the amounts the lottery 55501
sales agent receives from lottery ticket sales, only the amounts 55502
the lottery sales agent receives as compensation from the state 55503
lottery commission for selling lottery tickets shall be considered 55504
to be amounts the lottery sales agent receives from the retail 55505
sales the lottery sales agent makes, for the purpose of computing 55506
the lottery sales agent's rental payments. 55507

Sec. 3773.35. Any person who wishes to conduct a public or 55508
private competition that involves boxing ~~or~~, wrestling ~~match or~~ 55509
exhibition, mixed martial arts, kick boxing, tough man contests, 55510

tough guy contests, or any other form of boxing or martial arts 55511
shall apply to the Ohio athletic commission for a promoter's 55512
license. Each application shall be filed with the commission on 55513
forms provided by the commission, and shall be accompanied by an 55514
application fee as prescribed in section 3773.43 of the Revised 55515
Code and, with the exception of wrestling events, by a ~~cash bond,~~ 55516
~~certified check, bank draft, or~~ surety bond of not less than five 55517
twenty thousand dollars conditioned for compliance with sections 55518
3773.31 to 3773.57 of the Revised Code and the rules of the 55519
commission. ~~The applicant shall verify the application under oath.~~ 55520

The commission shall prescribe the form of the application 55521
for the promoter's license. The application shall include the name 55522
of the applicant, the post office address of the applicant, and 55523
any other information the commission requires. 55524
55525

Sec. 3773.36. Upon the proper filing of an application to 55526
conduct any public or private competition that involves boxing ~~or~~ 55527
~~wrestling matches or exhibitions,~~ mixed martial arts, kick boxing, 55528
tough man contests, tough guy contests, or any other form of 55529
boxing or martial arts, accompanied by the ~~cash bond, certified~~ 55530
~~check, bank draft, or~~ surety bond ~~required by section 3773.35,~~ and 55531
the application fee ~~required by section 3773.43 of the Revised~~ 55532
~~Code,~~ or upon the proper filing of an application to conduct any 55533
public or private competition that involves wrestling accompanied 55534
by the application fee, the Ohio athletic commission shall issue a 55535
promoter's license to the applicant if it finds that the applicant 55536
is not in default on any payment, obligation, or debt payable to 55537
the state under sections 3773.31 to 3773.57 of the Revised Code, 55538
is financially responsible, and is knowledgeable in the proper 55539
conduct of such matches or exhibitions. 55540

Each license issued pursuant to this section shall bear the 55541

name of the licensee, the post office address of the licensee, the 55542
date of ~~issue~~ expiration, ~~a serial~~ an identification number 55543
designated by the commission, and the seal of the commission, ~~and~~ 55544
~~the signature of the commission chairperson.~~ 55545

A promoter's license shall expire twelve months after its 55546
date of issuance and shall become invalid on that date unless 55547
renewed. A promoter's license may be renewed upon application to 55548
the commission and upon payment of the renewal fee prescribed in 55549
section 3773.43 of the Revised Code. The commission shall renew 55550
the license unless it denies the application for renewal for one 55551
or more reasons stated in section 3123.47 or 3773.53 of the 55552
Revised Code. 55553

Sec. 3773.43. The Ohio athletic commission shall charge the 55554
following fees: 55555

(A) For an application for or renewal of a promoter's license 55556
for a public or private competition that involves boxing matches 55557
or exhibitions, mixed martial arts, kick boxing, tough man 55558
contests, tough guy contests, or any other form of boxing or 55559
martial arts, one hundred dollars. 55560

(B) For an application for or renewal of a license to 55561
participate in a public boxing match or exhibition as a 55562
contestant, or as a referee, judge, matchmaker, manager, 55563
timekeeper, trainer, or second of a contestant, twenty dollars. 55564

(C) For a permit to conduct a public boxing match or 55565
exhibition, fifty dollars. 55566

(D) For an application for or renewal of a promoter's license 55567
for professional a public or private competition that involves 55568
wrestling matches or exhibitions, two hundred dollars. 55569

(E) For a permit to conduct a professional wrestling match or 55570
exhibition, one hundred dollars. 55571

The commission, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

The fees prescribed by this section shall be paid to the treasurer of state, who shall deposit the fees in the occupational licensing and regulatory fund.

Sec. 3773.45. (A) ~~Each contestant in a public boxing match or exhibition shall be examined not more than twenty four hours before entering the ring by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse midwife. Each contestant who has had a previous match or exhibition on or after July 27, 1981, and was knocked out at that match or exhibition shall present to the examiner a record of the physical examination performed at the conclusion of that match or exhibition. If, after reviewing such record and performing a physical examination of the contestant, the examiner determines that the contestant is physically fit to compete, the physician shall certify that fact on the contestant's physical examination form. No physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse midwife shall certify a contestant as physically fit to compete if the physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse midwife determines that the contestant was knocked out in a contest that took place within the preceding thirty days. No contestant shall compete in a public boxing match or exhibition unless the contestant has been certified as physically fit in accordance with this section.~~

~~Immediately after the end of a match or exhibition, the examiner shall examine each contestant who was knocked out in the~~

~~match or exhibition, and record the outcome of the match or 55603
exhibition and any physical injuries sustained by the contestant 55604
on the contestant's physical examination form. 55605~~

~~Within twenty four hours after the match or exhibition, the 55606
examiner shall mail one copy of the examination report to the Ohio 55607
athletic commission and one copy to the contestant. The commission 55608
shall furnish blank copies of the examination report to the 55609
examiner. The examiner shall answer all questions on the form. The 55610
person conducting the match or exhibition shall compensate the 55611
examiner. No person shall conduct such a match or exhibition 55612
unless an examiner appointed by the commission is in attendance. 55613
The Ohio athletic commission shall adopt, and may amend or 55614
rescind, rules that do both of the following: 55615~~

~~(1) Require the physical examination by appropriate medical 55616
personnel of each contestant in any public competition that 55617
involves boxing, mixed martial arts, kick boxing, karate, tough 55618
man contests, or any other form of boxing or martial arts within a 55619
specified time period before and after the competition to 55620
determine whether the contestant is physically fit to compete in 55621
the competition under specified standards, has sustained physical 55622
injuries in the competition, or requires follow-up examination; 55623
and 55624~~

~~(2) Require the reporting of each examination to the 55625
commission. 55626~~

~~(B) No holder of a promoter's license shall conduct a boxing 55627
match or exhibition that exceeds twelve rounds. Each round shall 55628
be not more than three minutes in length. A period of at least one 55629
minute, during which no boxing or sparring takes place, shall 55630
occur between rounds. 55631~~

~~No holder of a promoter's license or a permit issued under 55632
section 3773.39 of the Revised Code shall allow a professional 55633~~

boxer to participate in more than twelve rounds of boxing within a 55634
period of seventy-two consecutive hours. For any match or 55635
exhibition or for a class of contestants, the commission may limit 55636
the number of rounds within the maximum of twelve rounds. 55637

(C) No person shall conduct a boxing match or exhibition 55638
unless a licensed referee appointed by the commission and paid by 55639
the person is present. The referee shall direct and control the 55640
match or exhibition. Before each match or exhibition the referee 55641
shall obtain from each contestant the name of the contestant's 55642
chief second and shall hold the chief second responsible for the 55643
conduct of any assistant seconds during the match or exhibition. 55644
The referee may declare a prize, remuneration, or purse or any 55645
part thereof to which a contestant is otherwise entitled withheld 55646
if, in the referee's judgment, the contestant is not competing or 55647
did not compete honestly. A contestant may appeal the referee's 55648
decision in a hearing before the commission conducted in 55649
accordance with section 3773.52 of the Revised Code. 55650

(D) No person shall hold or conduct a boxing match or 55651
exhibition unless three licensed judges appointed by the 55652
commission and paid by the person are present. Each judge shall 55653
render a decision at the end of each match or exhibition. The 55654
judges shall determine the outcome of the match or exhibition, and 55655
their decision shall be final. 55656

(E) Each contestant in a boxing match or exhibition shall 55657
wear gloves weighing not less than six ounces during the boxing 55658
match or exhibition. 55659

Sec. 3773.53. The Ohio athletic commission may revoke, 55660
suspend, or refuse to renew any license issued under sections 55661
3773.31 to 3773.57 of the Revised Code if the licensee: 55662

(A) Has committed an act detrimental to any sport regulated 55663
by this chapter or to the public interest, convenience, or 55664

necessity; 55665

(B) Is associating or consorting with any person who has been 55666
convicted of a crime involving the sports regulated by the 55667
commission, including a conviction under sections 2913.02, 55668
2915.05, or 2921.02 of the Revised Code; 55669

(C) Is or has been consorting with bookmakers or gamblers, or 55670
has engaged in similar pursuits; 55671

(D) Is financially irresponsible; 55672

(E) Has been found guilty of any fraud or misrepresentation 55673
in connection with any sport regulated by this chapter; 55674

(F) Has violated any law with respect to any sport regulated 55675
by this chapter or any rule or order of the commission; 55676

(G) Has been convicted of or pleaded guilty to a violation of 55677
sections 2913.02, 2915.05, or 2921.02 of the Revised Code; 55678

(H) Has engaged in any other activity that the commission 55679
determines is detrimental to any sport regulated by this chapter. 55680

The commission, in addition to any other action it may take 55681
under this chapter, may impose a fine ~~of not more than one hundred~~ 55682
~~dollars~~ in an amount to be determined by rule of the commission 55683
adopted under Chapter 119. of the Revised Code against any person 55684
licensed under sections 3773.31 to 3773.57 of the Revised Code for 55685
a violation of any of these sections or a violation of any rule or 55686
order of the commission. The amount of fines collected shall be 55687
deposited into the general revenue fund. 55688
55689

Sec. 3781.01. (A) Chapters 3781. and 3791. of the Revised 55690
Code do not prevent the legislative authority of a municipal 55691
corporation from making further and additional regulations, not in 55692
conflict with those chapters or with the rules the board of 55693
building standards adopts. Those chapters or rules do not modify 55694

or repeal any portion of any building code adopted by a municipal corporation and in force on September 13, 1911, that is not in direct conflict with those chapters or rules.

(B) The state residential building code the board of building standards adopts pursuant to section 3781.10 of the Revised Code does not prevent a local governing authority from adopting additional regulations governing residential structures that do not conflict with the state residential building code if the procedures in division (C) of this section are followed.

(C)(1) A local governing authority shall, and any person may, notify the board of building standards of any regulation the local governing authority adopts pursuant to division (B) of this section and request the board of building standards to determine whether that regulation conflicts with the state residential building code.

(2) Not later than sixty days after receiving a notice under division (C)(1) of this section, the board shall determine whether the regulation conflicts with the state residential building code and shall notify any person who submitted the notice and the local governing authority that adopted the regulation of the board's determination.

(a) If the board determines that a conflict does not exist, the board shall take no further action with regard to the regulation. If the board determines a conflict exists and the regulation is not necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the regulation is not valid and the local governing authority may not enforce the regulation.

(b) If the board determines that a conflict exists and that the regulation is necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the

board shall adopt a rule to incorporate the regulation into the 55726
state residential building code in accordance with division (D) of 55727
section 4740.14 of the Revised Code. Until the rule becomes a part 55728
of the state residential building code, the board shall grant a 55729
temporary variance to the local governing authority and any 55730
similarly situated local governing authority to which the board 55731
determines the temporary variance should apply. 55732

(D) As used in this section, "local governing authority" 55733
means a board of county commissioners, a board of township 55734
trustees, and the legislative authority of a municipal 55735
corporation. 55736

Sec. 3781.10. (A)(1) The board of building standards shall 55737
formulate and adopt rules governing the erection, construction, 55738
repair, alteration, and maintenance of all buildings or classes of 55739
buildings specified in section 3781.06 of the Revised Code, 55740
including land area incidental to those buildings, the 55741
construction of industrialized units, the installation of 55742
equipment, and the standards or requirements for materials used in 55743
connection with those buildings. The board shall incorporate those 55744
rules into separate residential and nonresidential building codes. 55745
The residential building code shall include sanitation and 55746
plumbing standards. The standards shall relate to the conservation 55747
of energy and the safety and sanitation of those buildings. 55748

(2) The rules governing nonresidential buildings are the 55750
lawful minimum requirements specified for those buildings and 55751
industrialized units, except that no rule other than as provided 55752
in division (C) of section 3781.108 of the Revised Code that 55753
specifies a higher requirement than is imposed by any section of 55754
the Revised Code is enforceable. The rules governing residential 55755
buildings are uniform requirements for residential buildings in 55756

any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. ~~The~~ Except as otherwise limited by division (I) of this section, the board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

(B) The board shall report to the general assembly proposals for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall

make its determination with regard to adaptability for safe and 55789
sanitary erection, use, or construction, to that described in any 55790
section of the Revised Code, wherever the use of a fixture, 55791
device, material, method of manufacture, system, or method of 55792
construction described in that section of the Revised Code is 55793
permitted by law. The board shall amend or annul any rule or issue 55794
an authorization for the use of a new material or manufactured 55795
unit on any like application. No department, officer, board, or 55796
commission of the state other than the board of building standards 55797
or the board of building appeals shall permit the use of any 55798
fixture, device, material, method of manufacture, newly designed 55799
product, system, or method of construction at variance with what 55800
is described in any rule the board of building standards adopts or 55801
issues or that is authorized by any section of the Revised Code. 55802
Nothing in this section shall be construed as requiring approval, 55803
by rule, of plans for an industrialized unit that conforms with 55804
the rules the board of building standards adopts pursuant to 55805
section 3781.11 of the Revised Code. 55806

(D) The board shall recommend rules, codes, and standards to 55807
help carry out the purposes of section 3781.06 of the Revised Code 55808
and to help secure uniformity of state administrative rulings and 55809
local legislation and administrative action to the bureau of 55810
workers' compensation, the director of commerce, any other 55811
department, officer, board, or commission of the state, and to 55812
legislative authorities and building departments of counties, 55813
townships, and municipal corporations, and shall recommend that 55814
they audit those recommended rules, codes, and standards by any 55815
appropriate action that they are allowed pursuant to law or the 55816
constitution. 55817

(E)(1) The board shall certify municipal, township, and 55818
county building departments and the personnel of those building 55819
departments, and persons and employees of individuals, firms, or 55820

corporations as described in division (E)(7) of this section to 55821
exercise enforcement authority, to accept and approve plans and 55822
specifications, and to make inspections, pursuant to sections 55823
3781.03, 3791.04, and 4104.43 of the Revised Code. 55824

(2) The board shall certify departments, personnel, and 55825
persons to enforce the state residential building code, to enforce 55826
the nonresidential building code, or to enforce both the 55827
residential and the nonresidential building codes. Any department, 55828
personnel, or person may enforce only the type of building code 55829
for which certified. 55830

(3) The board shall not require a building department, its 55831
personnel, or any persons that it employs to be certified for 55832
residential building code enforcement if that building department 55833
does not enforce the state residential building code. The board 55834
shall specify, in rules adopted pursuant to Chapter 119. of the 55835
Revised Code, the requirements for certification for residential 55836
and nonresidential building code enforcement, which shall be 55837
consistent with this division. The requirements for residential 55838
and nonresidential certification may differ. Except as otherwise 55839
provided in this division, the requirements shall include, but are 55840
not limited to, the satisfactory completion of an initial 55841
examination and, to remain certified, the completion of a 55842
specified number of hours of continuing building code education 55843
within each three-year period following the date of certification 55844
which shall be not less than thirty hours. The rules shall provide 55845
that continuing education credits and certification issued by the 55846
council of American building officials, national model code 55847
organizations, and agencies or entities the board recognizes are 55848
acceptable for purposes of this division. The rules shall specify 55849
requirements that are compatible, to the extent possible, with 55850
requirements the council of American building officials and 55851
national model code organizations establish. 55852

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services.

(8) Municipal, township, and county building departments have

jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(10) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise

authority over any labor, material, or equipment the employee or 55914
person furnishes for the construction, alteration, or maintenance 55915
of a building or the preparation of working drawings or 55916
specifications for work within the jurisdictional area of the 55917
department. The department shall provide other similarly qualified 55918
personnel to enforce the residential and nonresidential building 55919
codes as they pertain to that work. 55920

(b) The minimum services to be provided by a certified 55921
building department. 55922

(11) The board of building standards may revoke or suspend 55923
certification to enforce the residential and nonresidential 55924
building codes, on petition to the board by any person affected by 55925
that enforcement or approval of plans, or by the board on its own 55926
motion. Hearings shall be held and appeals permitted on any 55927
proceedings for certification or revocation or suspension of 55928
certification in the same manner as provided in section 3781.101 55929
of the Revised Code for other proceedings of the board of building 55930
standards. 55931

(12) Upon certification, and until that authority is revoked, 55932
any county or township building department shall enforce the 55933
residential and nonresidential building codes for which it is 55934
certified without regard to limitation upon the authority of 55935
boards of county commissioners under Chapter 307. of the Revised 55936
Code or boards of township trustees under Chapter 505. of the 55937
Revised Code. 55938

(F) In addition to hearings sections 3781.06 to 3781.18 and 55939
3791.04 of the Revised Code require, the board of building 55940
standards shall make investigations and tests, and require from 55941
other state departments, officers, boards, and commissions 55942
information the board considers necessary or desirable to assist 55943
it in the discharge of any duty or the exercise of any power 55944
mentioned in this section or in sections 3781.06 to 3781.18, 55945

3791.04, and 4104.43 of the Revised Code. 55946

(G) The board shall adopt rules and establish reasonable fees 55947
for the review of all applications submitted where the applicant 55948
applies for authority to use a new material, assembly, or product 55949
of a manufacturing process. The fee shall bear some reasonable 55950
relationship to the cost of the review or testing of the 55951
materials, assembly, or products and for the notification of 55952
approval or disapproval as provided in section 3781.12 of the 55953
Revised Code. 55954

(H) The residential construction advisory committee shall 55955
provide the board with a proposal for a state residential building 55956
code that the committee recommends pursuant to division ~~(C)~~(D)(1) 55957
of section 4740.14 of the Revised Code. Upon receiving a 55958
recommendation from the committee that is acceptable to the board, 55959
the board shall adopt rules establishing that code as the state 55960
residential building code. 55961

(I) The committee shall provide the board with proposed rules 55962
to update or amend the state residential building code or to 55963
update or amend rules that the board adopts pursuant to division 55964
(E) of this section that relate to the certification of entities 55965
that enforce the state residential building code that the 55966
committee recommends pursuant to division (D)(2) of section 55967
4740.14 of the Revised Code. 55968

The board shall not adopt any rules to update or amend the 55969
state residential building code or the rules the board adopts 55970
pursuant to division (E) of this section as those rules relate to 55971
the certification of entities that enforce the state residential 55972
building code unless the board first receives a recommendation 55973
from the committee as described in division (D)(2) of section 55974
4740.14 of the Revised Code. 55975

(J) The board shall cooperate with the director of job and 55976

family services when the director promulgates rules pursuant to 55977
section 5104.05 of the Revised Code regarding safety and 55978
sanitation in type A family day-care homes. 55979

~~(J)~~(K) The board shall adopt rules to implement the 55980
requirements of section 3781.108 of the Revised Code. 55981

Sec. 3781.12. (A)(1) Any person may petition the board of 55982
building standards to adopt, amend, or annul a rule adopted 55983
pursuant to section 3781.10 of the Revised Code, except for any 55984
rules regarding the state residential building code or rules the 55985
board adopts pursuant to division (E) of that section as those 55986
rules relate to the certification of entities that enforce the 55987
state residential building code, or to permit the use of any 55988
particular fixture, device, material, system, method of 55989
manufacture, product of a manufacturing process, or method or 55990
manner of construction or installation that complies with 55991
performance standards adopted pursuant to section 3781.11 of the 55992
Revised Code, as regards the purposes declared in section 3781.06 55993
of the Revised Code, of the fixtures, devices, materials, systems, 55994
or methods or manners of construction, manufacture or installation 55995
described in any section of the Revised Code relating to those 55996
purposes, where the use is permitted by law. 55997

(2) Any person may petition the residential construction 55998
advisory committee to recommend a rule to update or amend the 55999
state residential building code or to update or amend rules that 56000
the board adopts pursuant to division (E) of section 3781.10 of 56001
the Revised Code that relate to the certification of entities that 56002
enforce the state residential building code. 56003

(B) Upon petition under division (A) of this section, the 56004
board shall cause to be conducted testing and evaluation that the 56005
board determines desirable of any fixture, device, material, 56006
system, assembly or product of a manufacturing process, or method 56007

or manner of construction or installation sought to be used under 56008
the rules the board adopts pursuant to section 3781.10 of the 56009
Revised Code. 56010

(C) If the board, after hearing, determines it advisable to 56011
adopt the rule, amendment, or annulment, or to permit the use of 56012
the materials or assemblages petitioned for under division (A) of 56013
this section, it shall give at least thirty days' notice of the 56014
time and place of a public hearing as provided by section 119.03 56015
of the Revised Code. No rule shall be adopted, amended, or 56016
annulled or the use of materials or assemblages authorized until 56017
after the public hearing. A copy of every rule, amendment, or 56018
annulment, and a copy of every approved material or assembly 56019
authorization signed by the chairperson of the board of building 56020
standards and sealed with the seal of the department of commerce 56021
shall, after final adoption or authorization by the board, be 56022
filed with the secretary of state and published as the board 56023
determines. The issuance of the authorization for the use of the 56024
materials or assemblages described in the petition constitutes 56025
approval for their use anywhere in this state. Any rule, 56026
amendment, or annulment does not take effect until a date the 56027
board fixes and states. No rule, amendment, or annulment applies 56028
to any building for which the plans or drawings, specifications, 56029
and data were approved prior to the time the rule, amendment, or 56030
annulment becomes effective. All hearings of the board are open to 56031
the public. Each member of the board may administer oaths in the 56032
performance of the member's duties. 56033

Sec. 3781.19. There is hereby established in the department 56034
of commerce a board of building appeals consisting of five members 56035
who shall be appointed by the governor with the advice and consent 56036
of the senate. Terms of office shall be for four years, commencing 56037
on the fourteenth day of October and ending on the thirteenth day 56038
of October. Each member shall hold office from the date of 56039

appointment until the end of the term for which the member was 56040
appointed. Any member appointed to fill a vacancy occurring prior 56041
to the expiration of the term for which the member's predecessor 56042
was appointed shall hold office for the remainder of such term. 56043
Any member shall continue in office subsequent to the expiration 56044
date of the member's term until a successor takes office, or until 56045
a period of sixty days has elapsed, whichever occurs first. One 56046
member shall be an attorney-at-law, admitted to the bar of this 56047
state and of the remaining members, one shall be a registered 56048
architect and one shall be a professional engineer, each of whom 56049
shall be duly licensed to practice their respective professions in 56050
this state, one shall be a fire prevention officer qualified under 56051
section 3737.66 of the Revised Code, and one shall be a person 56052
with recognized ability in the plumbing or pipefitting profession. 56053
No member of the board of building standards shall be a member of 56054
the board of building appeals. Each member shall be paid an amount 56055
fixed pursuant to Chapter 124. of the Revised Code per diem. The 56056
department shall provide and assign to the board such employees as 56057
are required by the board to perform its functions. The board may 56058
adopt its own rules of procedure not inconsistent with sections 56059
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 56060
them in its discretion. The board may establish reasonable fees, 56061
based on actual costs for administration of filing and processing, 56062
not to exceed two hundred dollars, for the costs of filing and 56063
processing appeals. A full and complete record of all proceedings 56064
of the board shall be kept and be open to public inspection. 56065

In the enforcement by any department of the state or any 56066
political subdivision of this chapter and Chapter 3791., and 56067
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 56068
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 56069
made thereunder, such department is the agency referred to in 56070
sections 119.07, 119.08, and 119.10 of the Revised Code. 56071

The appropriate municipal or county board of appeals, where 56072
one exists, certified pursuant to section 3781.20 of the Revised 56073
Code shall conduct the adjudication hearing referred to in 56074
sections 119.09 to 119.13 and required by section 3781.031 of the 56075
Revised Code. If there is no certified municipal or county board 56076
of appeals, the board of building appeals shall conduct the 56077
adjudication hearing. If the adjudication hearing concerns section 56078
3781.111 of the Revised Code or any rule made thereunder, 56079
reasonable notice of the time, date, place, and subject of the 56080
hearing shall be given to any local corporation, association, or 56081
other organization composed of or representing handicapped 56082
persons, as defined in section 3781.111 of the Revised Code, or if 56083
there is no local organization, then to any statewide corporation, 56084
association, or other organization composed of or representing 56085
handicapped persons. 56086

In addition to the provisions of Chapter 119. of the Revised 56087
Code, the municipal, county, or state board of building appeals, 56088
as the agency conducting the adjudication hearing, may reverse or 56089
modify the order of the enforcing agency if it finds that the 56090
order is contrary to this chapter and Chapters 3791. and 4104., 56091
and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the 56092
Revised Code and any rule made thereunder or to a fair 56093
interpretation or application of such laws or any rule made 56094
thereunder, or that a variance from the provisions of such laws or 56095
any rule made thereunder, in the specific case, will not be 56096
contrary to the public interest where a literal enforcement of 56097
such provisions will result in unnecessary hardship. 56098

The state board of building appeals or a certified municipal 56099
or county board of appeals shall render its decision within thirty 56100
days after the date of the adjudication hearing. Following the 56101
adjudication hearing, any municipal or county officer, official 56102
municipal or county board, or person who was a party to the 56103

hearing before the municipal or county board of appeals may apply 56104
to the state board of appeals for a de novo hearing before the 56105
state board, or may appeal directly to the court of common pleas 56106
pursuant to section 3781.031 of the Revised Code. 56107

In addition, any local corporation, association, or other 56108
organization composed of or representing handicapped persons as 56109
defined in section 3781.111 of the Revised Code, or, if no local 56110
corporation, association, or organization exists, then any 56111
statewide corporation, association, or other organization composed 56112
of or representing handicapped persons may apply for the de novo 56113
hearing or appeal to the court of common pleas from any decision 56114
of a certified municipal or county board of appeals interpreting, 56115
applying, or granting a variance from section 3781.111 of the 56116
Revised Code and any rule made thereunder. Application for a de 56117
novo hearing before the state board shall be made no later than 56118
thirty days after the municipal or county board renders its 56119
decision. 56120

The state board of building appeals or the appropriate 56121
certified local board of building appeals shall grant variances 56122
and exemptions from the requirements of section 3781.108 of the 56123
Revised Code in accordance with rules adopted by the board of 56124
building standards pursuant to division ~~(J)~~(K) of section 3781.10 56125
of the Revised Code. 56126

The state board of building appeals or the appropriate 56127
certified local board of building appeals shall, in granting a 56128
variance or exemption from section 3781.108 of the Revised Code, 56129
in addition to any other considerations the state or the 56130
appropriate local board determines appropriate, consider the 56131
architectural and historical significance of the building. 56132

Sec. 3793.02. (A) The department of alcohol and drug 56133
addiction services shall promote, assist in developing, and 56134

coordinate or conduct programs of education and research for the prevention of alcohol and drug addiction, the prevention of gambling addiction, the treatment, including intervention, of alcoholics and persons who abuse drugs of abuse, including anabolic steroids, and the treatment, including intervention, of persons with gambling addictions. Programs established by the department shall include abstinence-based prevention and treatment programs.

(B) In addition to the other duties prescribed by this chapter, the department shall do all of the following:

(1) Promote and coordinate efforts in the provision of alcohol and drug addiction services and of gambling addiction services by other state agencies, as defined in section 1.60 of the Revised Code; courts; hospitals; clinics; physicians in private practice; public health authorities; boards of alcohol, drug addiction, and mental health services; alcohol and drug addiction programs; law enforcement agencies; gambling addiction programs; and related groups;

(2) Provide for education and training in prevention, diagnosis, treatment, and control of alcohol and drug addiction and of gambling addiction for medical students, physicians, nurses, social workers, professional counselors, psychologists, and other persons who provide alcohol and drug addiction services or gambling addiction services;

(3) Provide training and consultation for persons who supervise alcohol and drug addiction programs and facilities or gambling addiction programs and facilities;

(4) Develop measures for evaluating the effectiveness of alcohol and drug addiction services, including services that use methadone treatment, and of gambling addiction services, and for increasing the accountability of alcohol and drug addiction

programs and of gambling addiction programs; 56166

(5) Provide to each court of record, and biennially update, a 56167
list of the treatment and education programs within that court's 56168
jurisdiction that the court may require an offender, sentenced 56169
pursuant to section 4511.19 of the Revised Code, to attend; 56170

(6) ~~Print and distribute~~ Make the warning sign described in 56171
sections 3313.752, 3345.41, and 3707.50 of the Revised Code 56172
available on the department's internet web site; 56173

(7) Provide a program of gambling addiction services on 56174
behalf of the state lottery commission, pursuant to an agreement 56175
entered into with the director of the commission under division 56176
(K) of section 3770.02 of the Revised Code. 56177

(C) The department may accept and administer grants from 56178
public or private sources for carrying out any of the duties 56179
enumerated in this section. 56180

(D) Pursuant to Chapter 119. of the Revised Code, the 56181
department shall adopt a rule defining the term "intervention" as 56182
it is used in this chapter in connection with alcohol and drug 56183
addiction services and in connection with gambling addiction 56184
services. The department may adopt other rules as necessary to 56185
implement the requirements of this chapter. 56186

Sec. 3793.04. The department of alcohol and drug addiction 56187
services shall develop, administer, and revise as necessary a 56188
comprehensive statewide alcohol and drug addiction services plan 56189
for the implementation of this chapter. The plan shall emphasize 56190
abstinence from the use of alcohol and drugs of abuse as the 56191
primary goal of alcohol and drug addiction services. The council 56192
on alcohol and drug addiction services shall advise the department 56193
in the development and implementation of the plan. 56194

The plan shall provide for the allocation of state and 56195

federal funds for service furnished by alcohol and drug addiction 56196
programs under contract with boards of alcohol, drug addiction, 56197
and mental health services and for distribution of the funds to 56198
such boards. The plan shall specify the methodology that the 56199
department will use for determining how funds will be allocated 56200
and distributed. A portion of the funds shall be allocated on the 56201
basis of the ratio of the population of each alcohol, drug 56202
addiction, and mental health service district to the total 56203
population of the state as determined from the most recent federal 56204
census or the most recent official estimate made by the United 56205
States census bureau. 56206

The plan shall ensure that alcohol and drug addiction 56207
services of a high quality are accessible to, and responsive to 56208
the needs of, all persons, especially those who are members of 56209
underserved groups, including, but not limited to, African 56210
Americans, Hispanics, native Americans, Asians, juvenile and adult 56211
offenders, women, and persons with special services needs due to 56212
age or disability. The plan shall include a program to promote and 56213
protect the rights of those who receive services. 56214

To aid in formulating the plan and in evaluating the 56215
effectiveness and results of alcohol and drug addiction services, 56216
the department, in consultation with the department of mental 56217
health, shall establish and maintain an information system or 56218
systems. The department of alcohol and drug addiction services 56219
shall specify the information that must be provided by boards of 56220
alcohol, drug addiction, and mental health services and by alcohol 56221
and drug addiction programs for inclusion in the system. The 56222
department shall not collect any personal information ~~for the~~ 56223
~~purpose of identifying by name any person who receives a service~~ 56224
~~through a board, from the boards~~ except as required or permitted 56225
by the state or federal law ~~to validate appropriate reimbursement~~ 56226
for purposes related to payment, health care operations, program 56227

and service evaluation, reporting activities, research, system 56228
administration, and oversight. 56229

In consultation with boards, programs, and persons receiving 56230
services, the department shall establish guidelines for the use of 56231
state and federal funds and for the boards' development of plans 56232
for services required by sections 340.033 and 3793.05 of the 56233
Revised Code. 56234

In any fiscal year, the department shall spend, or allocate 56235
to boards, for methadone maintenance programs or any similar 56236
programs not more than eight per cent of the total amount 56237
appropriated to the department for the fiscal year. 56238

Sec. 3901.38. As used in this section and sections 3901.381 56239
to 3901.3814 of the Revised Code: 56240

(A) "Beneficiary" means any policyholder, subscriber, member, 56241
employee, or other person who is eligible for benefits under a 56242
benefits contract. 56243

(B) "Benefits contract" means a sickness and accident 56244
insurance policy providing hospital, surgical, or medical expense 56245
coverage, or a health insuring corporation contract or other 56246
policy or agreement under which a third-party payer agrees to 56247
reimburse for covered health care or dental services rendered to 56248
beneficiaries, up to the limits and exclusions contained in the 56249
benefits contract. 56250

(C) "Hospital" has the same meaning as in section 3727.01 of 56251
the Revised Code. 56252

(D) "Medicaid managed care organization" means a managed care 56253
organization that has a contract with the department of job and 56254
family services pursuant to section 5111.17 of the Revised Code. 56255

(E) "Provider" means a hospital, nursing home, physician, 56256
podiatrist, dentist, pharmacist, chiropractor, or other health 56257

care provider entitled to reimbursement by a third-party payer for 56258
services rendered to a beneficiary under a benefits contract. 56259

~~(E)~~(F) "Reimburse" means indemnify, make payment, or 56260
otherwise accept responsibility for payment for health care 56261
services rendered to a beneficiary, or arrange for the provision 56262
of health care services to a beneficiary. 56263

~~(F)~~(G) "Third-party payer" means any of the following: 56264

(1) An insurance company; 56265

(2) A health insuring corporation; 56266

(3) A labor organization; 56267

(4) An employer; 56268

(5) An intermediary organization, as defined in section 56269
1751.01 of the Revised Code, that is not a health delivery network 56270
contracting solely with self-insured employers; 56271

(6) An administrator subject to sections 3959.01 to 3959.16 56272
of the Revised Code; 56273

(7) A health delivery network, as defined in section 1751.01 56274
of the Revised Code; 56275

(8) A medicaid managed care organization; 56276

(9) Any other person that is obligated pursuant to a benefits 56277
contract to reimburse for covered health care services rendered to 56278
beneficiaries under such contract. 56279

Sec. 3901.381. (A) Except as provided in sections 3901.382, 56280
3901.383, 3901.384, and 3901.386 of the Revised Code, a 56281
third-party payer shall process a claim for payment for health 56282
care services rendered by a provider to a beneficiary in 56283
accordance with this section. 56284

(B)(1) Unless division (B)(2) or (3) of this section applies, 56285

when a third-party payer receives from a provider or beneficiary a claim on the standard claim form prescribed in rules adopted by the superintendent of insurance under section 3902.22 of the Revised Code, the third-party payer shall pay or deny the claim not later than thirty days after receipt of the claim. When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim.

(2)(a) Unless division (B)(3) of this section applies, when a provider or beneficiary has used the standard claim form, but the third-party payer determines that reasonable supporting documentation is needed to establish the third-party payer's responsibility to make payment, the third-party payer shall pay or deny the claim not later than forty-five days after receipt of the claim. Supporting documentation includes the verification of employer and beneficiary coverage under a benefits contract, confirmation of premium payment, medical information regarding the beneficiary and the services provided, information on the responsibility of another third-party payer to make payment or confirmation of the amount of payment by another third-party payer, and information that is needed to correct material deficiencies in the claim related to a diagnosis or treatment or the provider's identification.

Not later than thirty days after receipt of the claim, the third-party payer shall notify all relevant external sources that the supporting documentation is needed. All such notices shall state, with specificity, the supporting documentation needed. If the notice was not provided in writing, the provider, beneficiary, or third-party payer may request the third-party payer to provide the notice in writing, and the third-party payer shall then provide the notice in writing. If any of the supporting documentation is under the control of the beneficiary, the

beneficiary shall provide the supporting documentation to the 56318
third-party payer. 56319

The number of days that elapse between the third-party 56320
payer's last request for supporting documentation within the 56321
thirty-day period and the third-party payer's receipt of all of 56322
the supporting documentation that was requested shall not be 56323
counted for purposes of determining the third-party payer's 56324
compliance with the time period of not more than forty-five days 56325
for payment or denial of a claim. Except as provided in division 56326
(B)(2)(b) of this section, if the third-party payer requests 56327
additional supporting documentation after receiving the initially 56328
requested documentation, the number of days that elapse between 56329
making the request and receiving the additional supporting 56330
documentation shall be counted for purposes of determining the 56331
third-party payer's compliance with the time period of not more 56332
than forty-five days. 56333

(b) If a third-party payer determines, after receiving 56334
initially requested documentation, that it needs additional 56335
supporting documentation pertaining to a beneficiary's preexisting 56336
condition, which condition was unknown to the third-party payer 56337
and about which it was reasonable for the third-party payer to 56338
have no knowledge at the time of its initial request for 56339
documentation, and the third-party payer subsequently requests 56340
this additional supporting documentation, the number of days that 56341
elapse between making the request and receiving the additional 56342
supporting documentation shall not be counted for purposes of 56343
determining the third-party payer's compliance with the time 56344
period of not more than forty-five days. 56345

(c) When a third-party payer denies a claim, the third-party 56346
payer shall notify the provider and the beneficiary. The notice 56347
shall state, with specificity, why the third-party payer denied 56348
the claim. 56349

(d) If a third-party payer determines that supporting documentation related to medical information is routinely necessary to process a claim for payment of a particular health care service, the third-party payer shall establish a description of the supporting documentation that is routinely necessary and make the description available to providers in a readily accessible format.

Third-party payers and providers shall, in connection with a claim, use the most current CPT code in effect, as published by the American medical association, the most current ICD-9 code in effect, as published by the United States department of health and human services, the most current CDT code in effect, as published by the American dental association, or the most current HCPCS code in effect, as published by the United States health care financing administration.

(3) When a provider or beneficiary submits a claim by using the standard claim form prescribed in the superintendent's rules, but the information provided in the claim is materially deficient, the third-party payer shall notify the provider or beneficiary not later than fifteen days after receipt of the claim. The notice shall state, with specificity, the information needed to correct all material deficiencies. Once the material deficiencies are corrected, the third-party payer shall proceed in accordance with division (B)(1) or (2) of this section.

It is not a violation of the notification time period of not more than fifteen days if a third-party payer fails to notify a provider or beneficiary of material deficiencies in the claim related to a diagnosis or treatment or the provider's identification. A third-party payer may request the information necessary to correct these deficiencies after the end of the notification time period. Requests for such information shall be made as requests for supporting documentation under division

(B)(2) of this section, and payment or denial of the claim is 56382
subject to the time periods specified in that division. 56383

(C) For purposes of this section, if a dispute exists between 56384
a provider and a third-party payer as to the day a claim form was 56385
received by the third-party payer, both of the following apply: 56386

(1) If the provider or a person acting on behalf of the 56387
provider submits a claim directly to a third-party payer by mail 56388
and retains a record of the day the claim was mailed, there exists 56389
a rebuttable presumption that the claim was received by the 56390
third-party payer on the fifth business day after the day the 56391
claim was mailed, unless it can be proven otherwise. 56392

(2) If the provider or a person acting on behalf of the 56393
provider submits a claim directly to a third-party payer 56394
electronically, there exists a rebuttable presumption that the 56395
claim was received by the third-party payer twenty-four hours 56396
after the claim was submitted, unless it can be proven otherwise. 56397

(D) Nothing in this section requires a third-party payer to 56398
provide more than one notice to an employer whose premium for 56399
coverage of employees under a benefits contract has not been 56400
received by the third-party payer. 56401

(E) Compliance with the provisions of division (B)(3) of this 56402
section shall be determined separately from compliance with the 56403
provisions of divisions (B)(1) and (2) of this section. 56404

(F) A third party payer shall transmit electronically any 56405
payment with respect to claims paid by the third party payer to a 56406
provider under this section and under sections 3901.383, 3901.384, 56407
and 3901.386 of the Revised Code. 56408

Sec. 3901.383. (A) A provider and a third-party payer may do 56409
either of the following: 56410

(1) Enter into a contractual agreement under which time 56411

periods shorter than those set forth in section 3901.381 of the Revised Code are applicable to the third-party payer in paying a claim for any amount due for health care services rendered by the provider;

(2) Enter into a contractual agreement under which the timing of payments by the third-party payer is not directly related to the receipt of a claim form. The contractual arrangement may include periodic interim payment arrangements, capitation payment arrangements, or other periodic payment arrangements acceptable to the provider and the third-party payer. Under a capitation payment arrangement, the third-party payer shall begin paying the capitated amounts to the beneficiary's primary care provider not later than sixty days after the date the beneficiary selects or is assigned to the provider. Under any other contractual periodic payment arrangement, the contractual agreement shall state, with specificity, the timing of payments by the third-party payer.

~~(B) Regardless of whether a third-party payer is exempted under division (D) of section 3901.3814 from sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code, a~~ A provider and the a third-party payer, including a third-party payer that provides coverage under the medicaid program, shall not enter into a contractual arrangement under which time periods longer than those provided for in paragraph (c)(1) of 42 C.F.R. 447.46 are applicable to the third-party payer in paying a claim for any amount due for health care services rendered by the provider.

Sec. 3901.3812. (A) If, after completion of an examination involving information collected from a six-month period, the superintendent finds that a third-party payer has committed a series of violations that, taken together, constitutes a consistent pattern or practice of violating division (A) of section 3901.3811 of the Revised Code, the superintendent may

impose on the third-party payer any of the administrative remedies 56443
specified in division (B) of this section. In making a finding 56444
under this division, the superintendent shall apply the error 56445
tolerance standards for claims processing contained in the market 56446
conduct examiners handbook issued by the national association of 56447
insurance commissioners in effect at the time the claims were 56448
processed. 56449

Before imposing an administrative remedy, the superintendent 56450
shall provide written notice to the third-party payer informing 56451
the third-party payer of the reasons for the superintendent's 56452
finding, the administrative remedy the superintendent proposes to 56453
impose, and the opportunity to submit a written request for an 56454
administrative hearing regarding the finding and proposed remedy. 56455
If the third-party payer requests a hearing, the superintendent 56456
shall conduct the hearing in accordance with Chapter 119. of the 56457
Revised Code not later than fifteen days after receipt of the 56458
request. 56459

(B)(1) In imposing administrative remedies under division (A) 56460
of this section for violations of section 3901.381 of the Revised 56461
Code, the superintendent may do any of the following: 56462

(a) Levy a monetary penalty in an amount determined in 56463
accordance with division (B)(3) of this section; 56464

(b) Order the payment of interest directly to the provider in 56465
accordance with section 3901.389 of the Revised Code; 56466

(c) Order the third-party payer to cease and desist from 56467
engaging in the violations; 56468

(d) If a monetary penalty is not levied under division 56469
(B)(1)(a) of this section, impose any of the administrative 56470
remedies provided for in section 3901.22 of the Revised Code, 56471
other than those specified in divisions (D)(4) and (5) and (G) of 56472

that section. 56473

(2) In imposing administrative remedies under division (A) of 56474
this section for violations of sections 3901.384 to 3901.3810 of 56475
the Revised Code, the superintendent may do any of the following: 56476
56477

(a) Levy a monetary penalty in an amount determined in 56478
accordance with division (B)(3) of this section; 56479

(b) Order the payment of interest directly to the provider in 56480
accordance with section 3901.38 of the Revised Code; 56481

(c) Order the third-party payer to cease and desist from 56482
engaging in the violations; 56483

(d) If a monetary penalty is not levied under division 56484
(B)(2)(a) of this section, impose any of the administrative 56485
remedies provided for in section 3901.22 of the Revised Code, 56486
other than those specified in divisions (D)(4) and (5) and (G) of 56487
that section. For violations of sections 3901.384 to 3901.3810 of 56488
the Revised Code that did not comply with section 3901.381 of the 56489
Revised Code, the superintendent may also use section 3901.22 of 56490
the Revised Code except divisions (D)(4) and (5) of that section. 56491

(3) A finding by the superintendent that a third-party payer 56492
has committed a series of violations that, taken together, 56493
constitutes a consistent pattern or practice of violating division 56494
(A) of section 3901.3811 of the Revised Code, shall constitute a 56495
single offense for purposes of levying a fine under division 56496
(B)(1)(a) and (B)(2)(a) of this section. For a first offense, the 56497
superintendent may levy a fine of not more than one hundred 56498
thousand dollars. For a second offense that occurs on or earlier 56499
than four years from the first offense, the superintendent may 56500
levy a fine of not more than one hundred fifty thousand dollars. 56501
For a third or additional offense that occurs on or earlier than 56502
seven years after a first offense, the superintendent may levy a 56503

fine of not more than three hundred thousand dollars. In 56504
determining the amount of a fine to be levied within the specified 56505
limits, the superintendent shall consider the following factors: 56506

(a) The extent and frequency of the violations; 56507

(b) Whether the violations were due to circumstances beyond 56508
the third-party payer's control; 56509

(c) Any remedial actions taken by the third-party payer to 56510
prevent future violations; 56511

(d) The actual or potential harm to others resulting from the 56512
violations; 56513

(e) If the third-party payer knowingly and willingly 56514
committed the violations; 56515

(f) The third-party payer's financial condition; 56516

(g) Any other factors the superintendent considers 56517
appropriate. 56518

(C) The remedies imposed by the superintendent under this 56519
section are in addition to, and not in lieu of, such other 56520
remedies as providers and beneficiaries may otherwise have by law. 56521

(D) Any fine collected under this section shall be paid into 56522
the state treasury as follows: 56523

(1) Twenty-five per cent of the total to the credit of the 56524
department of insurance operating fund created by section 3901.021 56525
of the Revised Code; 56526

(2) Sixty-five per cent of the total to the credit of the 56527
general revenue fund; 56528

(3) Ten per cent of the total to the credit of claims 56529
processing education ~~fund~~ account, which is hereby created within 56530
the department of insurance operating fund created by section 56531
3901.021 of the Revised Code. 56532

All money credited to the claims processing education fund 56533
account shall be used by the department of insurance to make 56534
technical assistance available to third-party payers, providers, 56535
and beneficiaries for effective implementation of the provisions 56536
of sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code. 56537

Sec. 3901.3814. (A) Sections 3901.38 and 3901.381 to 56538
3901.3813 of the Revised Code do not apply to the following: 56539

~~(A)(1)~~ Policies offering coverage that is regulated under 56540
Chapters 3935. and 3937. of the Revised Code; 56541

~~(B)(2)~~ An employer's self-insurance plan and any of its 56542
administrators, as defined in section 3959.01 of the Revised Code, 56543
to the extent that federal law supersedes, preempts, prohibits, or 56544
otherwise precludes the application of any provisions of those 56545
sections to the plan and its administrators; 56546

~~(C)(3)~~ A third-party payer for coverage provided under the 56547
medicare advantage program operated under Title XVIII of the 56548
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 56549
amended; 56550

~~(D)~~ A third party payer for coverage provided under the 56551
medicaid program operated under Title XIX of the "Social Security 56552
Act," except that if a federal waiver applied for under section 56553
5111.178 of the Revised Code is granted or the director of job and 56554
family services determines that this provision can be implemented 56555
without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of 56556
the Revised Code apply to claims submitted electronically or 56557
non-electronically that are made with respect to coverage of 56558
medicaid recipients by health insuring corporations licensed under 56559
Chapter 1751. of the Revised Code, instead of the prompt payment 56560
requirements of 42 C.F.R. 447.46; 56561

~~(E)(4)~~ A third-party payer for coverage provided under the 56562

tricare program offered by the United States department of 56563
defense-; 56564

~~(F)~~(5) A third-party payer for coverage provided under the 56565
children's buy-in program established under sections 5101.5211 to 56566
5101.5216 of the Revised Code. 56567

(B) The application of sections 3901.38 to 3901.3813 of the 56568
Revised Code to medicaid managed care organizations neither 56569
affects the department of job and family services' authority under 56570
section 5111.01 of the Revised Code to act as the single state 56571
medicaid agency nor affects the department's authority to enter 56572
into contracts with managed care organizations under section 56573
5111.17 of the Revised Code. 56574

Sec. 3903.77. (A) Every property and casualty insurance 56575
company doing business in this state, except as exempted by the 56576
superintendent of insurance, annually, shall cause to be prepared 56577
by a qualified actuary, appointed by the company, the following 56578
documents: 56579

(1) An actuarial opinion that certifies to the reasonableness 56580
of the insurance company's reserves and that shall be entitled a 56581
"statement of actuarial opinion"; 56582

(2) A summary that shall be in support of the statement of 56583
actuarial opinion and that shall be entitled an "actuarial opinion 56584
summary." An insurance company licensed but not domiciled in this 56585
state need not include the actuarial opinion summary in its 56586
submissions to the superintendent but shall make the summary 56587
available to the superintendent upon request. 56588

(B) The insurance company annually shall submit the documents 56589
prepared pursuant to division (A) of this section to the 56590
superintendent in accordance with the national association of 56591
insurance commissioners' property and casualty annual statement 56592

instructions. The documents shall accompany the insurance 56593
company's annual financial statement described in section 3901.77 56594
of the Revised Code. 56595

(C)(1) Every property and casualty insurance company doing 56596
business in this state shall prepare an actuarial report and 56597
underlying work papers to support the statement of actuarial 56598
opinion and the actuarial opinion summary required under division 56599
(A) of this section in accordance with the national association of 56600
insurance commissioners' property and casualty statement 56601
instructions. The insurance company shall make the actuarial 56602
report and underlying work papers available to the superintendent 56603
upon request. 56604

(2) If an insurance company fails to provide the actuarial 56605
report or work papers at the request of the superintendent 56606
pursuant to division (C)(1) of this section or the superintendent 56607
determines that the actuarial report or work papers provided are 56608
unacceptable, the superintendent may contract with a qualified 56609
actuary at the expense of the insurance company to review the 56610
statement of actuarial opinion provided by the insurance company 56611
pursuant to division (A) of this section and the basis for that 56612
opinion and to prepare an actuarial report and work papers. 56613

(D) Except in cases of fraud or willful misconduct on the 56614
part of the actuary, no actuary appointed by an insurance company 56615
to prepare the statement of actuarial opinion and actuarial 56616
opinion summary required under division (A) of this section is 56617
liable for damages to any person except the insurance company and 56618
the superintendent for any act, error, omission, decision, or 56619
conduct with respect to the actuary's opinion. 56620

(E) The statement of actuarial opinion required under 56621
division (A) of this section is a public document and a public 56622
record as defined in section 149.43 of the Revised Code. However, 56623
the actuarial opinion summary, actuarial report, work papers, and 56624

any documents, materials or other information provided in support 56625
of the statement of actuarial opinion are privileged and 56626
confidential, are not a public record, and are not subject to 56627
subpoena or to discovery, and are not admissible in evidence in 56628
any private civil action. 56629

Neither the superintendent nor any person who receives 56630
documents, materials, or other information required to be kept 56631
confidential under this division while acting under the authority 56632
of the superintendent shall testify in any private civil action 56633
concerning any documents, materials, or other information required 56634
to be kept confidential under this division. 56635

This section shall not be construed to limit the 56636
superintendent's authority to release documents to the actuarial 56637
board for counseling and discipline so long as the documents are 56638
necessary for the purpose of professional disciplinary proceedings 56639
and the actuarial board for counseling and discipline establishes 56640
procedures satisfactory to the superintendent for preserving the 56641
confidentiality of the documents. Neither shall this section be 56642
construed to limit the superintendent's authority to use 56643
documents, materials, nor other information in furtherance of any 56644
regulatory or legal action brought as part of the superintendent's 56645
official duties. 56646

(F) In order to assist in the performance of the 56647
superintendent's duties, the superintendent may do all of the 56648
following: 56649

(1) Share documents, materials, or other information, 56650
including any documents, materials, or other information required 56651
to be kept confidential under division (E) of this section, with 56652
other state, federal, and international regulatory and law 56653
enforcement agencies and with the national association of 56654
insurance commissioners including its affiliates and subsidiaries 56655
if the recipient agrees to maintain the confidentiality and 56656

privileged status of the document, material, or other information 56657
and has the legal authority to maintain confidentiality; 56658

(2) Receive documents, materials, or other information, 56659
including otherwise confidential and privileged documents, 56660
materials, and information from other state, federal, and 56661
international regulatory and law enforcement agencies and from the 56662
national association of insurance commissioners including its 56663
affiliates and subsidiaries. The superintendent shall maintain the 56664
confidentiality and privileged status of any document, material, 56665
or other information received with notice of confidential and 56666
privileged status under the laws of the jurisdiction that is the 56667
source of the document, material, or information. 56668

(3) Enter into agreements consistent with divisions (E) and 56669
(F) of this section for the sharing and use of information. 56670

(G) No waiver of any privilege or claim of confidentiality of 56671
documents, materials, or other information shall occur as a result 56672
of any disclosure to the superintendent under this section or as a 56673
result of any sharing of documents, materials, or other 56674
information authorized by the superintendent under division (G) of 56675
this section. 56676

(H) As used in this section, "qualified actuary" means a 56677
person who is a member in good standing of the American academy of 56678
actuaries and who meets the requirements identified in the 56679
national association of insurance commissioners' property and 56680
casualty statement instructions. 56681

Sec. 3923.021. (A) As used in this section, ~~"benefits:~~ 56682

(1) "Benefits provided are not unreasonable in relation to 56683
the premium charged" means the rates were calculated in accordance 56684
with sound actuarial principles. 56685

(2) "Individual policy of sickness and accident insurance" 56686

includes sickness and accident insurance made available by 56687
insurers in the individual market to individuals, with or without 56688
family members or dependents, through group policies issued to one 56689
or more associations or entities. 56690

(B) With respect to any filing, made pursuant to section 56691
3923.02 of the Revised Code, of any premium rates for any 56692
individual policy of sickness and accident insurance or 56693
certificates made available by an insurer to individuals in the 56694
individual market through a group policy or for any indorsement or 56695
rider pertaining thereto, the superintendent of insurance may, 56696
within thirty days after filing: 56697

(1) Disapprove such filing after finding that the benefits 56698
provided are unreasonable in relation to the premium charged. Such 56699
disapproval shall be effected by written order of the 56700
superintendent, a copy of which shall be mailed to the insurer 56701
that has made the filing. In the order, the superintendent shall 56702
specify the reasons for the disapproval and state that a hearing 56703
will be held within fifteen days after requested in writing by the 56704
insurer. If a hearing is so requested, the superintendent shall 56705
also give such public notice as the superintendent considers 56706
appropriate. The superintendent, within fifteen days after the 56707
commencement of any hearing, shall issue a written order, a copy 56708
of which shall be mailed to the insurer that has made the filing, 56709
either affirming the prior disapproval or approving such filing 56710
after finding that the benefits provided are not unreasonable in 56711
relation to the premium charged. 56712

(2) Set a date for a public hearing to commence no later than 56713
forty days after the filing. The superintendent shall give the 56714
insurer making the filing twenty days' written notice of the 56715
hearing and shall give such public notice as the superintendent 56716
considers appropriate. The superintendent, within twenty days 56717
after the commencement of a hearing, shall issue a written order, 56718

a copy of which shall be mailed to the insurer that has made the 56719
filing, either approving such filing if the superintendent finds 56720
that the benefits provided are not unreasonable in relation to the 56721
premium charged, or disapproving such filing if the superintendent 56722
finds that the benefits provided are unreasonable in relation to 56723
the premium charged. This division does not apply to any insurer 56724
organized or transacting the business of insurance under Chapter 56725
3907. or 3909. of the Revised Code. 56726

(3) Take no action, in which case such filing shall be deemed 56727
to be approved and shall become effective upon the thirty-first 56728
day after such filing, unless the superintendent has previously 56729
given to the insurer a written approval. 56730

(C) At any time after any filing has been approved pursuant 56731
to this section, the superintendent may, after a hearing of which 56732
at least twenty days' written notice has been given to the insurer 56733
that has made such filing and for which such public notice as the 56734
superintendent considers appropriate has been given, withdraw 56735
approval of such filing after finding that the benefits provided 56736
are unreasonable in relation to the premium charged. Such 56737
withdrawal of approval shall be effected by written order of the 56738
superintendent, a copy of which shall be mailed to the insurer 56739
that has made the filing, which shall state the ground for such 56740
withdrawal and the date, not less than forty days after the date 56741
of such order, when the withdrawal or approval shall become 56742
effective. 56743

(D) The superintendent may retain at the insurer's expense 56744
such attorneys, actuaries, accountants, and other experts not 56745
otherwise a part of the superintendent's staff as shall be 56746
reasonably necessary to assist in the preparation for and conduct 56747
of any public hearing under this section. The expense for 56748
retaining such experts and the expenses of the department of 56749
insurance incurred in connection with such public hearing shall be 56750

assessed against the insurer in an amount not to exceed one 56751
one-hundredth of one per cent of the sum of premiums earned plus 56752
net realized investment gain or loss of such insurer as reflected 56753
in the most current annual statement on file with the 56754
superintendent. Any person retained shall be under the direction 56755
and control of the superintendent and shall act in a purely 56756
advisory capacity. 56757

Sec. 3923.11. (A) Sickness and accident insurance on a 56758
franchise plan is that form of sickness and accident insurance 56759
issued to either of the following: 56760

~~(A)~~(1) Five or more or, with respect to long-term care or 56761
disability income insurance, two or more employees of any 56762
corporation, copartnership, or individual employer, or of any 56763
governmental corporation or agency or a department thereof; 56764

~~(B)~~(2) Ten or more or, with respect to long-term care or 56765
disability income insurance, two or more members of any trade or 56766
professional association, or labor union, or any other association 56767
having had an active existence for at least two years where such 56768
association or union has a constitution or bylaws and is formed in 56769
good faith for purposes other than that of obtaining insurance. ~~It~~ 56770

(B) In order that such sickness and accident insurance be 56771
considered as issued on a franchise plan, such employees or such 56772
members, with or without one or more of their dependents and 56773
members of their immediate families, must be issued the same form 56774
of an individual policy, varying only as to amounts and kinds of 56775
coverage applied for by such employees or such members, under an 56776
arrangement by which the premiums on such policies may be paid to 56777
the insurer periodically by the employer, with or without payroll 56778
deductions, or by the association for its members, or by some 56779
designated person acting on behalf of such employer or 56780
association. 56781

Sec. 3923.66. (A) As used in sections 3923.66 to 3923.70 of 56782
the Revised Code: 56783

(1) "Clinical peer" and "physician" have the same meanings as 56784
in section 1751.77 of the Revised Code. 56785

(2) "Authorized person" means a parent, guardian, or other 56786
person authorized to act on behalf of an insured with respect to 56787
health care decisions. 56788

(B) Sections 3923.66 to 3923.70 of the Revised Code do not 56789
apply to any individual or group policy of sickness and accident 56790
insurance covering only accident, credit, dental, disability 56791
income, long-term care, hospital indemnity, medicare supplement, 56792
medicare, tricare, specified disease, or vision care; coverage 56793
issued as a supplement to liability insurance; insurance arising 56794
out of workers' compensation or similar law; automobile medical 56795
payment insurance; or insurance under which benefits are payable 56796
with or without regard to fault and which is statutorily required 56797
to be contained in any liability insurance policy or equivalent 56798
self-insurance. 56799

(C) The superintendent of insurance shall establish and 56800
maintain a system for receiving and reviewing requests for review 56801
from insureds who have been denied coverage of a health care 56802
service on the grounds that the service is not a service covered 56803
under the terms of the insured's policy or certificate. 56804

On receipt of a written request from an insured or authorized 56805
person, the superintendent shall consider whether the health care 56806
service is a service covered under the terms of the insured's 56807
policy or certificate, except that the superintendent shall not 56808
conduct a review under this section unless the insured has 56809
exhausted the insurer's internal review process. The insurer and 56810
the insured or authorized person shall provide the superintendent 56811
with any information required by the superintendent that is in 56812

their possession and is germane to the review. 56813

Unless the superintendent is not able to do so because making 56814
the determination requires resolution of a medical issue, the 56815
superintendent shall determine whether the health care service at 56816
issue is a service covered under the terms of the insured's policy 56817
or certificate. The superintendent shall notify the insured, or 56818
authorized person, and the insurer of its determination or that it 56819
is not able to make a determination because the determination 56820
requires the resolution of a medical issue. 56821

If the superintendent notifies the insurer that making the 56822
determination requires the resolution of a medical issue, the 56823
insurer shall ~~afford the insured an opportunity for~~ initiate an 56824
external review under section 3923.67 or 3923.68 of the Revised 56825
Code. If the superintendent notifies the insurer that the health 56826
care service is not a covered service, the insurer is not required 56827
to cover the service or afford the insured an external review. 56828

Sec. 3923.67. (A) Except as provided in divisions (B) and (C) 56829
of this section, an insurer shall afford an insured an opportunity 56830
for an external review of a coverage denial when requested by the 56831
insured or authorized person, if both of the following are the 56832
case: 56833

(1) The insurer has denied, reduced, or terminated coverage 56834
for what would be a covered health care service except that the 56835
insurer has determined that the health care service is not 56836
medically necessary. 56837

(2) Except in the case of expedited review, the proposed 56838
service, plus any ancillary services and follow-up care, will cost 56839
the insured more than five hundred dollars if the proposed service 56840
is not covered by the insurer. 56841

External review shall be conducted in accordance with this 56842

section, except that if an insured with a terminal condition meets 56843
all of the criteria of division (A) of section 3923.68 of the 56844
Revised Code, an external review shall be conducted under that 56845
section. 56846

(B) An insured need not be afforded a review under this 56847
section in any of the following circumstances: 56848

(1) The superintendent of insurance has determined under 56849
section 3923.66 of the Revised Code that the health care service 56850
is not a service covered under the terms of the insured's policy 56851
or certificate. 56852

(2) The insured has failed to exhaust the insurer's internal 56853
review process. 56854

(3) The insured has previously afforded an external review 56855
for the same denial of coverage, and no new clinical information 56856
has been submitted to the insurer. 56857

(C)(1) An insurer may deny a request from an insured for an 56858
external review of an adverse decision from the insurer's internal 56859
appeal process if it is requested later than ~~sixty~~ one hundred 56860
eighty days after receipt ~~by the insured~~ of notice ~~from the~~ 56861
~~superintendent of insurance under section 3923.66 of the Revised~~ 56862
~~Code that making a determination requires the resolution of a~~ 56863
medical issue from the insurer of the adverse decision. An 56864
external review may be requested by the insured, an authorized 56865
person, the insured's provider, or a health care facility 56866
rendering health care service to the insured. The insured may 56867
request a review without the approval of the provider or the 56868
health care facility rendering the health care service. The 56869
provider or health care facility may not request a review without 56870
the prior consent of the insured. 56871

(2) An external review must be requested in writing, except 56872
that if the insured has a condition that requires expedited 56873

review, the review may be requested orally or by electronic means. 56874
When an oral or electronic request for review is made, written 56875
confirmation of the request must be submitted to the insurer not 56876
later than five days after the request is made. 56877

Except in the case of an expedited review, a request for an 56878
external review must be accompanied by written certification from 56879
the insured's provider or the health care facility rendering the 56880
health care service to the insured that the proposed service, plus 56881
any ancillary services and follow-up care, will cost the insured 56882
more than five hundred dollars if the proposed service is not 56883
covered by the insurer. 56884

(3) For an expedited review, the insured's provider must 56885
certify that the insured's condition could, in the absence of 56886
immediate medical attention, result in any of the following: 56887

(a) Placing the health of the insured or, with respect to a 56888
pregnant woman, the health of the insured or the unborn child, in 56889
serious jeopardy; 56890

(b) Serious impairment to bodily functions; 56891

(c) Serious dysfunction of any bodily organ or part. 56892

(D) The procedures used in conducting an external review 56893
shall include all of the following: 56894

(1) The review shall be conducted by an independent review 56895
organization assigned by the superintendent of insurance under 56896
section 3901.80 of the Revised Code. 56897

(2) Except as provided in divisions (D)(3) and (4) of this 56898
section, neither the clinical peer nor any health care facility 56899
with which the clinical peer is affiliated shall have any 56900
professional, familial, or financial affiliation with any of the 56901
following: 56902

(a) The insurer or any officer, director, or managerial 56903

employee of the insurer; 56904

(b) The insured, the insured's provider, or the practice 56905
group of the insured's provider; 56906

(c) The health care facility at which the health care service 56907
requested by the insured would be provided; 56908

(d) The development or manufacture of the principal drug, 56909
device, procedure, or therapy proposed for the insured. 56910

(3) Division (D)(2) of this section does not prohibit a 56911
clinical peer from conducting a review under any of the following 56912
circumstances: 56913

(a) The clinical peer is affiliated with an academic medical 56914
center that provides health care services to insureds of the 56915
insurer. 56916

(b) The clinical peer has staff privileges at a health care 56917
facility that provides health care services to insureds of the 56918
insurer. 56919

(c) The clinical peer has a contractual relationship with the 56920
insurer but was not involved with the insurer's coverage decision. 56921

(4) Division (D)(2) of this section does not prohibit the 56922
insurer from paying the independent review organization for the 56923
conduct of the review. 56924

(5) An insured shall not be required to pay for any part of 56925
the cost of the review. The cost of the review shall be borne by 56926
the insurer. 56927

(6)(a) The insurer shall provide to the independent review 56928
organization conducting the review a copy of those records in its 56929
possession that are relevant to the insured's medical condition 56930
and the review. 56931

Records shall be used solely for the purpose of this 56932
division. At the request of the independent review organization, 56933

the insurer, insured, provider, or health care facility rendering 56934
health care services to the insured shall provide any additional 56935
information the independent review organization requests to 56936
complete the review. A request for additional information may be 56937
made in writing, orally, or by electronic means. The independent 56938
review organization shall submit the request to the insured and 56939
insurer. If a request is submitted orally or by electronic means 56940
to an insured or insurer, not later than five days after the 56941
request is submitted, the independent review organization shall 56942
provide written confirmation of the request. If the review was 56943
initiated by a provider or health care facility, a copy of the 56944
request shall be submitted to the provider or health care 56945
facility. 56946

(b) An independent review organization is not required to 56947
make a decision if it has not received any requested information 56948
that it considers necessary to complete a review. An independent 56949
review organization that does not make a decision for this reason 56950
shall notify the insured and the insurer that a decision is not 56951
being made. The notice may be made in writing, orally, or by 56952
electronic means. An oral or electronic notice shall be confirmed 56953
in writing not later than five days after the oral or electronic 56954
notice is made. If the review was initiated by a provider or 56955
health care facility, a copy of the notice shall be submitted to 56956
the provider or health care facility. 56957

(7) The insurer may elect to cover the service requested and 56958
terminate the review. The insurer shall notify the insured and all 56959
other parties involved with the decision by mail, or with the 56960
consent or approval of the insured, by electronic means. 56961

(8) In making its decision, an independent review 56962
organization conducting the review shall take into account all of 56963
the following: 56964

(a) Information submitted by the insurer, the insured, the 56965

insured's provider, and the health care facility rendering the health care service, including the following: 56966
56967

(i) The insured's medical records; 56968

(ii) The standards, criteria, and clinical rationale used by the insurer to make its decision. 56969
56970

(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research; 56971
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(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies. 56979
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(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the insurer and the insured. If the insured's provider or the health care facility rendering health care services to the insured requested the review, the independent review organization shall also send a copy of its decision to the insured's provider or the health care facility. 56983
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(b) The independent review organization's decision shall include a description of the insured's condition and the principal reasons for the decision and an explanation of the clinical 56994
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rationale for the decision. 56997

(E) The independent review organization shall base its 56998
decision on the information submitted under division (D)(8) of 56999
this section. In making its decision, the independent review 57000
organization shall consider safety, efficacy, appropriateness, and 57001
cost-effectiveness. 57002

(F) The insurer shall provide any coverage determined by the 57003
independent review organization's decision to be medically 57004
necessary, subject to the other terms, limitations, and conditions 57005
of the insured's policy or certificate. 57006

Sec. 3923.68. (A) Each insurer shall establish a reasonable 57007
external, independent review process to examine the insurer's 57008
coverage decisions for insureds who meet all of the following 57009
criteria: 57010

(1) The insured has a terminal condition that, according to 57011
the current diagnosis of the insured's physician, has a high 57012
probability of causing death within two years. 57013

(2) The insured requests a review not later than ~~sixty one~~ sixty one 57014
hundred eighty days after receipt by the insured of notice from 57015
the ~~superintendent of insurance under section 3923.66 of the~~ 57016
~~Revised Code that making a determination requires resolution of a~~ 57017
~~medical issue~~ insurer of the adverse decision. 57018

(3) The insured's physician certifies that the insured has 57019
the condition described in division (A)(1) of this section and any 57020
of the following situations are applicable: 57021

(a) Standard therapies have not been effective in improving 57022
the condition of the insured. 57023

(b) Standard therapies are not medically appropriate for the 57024
insured. 57025

(c) There is no standard therapy covered by the insurer that 57026

is more beneficial than therapy described in division (A)(4) of 57027
this section. 57028

(4) The insured's physician has recommended a drug, device, 57029
procedure, or other therapy that the physician certifies, in 57030
writing, is likely to be more beneficial to the insured, in the 57031
physician's opinion, than standard therapies, or the insured has 57032
requested a therapy that has been found in a preponderance of 57033
peer-reviewed published studies to be associated with effective 57034
clinical outcomes for the same condition. 57035

(5) The insured has been denied coverage by the insurer for a 57036
drug, device, procedure, or other therapy recommended or requested 57037
pursuant to division (A)(4) of this section, and has exhausted the 57038
insurer's internal review process. 57039

(6) The drug, device, procedure, or other therapy, for which 57040
coverage has been denied, would be a covered health care service 57041
except for the insurer's determination that the drug, device, 57042
procedure, or other therapy is experimental or investigational. 57043

(B) A review shall be requested in writing, except that if 57044
the insured's physician determines that a therapy would be 57045
significantly less effective if not promptly initiated, the review 57046
may be requested orally or by electronic means. When an oral or 57047
electronic request for review is made, written confirmation of the 57048
request shall be submitted to the insurer not later than five days 57049
after the oral or written request is submitted. 57050

(C) The external, independent review process established by 57051
an insurer shall meet all of the following criteria: 57052

(1) Except as provided in division (E) of this section, the 57053
process shall afford all insureds who meet the criteria set forth 57054
in division (A) of this section the opportunity to have the 57055
insurer's decision to deny coverage of the recommended or 57056
requested therapy reviewed under the process. Each eligible 57057

insured shall be notified of that opportunity within thirty 57058
business days after the insurer denies coverage. 57059

(2) The review shall be conducted by an independent review 57060
organization assigned by the superintendent of insurance under 57061
section 3901.80 of the Revised Code. 57062

The independent review organization shall select a panel to 57063
conduct the review, which panel shall be composed of at least 57064
three physicians or other providers who, through clinical 57065
experience in the past three years, are experts in the treatment 57066
of the insured's medical condition and knowledgeable about the 57067
recommended or requested therapy. 57068

In either of the following circumstances, an exception may be 57069
made to the requirement that the review be conducted by an expert 57070
panel composed of a minimum of three physicians or other 57071
providers: 57072

(a) A review may be conducted by an expert panel composed of 57073
only two physicians or other providers if an insured has consented 57074
in writing to a review by the smaller panel. 57075

(b) A review may be conducted by a single expert physician or 57076
other provider if only the expert physician or other provider is 57077
available for the review. 57078

(3) Neither the insurer nor the insured shall choose, or 57079
control the choice of, the physician or other provider experts. 57080

(4) The selected experts, any health care facility with which 57081
an expert is affiliated, and the independent review organization 57082
arranging for the experts' review shall not have any professional, 57083
familial, or financial affiliation with any of the following: 57084

(a) The insurer or any officer, director, or managerial 57085
employee of the insurer; 57086

(b) The insured, the insured's physician, ~~of~~ or the practice 57087

group of the insured's physician; 57088

(c) The health care facility at which the recommended or 57089
requested therapy would be provided; 57090

(d) The development or manufacture of the principal drug, 57091
device, procedure, or therapy involved in the recommended or 57092
requested therapy. 57093

However, experts affiliated with academic medical centers who 57094
provide health care services to insureds of the insurer may serve 57095
as experts on the review panel. Further, experts with staff 57096
privileges at a health care facility that provides health care 57097
services to insureds of the insurer, as well as experts who have a 57098
contractual relationship with the insurer, but who were not 57099
involved with the insurer's denial of coverage for the therapy 57100
under review, may serve as experts on the review panel. These 57101
nonaffiliation provisions do not preclude an insurer from paying 57102
for the experts' review, as specified in division (C)(5) of this 57103
section. 57104

(5) Insureds shall not be required to pay for any part of the 57105
cost of the review. The cost of the review shall be borne by the 57106
insurer. 57107

(6) The insurer shall provide to the independent review 57108
organization arranging for the experts' review a copy of those 57109
records in the insurer's possession that are relevant to the 57110
insured's medical condition and the review. The records shall be 57111
disclosed solely to the expert reviewers and shall be used solely 57112
for the purpose of this section. At the request of the expert 57113
reviewers, the insurer or the physician requesting the therapy 57114
shall provide any additional information that the expert reviewers 57115
request to complete the review. An expert reviewer is not required 57116
to render an opinion if the reviewer has not received any 57117
requested information that the reviewer considers necessary to 57118

complete the review. 57119

(7)(a) In the case of an expedited review, the independent 57120
review organization shall issue a written decision not later than 57121
seven days after the filing of the request for review. In all 57122
other cases, the independent review organization shall issue a 57123
written decision not later than thirty days after the filing of 57124
the request. The independent review organization shall send a copy 57125
of its decision to the insurer and the insured. If the insured's 57126
provider or the health care facility rendering health care 57127
services to the insured requested the review, the independent 57128
review organization shall also send a copy of its decision to the 57129
insured's provider or the health care facility. 57130

(b) In conducting the review, the experts on the panel shall 57131
take into account all of the following: 57132

(i) Information submitted by the insurer, the insured, and 57133
the insured's physician, including the insured's medical records 57134
and the standards, criteria, and clinical rationale used by the 57135
insurer to reach its coverage decision; 57136

(ii) Findings, studies, research, and other relevant 57137
documents of government agencies and nationally recognized 57138
organizations; 57139

(iii) Relevant findings in peer-reviewed medical or 57140
scientific literature and published opinions of nationally 57141
recognized medical experts; 57142

(iv) Clinical guidelines adopted by relevant national medical 57143
societies; 57144

(v) Safety, efficacy, appropriateness, and cost 57145
effectiveness. 57146

(8) Each expert on the panel shall provide the independent 57147
review organization with a professional opinion as to whether 57148

there is sufficient evidence to demonstrate that the recommended 57149
or requested therapy is likely to be more beneficial to the 57150
insured than standard therapies. 57151

(9) Each expert's opinion shall be presented in written form 57152
and shall include the following information: 57153

(a) A description of the insured's condition; 57154

(b) A description of the indicators relevant to determining 57155
whether there is sufficient evidence to demonstrate that the 57156
recommended or requested therapy is more likely than not to be 57157
more beneficial to the insured than standard therapies; 57158

(c) A description and analysis of any relevant findings 57159
published in peer-reviewed medical or scientific literature or the 57160
published opinions of medical experts or specialty societies; 57161

(d) A description of the insured's suitability to receive the 57162
recommended or requested therapy according to a treatment protocol 57163
in a clinical trial, if applicable. 57164

(10) The independent review organization shall provide the 57165
insurer with the opinions of the experts. The insurer shall make 57166
the experts' opinions available to the insured and the insured's 57167
physician, upon request. 57168

(11) The opinion of the majority of the experts on the panel, 57169
rendered pursuant to division (C)(8) of this section, is binding 57170
on the insurer with respect to that insured. If the opinions of 57171
the experts on the panel are evenly divided as to whether the 57172
therapy should be covered, the insurer's final decision shall be 57173
in favor of coverage. If less than a majority of the experts on 57174
the panel recommend coverage of the therapy, the insurer may, in 57175
its discretion, cover the therapy. However, any coverage provided 57176
pursuant to division (C)(11) of this section is subject to the 57177
terms, limitations, and conditions of the insured's policy or 57178
certificate with the insurer. 57179

(12) The insurer shall have written policies describing the external, independent review process. 57180
57181

(D) If an insurer's initial denial of coverage for a therapy recommended or requested pursuant to division (A)(3) of this section is based upon an external, independent review of that therapy meeting the requirements of division (C) of this section, this section shall not be a basis for requiring a second external, independent review of the recommended or requested therapy. 57182
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(E) At any time during the external, independent review process, the insurer may elect to cover the recommended or requested health care service and terminate the review. The insurer shall notify the insured and all other parties involved by mail or, with consent or approval of the insured, by electronic means. 57188
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(F) The insurer shall annually file a certificate with the superintendent of insurance certifying its compliance with the requirements of this section. 57194
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Sec. 3923.75. (A) As used in sections 3923.75 to 3923.79 of the Revised Code: 57197
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(1) "Clinical peer" and "physician" have the same meanings as in section 1751.77 of the Revised Code. 57199
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(2) "Authorized person" means a parent, guardian, or other person authorized to act on behalf of a plan member with respect to health care decisions. 57201
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57203

(B) Sections 3923.75 to 3923.79 of the Revised Code do not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, medicare, tricare, specified disease, or vision care; coverage issued as a supplement to liability insurance; insurance arising out of workers' 57204
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compensation or similar law; automobile medical payment insurance; 57210
or insurance under which benefits are payable with or without 57211
regard to fault and which is statutorily required to be contained 57212
in any liability insurance policy or equivalent self-insurance. 57213

(C) The superintendent of insurance shall establish and 57214
maintain a system for receiving and reviewing requests for review 57215
from plan members who have been denied coverage of a health care 57216
service on the grounds that the service is not a service covered 57217
under the terms of the public employee benefit plan. 57218

On receipt of a written request from a plan member or 57219
authorized person, the superintendent shall consider whether the 57220
health care service is a service covered under the terms of the 57221
plan, except that the superintendent shall not conduct a review 57222
under this section unless the plan member has exhausted the plan's 57223
internal review process. The plan and the plan member or 57224
authorized person shall provide the superintendent with any 57225
information required by the superintendent that is in their 57226
possession and is germane to the review. 57227

Unless the superintendent is not able to do so because making 57228
the determination requires resolution of a medical issue, the 57229
superintendent shall determine whether the health care service at 57230
issue is a service covered under the terms of the plan. The 57231
superintendent shall notify the plan member, or authorized person, 57232
and the plan of its determination or that it is not able to make a 57233
determination because the determination requires the resolution of 57234
a medical issue. 57235

If the superintendent notifies the plan that making the 57236
determination requires the resolution of a medical issue, the plan 57237
shall ~~afford the plan member~~ initiate ~~an opportunity for~~ external 57238
review under section 3923.76 or 3923.77 of the Revised Code. If 57239
the superintendent notifies the plan that the health care service 57240
is not a covered service, the plan is not required to cover the 57241

service or afford the plan member an external review. 57242

Sec. 3923.76. (A) Except as provided in divisions (B) and (C) 57243
of this section, a public employee benefit plan shall afford a 57244
plan member an opportunity for an external review of a coverage 57245
denial when requested by the plan member or authorized person, if 57246
both of the following are the case: 57247

(1) The plan has denied, reduced, or terminated coverage for 57248
what would be a covered health care service except that the plan 57249
has determined that the health care service is not medically 57250
necessary. 57251

(2) Except in the case of expedited review, the proposed 57252
service, plus any ancillary services and follow-up care, will cost 57253
the plan member more than five hundred dollars if the proposed 57254
service is not covered by the plan. 57255

External review shall be conducted in accordance with this 57256
section, except that if a plan member with a terminal condition 57257
meets all of the criteria of division (A) of section 3923.77 of 57258
the Revised Code, an external review shall be conducted under that 57259
section. 57260

(B) A plan member need not be afforded a review under this 57261
section in any of the following circumstances: 57262

(1) The superintendent of insurance has determined under 57263
section 3923.75 of the Revised Code that the health care service 57264
is not a service covered under the terms of the plan. 57265

(2) The plan member has failed to exhaust the plan's internal 57266
review process. 57267

(3) The plan member has previously been afforded an external 57268
review for the same denial of coverage, and no new clinical 57269
information has been submitted to the plan. 57270

(C)(1) A plan may deny a request from a plan member for an 57271

external review of an adverse decision from the plan's internal 57272
appeal process if it is requested later than ~~sixty one hundred~~ 57273
eighty days after receipt by the plan member of notice from the 57274
~~superintendent of insurance under section 3923.75 of the Revised~~ 57275
~~Code that making the determination requires the resolution of a~~ 57276
~~medical issue~~ plan of the adverse decision. An external review may 57277
be requested by the plan member, an authorized person, the plan 57278
member's provider, or a health care facility rendering health care 57279
service to the plan member. The plan member may request a review 57280
without the approval of the provider or the health care facility 57281
rendering the health care service. The provider or health care 57282
facility may not request a review without the prior consent of the 57283
plan member. 57284

(2) An external review must be requested in writing, except 57285
that if the plan member has a condition that requires expedited 57286
review, the review may be requested orally or by electronic means. 57287
When an oral or electronic request for review is made, written 57288
confirmation of the request must be submitted to the plan not 57289
later than five days after the request is made. 57290

Except in the case of an expedited review, a request for an 57291
external review must be accompanied by written certification from 57292
the plan member's provider or the health care facility rendering 57293
the health care service to the plan member that the proposed 57294
service, plus any ancillary services and follow-up care, will cost 57295
the plan member more than five hundred dollars if the proposed 57296
service is not covered by the plan. 57297

(3) For an expedited review, the plan member's provider must 57298
certify that the plan member's condition could, in the absence of 57299
immediate medical attention, result in any of the following: 57300

(a) Placing the health of the plan member or, with respect to 57301
a pregnant woman, the health of the plan member or the unborn 57302
child, in serious jeopardy; 57303

(b) Serious impairment to bodily functions;	57304
(c) Serious dysfunction of any bodily organ or part.	57305
(D) The procedures used in conducting an external review shall include all of the following:	57306 57307
(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	57308 57309 57310
(2) Except as provided in divisions (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	57311 57312 57313 57314 57315
(a) The plan or any officer, director, or managerial employee of the plan;	57316 57317
(b) The plan member, the plan member's provider, or the practice group of the plan member's provider;	57318 57319
(c) The health care facility at which the health care service requested by the plan member would be provided+;	57320 57321
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the plan member.	57322 57323
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	57324 57325 57326
(a) The clinical peer is affiliated with an academic medical center that provides health care services to members of the plan.	57327 57328
(b) The clinical peer has staff privileges at a health care facility that provides health care services to members of the plan.	57329 57330 57331
(c) The clinical peer has a contractual relationship with the	57332

plan but was not involved with the plan's coverage decision. 57333

(4) Division (D)(2) of this section does not prohibit the 57334
plan from paying the independent review organization for the 57335
conduct of the review. 57336

(5) A plan member shall not be required to pay for any part 57337
of the cost of the review. The cost of the review shall be borne 57338
by the plan. 57339

(6)(a) The plan shall provide to the independent review 57340
organization conducting the review a copy of those records in its 57341
possession that are relevant to the plan member's medical 57342
condition and the review. 57343

Records shall be used solely for the purpose of this 57344
division. At the request of the independent review organization, 57345
the plan, plan member, provider, or health care facility rendering 57346
health care services to the plan member shall provide any 57347
additional information the independent review organization 57348
requests to complete the review. A request for additional 57349
information may be made in writing, orally, or by electronic 57350
means. The independent review organization shall submit the 57351
request to the plan member and the plan. If a request is submitted 57352
orally or by electronic means to a plan member or plan, not later 57353
than five days after the request is submitted, the independent 57354
review organization shall provide written confirmation of the 57355
request. If the review was initiated by a provider or health care 57356
facility, a copy of the request shall be submitted to the provider 57357
or health care facility. 57358

(b) An independent review organization is not required to 57359
make a decision if it has not received any requested information 57360
that it considers necessary to complete a review. An independent 57361
review organization that does not make a decision for this reason 57362
shall notify the plan member and the plan that a decision is not 57363

being made. The notice may be made in writing, orally, or by 57364
electronic means. An oral or electronic notice shall be confirmed 57365
in writing not later than five days after the oral or electronic 57366
notice is made. If the review was initiated by a provider or 57367
health care facility, a copy of the notice shall be submitted to 57368
the provider or health care facility. 57369

(7) The plan may elect to cover the service requested and 57370
terminate the review. The plan shall notify the plan member and 57371
all other parties involved with the decision by mail, or with the 57372
consent or approval of the plan member, by electronic means. 57373

(8) In making its decision, an independent review 57374
organization conducting the review shall take into account all of 57375
the following: 57376

(a) Information submitted by the plan, the plan member, the 57377
plan member's provider, and the health care facility rendering the 57378
health care service, including the following: 57379

(i) The plan member's medical records; 57380

(ii) The standards, criteria, and clinical rationale used by 57381
the plan to make its decision. 57382

(b) Findings, studies, research, and other relevant documents 57383
of government agencies and nationally recognized organizations, 57384
including the national institutes of health or any board 57385
recognized by the national institutes of health, the national 57386
cancer institute, the national academy of sciences, the United 57387
States food and drug administration, the health care financing 57388
administration of the United States department of health and human 57389
services, and the agency for health care policy and research; 57390

(c) Relevant findings in peer-reviewed medical or scientific 57391
literature, published opinions of nationally recognized medical 57392
experts, and clinical guidelines adopted by relevant national 57393
medical societies. 57394

(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the plan and the plan member. If the plan member's provider or the health care facility rendering health care services to the plan member requested the review, the independent review organization shall also send a copy of its decision to the plan member's provider or the health care facility.

(b) The independent review organization's decision shall include a description of the plan member's condition and the principal reasons for the decision and an explanation of the clinical rationale for the decision.

(E) The independent review organization shall base its decision on the information submitted under division (D)(8) of this section. In making its decision, the independent review organization shall consider safety, efficacy, appropriateness, and cost-effectiveness.

(F) The plan shall provide any coverage determined by the independent review organization's decision to be medically necessary, subject to the other terms, limitations, and conditions of the plan.

Sec. 3923.77. (A) Each public employee benefit plan shall establish a reasonable external review process to examine the plan's coverage decisions for plan members who meet all of the following criteria:

(1) The plan member has a terminal condition that, according to the current diagnosis of the plan member's physician, has a

high probability of causing death within two years. 57426

(2) The plan member requests a review not later than ~~sixty~~ 57427
one hundred eighty days after receipt by the plan member of notice 57428
from the ~~superintendent of insurance under section 3923.75 of the~~ 57429
~~Revised Code that making a determination requires resolution of a~~ 57430
~~medical issue~~ plan of the adverse decision. 57431

(3) The plan member's physician certifies that the plan 57432
member has the condition described in division (A)(1) of this 57433
section and any of the following situations are applicable: 57434

(a) Standard therapies have not been effective in improving 57435
the condition of the plan member. 57436

(b) Standard therapies are not medically appropriate for the 57437
plan member. 57438

(c) There is no standard therapy covered by the plan that is 57439
more beneficial than therapy described in division (A)(4) of this 57440
section. 57441

(4) The plan member's physician has recommended a drug, 57442
device, procedure, or other therapy that the physician certifies, 57443
in writing, is likely to be more beneficial to the plan member, in 57444
the physician's opinion, than standard therapies, or the plan 57445
member has requested a therapy that has been found in a 57446
preponderance of peer-reviewed published studies to be associated 57447
with effective clinical outcomes for the same condition. 57448

(5) The plan member has been denied coverage by the plan for 57449
a drug, device, procedure, or other therapy recommended or 57450
requested pursuant to division (A)(4) of this section, and has 57451
exhausted all internal appeals. 57452

(6) The drug, device, procedure, or other therapy, for which 57453
coverage has been denied, would be a covered health care service 57454
except for the plan's determination that the drug, device, 57455

procedure, or other therapy is experimental or investigational. 57456

(B) A review shall be requested in writing, except that if 57457
the plan member's physician determines that a therapy would be 57458
significantly less effective if not promptly initiated, the review 57459
may be requested orally or by electronic means. When an oral or 57460
electronic request for review is made, written confirmation of the 57461
request shall be submitted to the plan not later than five days 57462
after the oral or written request is submitted. For an expedited 57463
review, the plan member's provider must certify that the requested 57464
or recommended therapy would be significantly less effective if 57465
not promptly initiated. 57466

(C) The external review process established by a plan shall 57467
meet all of the following criteria: 57468

(1) Except as provided in division (E) of this section, the 57469
process shall afford all plan members who meet the criteria set 57470
forth in division (A) of this section the opportunity to have the 57471
plan's decision to deny coverage of the recommended or requested 57472
therapy reviewed under the process. Each eligible plan member 57473
shall be notified of that opportunity within thirty business days 57474
after the plan denies coverage. 57475

(2) The review shall be conducted by an independent review 57476
organization assigned by the superintendent of insurance under 57477
section 3901.80 of the Revised Code. The independent review 57478
organization shall select a panel to conduct the review, which 57479
panel shall be composed of at least three physicians or other 57480
providers who, through clinical experience in the past three 57481
years, are experts in the treatment of the plan member's medical 57482
condition and knowledgeable about the recommended or requested 57483
therapy. If the independent review organization retained by the 57484
plan is an academic medical center, the panel may include experts 57485
affiliated with or employed by the academic medical center. 57486

In either of the following circumstances, an exception may be made to the requirement that the review be conducted by an expert panel composed of a minimum of three physicians or other providers:

(a) A review may be conducted by an expert panel composed of only two physicians or other providers if a plan member has consented in writing to a review by the smaller panel.

(b) A review may be conducted by a single expert physician or other provider if only the expert physician or other provider is available for the review.

(3) Neither the plan nor the plan member shall choose, or control the choice of, the physician or other provider experts.

(4) The selected experts, any health care facility with which an expert is affiliated, and the independent review organization arranging for the experts' review shall not have any professional, familial, or financial affiliation with any of the following:

(a) The plan or any officer, director, or managerial employee of the plan;

(b) The plan member, the plan member's physician, or the practice group of the plan member's physician;

(c) The health care facility at which the recommended or requested therapy would be provided;

(d) The development or manufacture of the principal drug, device, procedure, or therapy involved in the recommended or requested therapy. However, experts affiliated with academic medical centers who provide health care services to members of the plan may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to members of the plan, as well as experts who have a contractual relationship with the plan, but who were

not involved with the plan's denial of coverage for the therapy 57517
under review, may serve as experts on the review panel. These 57518
nonaffiliation provisions do not preclude a plan from paying for 57519
the experts' review, as specified in division (C)(5) of this 57520
section. 57521

(5) Plan members shall not be required to pay for any part of 57522
the cost of the review. The cost of the review shall be borne by 57523
the plan. 57524

(6) The plan shall provide to the independent review 57525
organization arranging for the experts' review a copy of those 57526
records in the plan's possession that are relevant to the plan 57527
member's medical condition and the review. The records shall be 57528
disclosed solely to the expert reviewers and shall be used solely 57529
for the purpose of this section. At the request of the expert 57530
reviewers, the plan or the physician requesting the therapy shall 57531
provide any additional information that the expert reviewers 57532
request to complete the review. An expert reviewer is not required 57533
to render an opinion if the reviewer has not received any 57534
requested information that the reviewer considers necessary to 57535
complete the review. 57536

(7)(a) In the case of an expedited review, the independent 57537
review organization shall issue a written decision not later than 57538
seven days after the filing of the request for review. In all 57539
other cases, the independent review organization shall issue a 57540
written decision not later than thirty days after the filing of 57541
the request. The independent review organization shall send a copy 57542
of its decision to the plan and the plan member. If the plan 57543
member's provider or the health care facility rendering health 57544
care services to the plan member requested the review, the 57545
independent review organization shall also send a copy of its 57546
decision to the plan member's provider or the health care 57547
facility. 57548

(b) In conducting the review, the experts on the panel shall take into account all of the following:

(i) Information submitted by the plan, the plan member, and the plan member's physician, including the plan member's medical records and the standards, criteria, and clinical rationale used by the plan to reach its coverage decision;

(ii) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations;

(iii) Relevant findings in peer-reviewed medical or scientific literature and published opinions of nationally recognized medical experts;

(iv) Clinical guidelines adopted by relevant national medical societies;

(v) Safety, efficacy, appropriateness, and cost-effectiveness.

(8) Each expert on the panel shall provide the independent review organization with a professional opinion as to whether there is sufficient evidence to demonstrate that the recommended or requested therapy is likely to be more beneficial to the plan member than standard therapies.

(9) Each expert's opinion shall be presented in written form and shall include the following information:

(a) A description of the plan member's condition;

(b) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested therapy is more likely than not to be more beneficial to the plan member than standard therapies;

(c) A description and analysis of any relevant findings published in peer-reviewed medical or scientific literature or the

published opinions of medical experts or specialty societies; 57579

(d) A description of the plan member's suitability to receive 57580
the recommended or requested therapy according to a treatment 57581
protocol in a clinical trial, if applicable. 57582

(10) The independent review organization shall provide the 57583
plan with the opinions of the experts. The plan shall make the 57584
experts' opinions available to the plan member and the plan 57585
member's physician, upon request. 57586

(11) The opinion of the majority of the experts on the panel, 57587
rendered pursuant to division (C)(8) of this section, is binding 57588
on the plan with respect to that plan member. If the opinions of 57589
the experts on the panel are evenly divided as to whether the 57590
therapy should be covered, the plan's final decision shall be in 57591
favor of coverage. If less than a majority of the experts on the 57592
panel recommend coverage of the therapy, the plan may, in its 57593
discretion, cover the therapy. However, any coverage provided 57594
pursuant to division (C)(11) of this section is subject to the 57595
terms, limitations, and conditions of the plan. 57596

(12) The plan shall have written policies describing the 57597
external review process. 57598

(D) If a plan's initial denial of coverage for a therapy 57599
recommended or requested pursuant to division (A)(3) of this 57600
section is based upon an external review of that therapy meeting 57601
the requirements of division (C) of this section, this section 57602
shall not be a basis for requiring a second external review of the 57603
recommended or requested therapy. 57604

(E) At any time during the external review process, the plan 57605
may elect to cover the recommended or requested health care 57606
service and terminate the review. The plan shall notify the plan 57607
member and all other parties involved by mail or, with consent or 57608
approval of the plan member, by electronic means. 57609

(F) The plan shall annually file a certificate with the 57610
superintendent of insurance certifying its compliance with the 57611
requirements of this section. 57612

Sec. 3923.90. (A) There is hereby created the health care 57613
coverage and quality council to advise the governor, general 57614
assembly, entities in the public and private sectors, and 57615
consumers on strategies to expand affordable health insurance 57616
coverage to more individuals and to improve the cost and quality 57617
of the state's health insurance system and health care system. 57618

(B) The council shall consist of the following members: 57619

(1) The superintendent of insurance or the superintendent's 57620
designee; 57621

(2) The director of the executive medicaid management 57622
administration; 57623

(3) The director of medicaid; 57624

(4) The director of health; 57625

(5) The benefits administrator of the office of benefits 57626
administration within the department of administrative services; 57627

(6) Two members of the house of representatives, one member 57628
appointed by the speaker of the house of representatives and one 57629
member appointed by the minority leader of the house of 57630
representatives; 57631

(7) Two members of the senate, one member appointed by the 57632
president of the senate and one member appointed by the minority 57633
leader of the senate; 57634

(8) The following members appointed by the governor, with the 57635
advice and consent of the senate: 57636

(a) Two representatives of consumers of health care services; 57637

(b) Two representatives of employers that provide health care 57638

<u>coverage to their employees;</u>	57639
<u>(c) Two representatives of medical facilities, at least one of whom is a representative of a research and academic medical center;</u>	57640
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	57642
<u>(d) Two individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;</u>	57643
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	57645
<u>(e) Two individuals or representatives of individuals authorized to practice any of the following:</u>	57646
	57647
<u>(i) Dentistry under Chapter 4715. of the Revised Code;</u>	57648
<u>(ii) Optometry under Chapter 4725. of the Revised Code;</u>	57649
<u>(iii) Podiatry under Chapter 4731. of the Revised Code;</u>	57650
<u>(iv) Chiropractic under Chapter 4734. of the Revised Code.</u>	57651
<u>(f) Two representatives of companies authorized under Chapter 3923. of the Revised Code to do the business of sickness and accident insurance in this state or of health insuring corporations holding certificates of authority under Chapter 1751. of the Revised Code;</u>	57652
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<u>(g) Two representatives of organized labor;</u>	57657
<u>(h) One representative of a nonprofit organization experienced in health care data collection and analysis;</u>	57658
	57659
<u>(i) One individual with expertise in health information technology and exchange;</u>	57660
	57661
<u>(j) One representative of a state retirement system;</u>	57662
<u>(k) One public health professional.</u>	57663
<u>(9) Other members appointed by the superintendent of insurance.</u>	57664
	57665
<u>(C) Not later than thirty days after the effective date of</u>	57666

this section, initial appointments shall be made to the council. 57667
The initial legislative members shall be appointed for terms 57668
ending three years from the date of appointment. The initial 57669
members appointed by the governor and the superintendent of 57670
insurance shall serve staggered terms of one, two, or three years, 57671
as selected by the governor or superintendent when making their 57672
respective appointments. Thereafter, terms of office for all 57673
appointed members shall be three years, with each term ending on 57674
the same day of the same month as the term it succeeds. Each 57675
member shall hold office from the date of appointment until the 57676
end of the term for which the member was appointed, except that a 57677
legislative member ceases to be a member of the council on ceasing 57678
to be a member of the general assembly. Members may be 57679
reappointed. 57680

Vacancies shall be filled in the same manner as original 57681
appointments. Any member appointed to fill a vacancy occurring 57682
prior to the expiration of the term for which the member's 57683
predecessor was appointed shall hold office for the remainder of 57684
that term. A member shall continue in office subsequent to the 57685
expiration date of the member's term until the member's successor 57686
takes office or until a period of sixty days has elapsed, 57687
whichever occurs first. 57688

(D) The superintendent or the superintendent's designee shall 57689
serve as chairperson of the council. The council shall meet at the 57690
call of the chair. A majority of the members of the council 57691
constitutes a quorum. 57692

(E) Members shall serve without compensation, except to the 57693
extent that serving on the council is considered part of their 57694
regular employment duties. 57695

(F) The superintendent may provide staff and other 57696
administrative support for the council to carry out its duties. In 57697
making staffing decisions, the superintendent may consider any 57698

<u>recommendations made by the council.</u>	57699
<u>(G) Sections 101.82 to 101.87 of the Revised Code do not apply to the health care coverage and quality council.</u>	57700 57701
<u>Sec. 3923.91. (A) The health care coverage and quality council shall do all of the following:</u>	57702 57703
<u>(1) Advise the governor and general assembly on strategies to improve health care programs and health insurance policies and benefit plans;</u>	57704 57705 57706
<u>(2) Monitor and evaluate implementation of strategies for improving access to health insurance coverage and improving the quality of the state's health care system, identify barriers to implementing those strategies, and identify methods for overcoming the barriers;</u>	57707 57708 57709 57710 57711
<u>(3) Catalog existing health care data reporting efforts and make recommendations to improve data reporting in a manner that increases transparency and consistency in the health care and insurance coverage systems;</u>	57712 57713 57714 57715
<u>(4) Study health care financing alternatives that will increase access to health insurance coverage, promote disease prevention and injury prevention, contain costs, and improve quality;</u>	57716 57717 57718 57719
<u>(5) Evaluate the systems that individuals use to obtain or otherwise become connected with health insurance and recommend improvements to those systems or the use of alternative systems;</u>	57720 57721 57722
<u>(6) Recommend minimum coverage standards for basic and standard health insurance plans offered by insurance carriers;</u>	57723 57724
<u>(7) Recommend strategies, such as subsidies, to assist individuals in being able to afford health insurance coverage;</u>	57725 57726
<u>(8) Recommend strategies to implement health information</u>	57727

technology to support improved access and quality and reduced costs in the state's health care system; 57728
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(9) Perform any other duties specified in rules adopted by the superintendent of insurance. 57730
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(B) The council shall prepare and issue an annual report, which may include recommendations, on or before the thirty-first day of December of each year. The council may prepare and issue other reports and recommendations at other times that the council finds appropriate. 57732
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(C) The superintendent may adopt rules as necessary for the council to carry out its duties. The rules shall be adopted under Chapter 119. of the Revised Code. In adopting the rules, the superintendent may consider any recommendations made by the council. 57737
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Sec. 3924.06. (A) Compliance with the underwriting and rating requirements contained in sections 3924.01 to 3924.14 of the Revised Code shall be demonstrated through actuarial certification. Carriers offering health benefit plans to small employers shall file annually with the superintendent of insurance an actuarial certification stating that the underwriting and rating methods of the carrier do all of the following: 57742
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(1) Comply with accepted actuarial practices; 57749

(2) Are uniformly applied to health benefit plans covering small employers; 57750
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(3) Comply with the applicable provisions of sections 3924.01 to 3924.14 of the Revised Code. 57752
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(B) If a carrier has established a separate class of business for one or more small employer health care alliances in accordance with section 1731.09 of the Revised Code, this section shall apply in accordance with section 1731.09 of the Revised Code. 57754
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(C) Carriers offering health benefit plans to small employers 57758
shall file premium rates with the superintendent in accordance 57759
with section 3923.02 of the Revised Code with respect to the 57760
carrier's sickness and accident insurance policies sold to small 57761
employers and in accordance with section 1751.12 of the Revised 57762
Code with respect to the carrier's health insuring corporation 57763
policies sold to small employers. 57764

Sec. 3929.43. (A) The Ohio fair plan underwriting association 57765
is hereby created consisting of all insurers authorized to write 57766
within this state, on a direct basis, basic property insurance or 57767
any component thereof in multi-peril policies, to assist 57768
applicants in urban areas to secure basic property insurance or 57769
homeowners insurance, and to formulate and administer a program 57770
for the equitable apportionment of basic property insurance or 57771
homeowners insurance which cannot be obtained in the normal 57772
market. Every such insurer shall be a member of the association 57773
and shall remain a member as a condition of its authority to write 57774
any of such insurance in this state. 57775

(B) The association, pursuant to sections 3929.41 to 3929.49 57776
of the Revised Code, and the plan of operation, with respect to 57777
basic property insurance or homeowners insurance, may assume and 57778
cede reinsurance on insurable risks written by its members. 57779

(C) The board of governors of the association shall submit to 57780
the superintendent of insurance, for ~~his~~ approval, a proposed plan 57781
of operation which shall provide for economical, fair, and 57782
nondiscriminatory administration of a program for the equitable 57783
apportionment among members of basic property insurance or 57784
homeowners insurance which may be afforded in urban areas to 57785
applicants whose property is insurable in accordance with 57786
reasonable underwriting standards, but who are unable to procure 57787
such insurance through normal channels. The association is under 57788

no obligation to issue basic property insurance or homeowners 57789
insurance to any person, unless that person and ~~his~~ that person's 57790
property would be insurable in the normal insurance market, and 57791
such property, except for its location, would constitute an 57792
insurable risk in accordance with reasonable underwriting 57793
standards. The plan of operation shall provide that the 57794
association, in determining whether the property is insurable, 57795
shall give no consideration to the condition of surrounding 57796
property or properties, where such condition is not within the 57797
control of the applicant. Rates for basic property insurance and 57798
homeowners insurance shall ~~not exceed those rates filed with~~ be 57799
subject to the approval of the superintendent ~~by the major rating~~ 57800
~~organization in this state, except that in the case of homeowners~~ 57801
~~insurance the association may file deviations to the rating plan~~ 57802
~~previously filed by such rating organization, and such deviations~~ 57803
~~shall be subject to the approval of the superintendent in the same~~ 57804
~~manner as other deviations under Chapter 3935. of the Revised~~ 57805
~~Code.~~ The plan of operation may also provide for assessment of all 57806
members in amounts sufficient to operate the association, maximum 57807
limits of liability per location to be placed through the program, 57808
reasonable underwriting standards for determining insurability of 57809
a risk, and the commission to be paid to the licensed producer 57810
designated by the applicant. The superintendent shall adopt such 57811
plan and all amendments thereto pursuant to Chapter 119. of the 57812
Revised Code. 57813

If the superintendent disapproves the proposed plan of 57814
operation, the board of governors shall, within fifteen days, 57815
submit for approval an appropriately revised plan of operation and 57816
if the board of governors fails to do so, or if the revised plan 57817
submitted is unacceptable, the superintendent shall promulgate a 57818
plan of operation. 57819

If amendment of the plan of operation is requested by the 57820

superintendent or the board of governors, the board of governors 57821
shall submit to the superintendent, for ~~his~~ approval, such 57822
amendments. If such amendments are not approved by the 57823
superintendent, the board of governors shall, within fifteen days, 57824
submit for approval an appropriately revised amendment. If the 57825
board of governors fails to do so, or if the amendment is not 57826
approved by the superintendent, the superintendent shall 57827
promulgate such amendment as ~~he~~ the superintendent finds 57828
necessary. 57829

(D)(1) The plan of operation may provide for periodic advance 57830
assessments against member insurers in amounts considered 57831
necessary to cover any deficit or projected deficit arising out of 57832
the operation of the association. Any provision in the plan for 57833
implementation of such advance assessments shall be approved by 57834
the superintendent. Any such provision in the plan shall also 57835
provide for quarterly or other periodic installment payment of 57836
such assessments. 57837

(2) Such plan shall provide a method whereby member insurers 57838
may recoup assessments levied by the association. In order to 57839
recoup such assessments the plan may also provide for the 57840
calculation and use of rates or rating factors to be applied to 57841
direct premiums for basic property insurance and homeowners 57842
insurance located in this state. Such a provision is subject to 57843
the approval of the superintendent. Member insurers of the 57844
association implementing a change in rates pursuant to this 57845
section shall file such changes with the superintendent. Such 57846
changes shall not increase rates more than the amount authorized 57847
by the association and approved by the superintendent pursuant to 57848
the plan. The association may consult with member insurers or 57849
licensed rating bureaus in connection with the establishment and 57850
operation of any such provision. 57851

(E) Any insurer which is a member of the association shall 57852

participate in the writings, expenses, profits, and losses of the 57853
association in the proportion that its premiums written bear to 57854
the aggregate premiums written by all members of the association, 57855
except that this division shall not be construed to preclude the 57856
board of governors from taking action to adjust assessments in 57857
accordance with a program adopted pursuant to division (I) of this 57858
section. 57859

(F) Such plan shall require the issuance of a binder 57860
providing coverage for which the applicant tenders an amount equal 57861
to the annual premium as estimated by the association, ~~such or an~~ 57862
appropriate percentage of that annual premium as determined by the 57863
association. The binder ~~taking~~ shall take effect ~~fifteen days~~ 57864
following the date of the day after the association receives the 57865
application, provided that the application meets the underwriting 57866
standards of the association, for such term, and under such 57867
conditions as are determined by the superintendent ~~of insurance.~~ 57868
The superintendent may alter such time requirement on a specific 57869
risk under such conditions as ~~he~~ the superintendent finds 57870
appropriate. 57871

(G) The association shall be governed by a board of governors 57872
consisting of twelve members, four of whom shall be appointed by 57873
the governor with the advice and consent of the senate. One of 57874
such members shall be a licensed agent writing basic property 57875
insurance for more than one insurer. None of the other three such 57876
members shall be a director, officer, salaried employee, agent, or 57877
substantial shareholder of any insurance company and not more than 57878
two of these three members shall be members of the same political 57879
party. Terms of office of members appointed by the governor shall 57880
be for two years, commencing on the nineteenth day of September 57881
and ending on the eighteenth day of September. Each member shall 57882
hold office from the date of ~~his~~ appointment until the end of the 57883
term for which ~~he~~ the member was appointed. Any member appointed 57884

to fill a vacancy occurring prior to the expiration of the term 57885
for which ~~his~~ the member's predecessor was appointed shall hold 57886
office for the remainder of such term. Any appointed member shall 57887
continue in office subsequent to the expiration date of ~~his~~ the 57888
member's term until ~~his~~ the member's successor takes office, or 57889
until a period of sixty days has elapsed, whichever occurs first. 57890
The remaining eight members shall be representatives from member 57891
companies, at least five of whom shall be Ohio domiciled members, 57892
elected annually by accumulated voting by members of the 57893
association whose votes shall be weighed in accordance with each 57894
member's premiums written during the second preceding calendar 57895
year. Not more than one insurer in a group under the same 57896
management or ownership shall serve on the board of governors at 57897
the same time. The eight representatives of member companies shall 57898
be elected at a meeting of the members or their authorized 57899
representatives, which shall be held at a time and place 57900
designated by the superintendent. 57901

(H) The plan shall be administered under the supervision of 57902
the superintendent. 57903

(I) The board of governors shall adopt a written program for 57904
decreasing the overall utilization of the association as a source 57905
of insurance. The program shall set forth actions that the board 57906
shall take to decrease such utilization, including actions 57907
intended to reduce the number of policies issued, the number of 57908
persons whose properties are insured, and the total amount and 57909
kinds of insurance written by the association, provided this 57910
division does not authorize the board to take action intended to 57911
decrease utilization of the association as a source of insurance 57912
if such action would substantially conflict with the purposes set 57913
forth in divisions (A), (B), and (D) of section 3929.41 of the 57914
Revised Code or the plan of operation of the association. 57915

Sec. 3937.41. (A) As used in this section:	57916
(1) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code and also includes private ambulance companies under contract to a municipal corporation, township, or county.	57917 57918 57919
(2) "Emergency vehicle" means any of the following:	57920
(a) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a municipal, township, or county department or public utility corporation and that is identified as such as required by law, the director of public safety, or local authorities;	57921 57922 57923 57924 57925
(b) Any motor vehicle, as defined in section 4511.01 of the Revised Code, when commandeered by a police officer;	57926 57927
(c) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a qualified nonprofit corporation police department established pursuant to section 1702.80 of the Revised Code and that is identified as an emergency vehicle;	57928 57929 57930 57931 57932
(d) Any vehicle, as defined in section 4511.01 of the Revised Code, that is an emergency vehicle of a proprietary police department or security department of a hospital operated by a public hospital agency or a nonprofit hospital agency that employs police officers under section 4973.17 of the Revised Code, and that is identified as an emergency vehicle.	57933 57934 57935 57936 57937 57938
(3) "Firefighter" means any regular, paid, member of a lawfully constituted fire department of a municipal corporation or township.	57939 57940 57941
(4) "Law enforcement officer" means <u>a any of the following:</u>	57942
(a) <u>A</u> sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal or <u>police officer, police officer of a township or joint township police officer</u> district , state highway patrol	57943 57944 57945

trooper, or member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; 57946
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(b) A police officer employed by a qualified nonprofit police department pursuant to section 1702.80 of the Revised Code, or police officer employed by a proprietary police department or security department of a hospital operated by a public hospital agency or nonprofit hospital agency pursuant to section 4973.17 of the Revised Code; 57949
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(c) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority; 57955
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(d) A veterans' home police officer appointed under section 5907.02 of the Revised Code; 57960
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(e) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code. 57962
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(5) "Motor vehicle accident" means any accident involving a motor vehicle which results in bodily injury to any person, or damage to the property of any person. 57965
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(6) "Investigator" means an investigator of the bureau of criminal identification and investigation as defined in section 2903.11 of the Revised Code. 57968
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(B) No insurer shall consider the circumstance that an applicant or policyholder has been involved in a motor vehicle accident while in the pursuit of the applicant's or policyholder's official duties as a law enforcement officer, firefighter, investigator, or operator of an emergency vehicle or ambulance, while operating a vehicle engaged in mowing or snow and ice 57971
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removal as a county, township, or department of transportation 57977
employee, or while operating a vehicle while engaged in the 57978
pursuit of the applicant's or policyholder's official duties as a 57979
member of the motor carrier enforcement unit of the state highway 57980
patrol under section 5503.34 of the Revised Code, as a basis for 57981
doing either of the following: 57982

(1) Refusing to issue or deliver a policy of insurance upon a 57983
private automobile, or increasing the rate to be charged for such 57984
a policy; 57985

(2) Increasing the premium rate, canceling, or failing to 57986
renew an existing policy of insurance upon a private automobile. 57987

(C) Any applicant or policyholder affected by an action of an 57988
insurer in violation of this section may appeal to the 57989
superintendent of insurance. After a hearing held upon not less 57990
than ten days' notice to the applicant or policyholder and to the 57991
insurer and if the superintendent determines that the insurer has 57992
violated this section, the superintendent may direct the issuance 57993
of a policy, decrease the premium rate on a policy, or reinstate 57994
insurance coverage. 57995

(D) The employer of the law enforcement officer, firefighter, 57996
investigator, or operator of an emergency vehicle or ambulance, 57997
operator of a vehicle engaged in mowing or snow and ice removal, 57998
or operator of a vehicle who is a member of the motor carrier 57999
enforcement unit, except as otherwise provided in division (F) of 58000
this section, shall certify to the state highway patrol or law 58001
enforcement agency that investigates the accident whether the 58002
officer, firefighter, investigator, or operator of an emergency 58003
vehicle or ambulance, operator of a vehicle engaged in mowing or 58004
snow and ice removal, or operator of a vehicle who is a member of 58005
the motor carrier enforcement unit, was engaged in the performance 58006
of the person's official duties as such employee at the time of 58007
the accident. The employer shall designate an official authorized 58008

to make the certifications. The state highway patrol or law enforcement agency shall include the certification in any report of the accident forwarded to the department of public safety pursuant to sections 5502.11 and 5502.12 of the Revised Code and shall forward the certification to the department if received after the report of the accident has been forwarded to the department. The registrar of motor vehicles shall not include an accident in a certified abstract of information under division (A) of section 4509.05 of the Revised Code, if the person involved has been so certified as having been engaged in the performance of the person's official duties at the time of the accident.

(E) Division (B) of this section does not apply to an insurer whose policy covers the motor vehicle at the time the motor vehicle is involved in an accident described in division (B) of this section.

(F) Division (B) of this section does not apply if an applicant or policyholder, on the basis of the applicant's or policyholder's involvement in an accident described in that division, is convicted of or pleads guilty or no contest to a violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code.

Sec. 4104.07. (A) An application for examination as an inspector of boilers and pressure vessels shall be in writing, accompanied by a fee of one hundred fifty dollars, upon a blank to be furnished by the superintendent of industrial compliance. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(B) The superintendent shall determine if an applicant meets all the requirements for examination in accordance with rules adopted by the board of building standards under section 4104.02

of the Revised Code. An application shall be rejected which 58040
contains any willful falsification, or untruthful statements. 58041

(C) An applicant shall be examined by the superintendent, by 58042
a written examination, prescribed by the board, dealing with the 58043
construction, installation, operation, maintenance, and repair of 58044
boilers and pressure vessels and their appurtenances, and the 58045
applicant shall be accepted or rejected on the merits of the 58046
applicant's application and examination. 58047

(D) Upon a favorable report by the superintendent of the 58048
result of an examination, the superintendent shall immediately 58049
issue to the successful applicant a certificate of competency to 58050
that effect. 58051

Sec. 4104.101. (A) No person shall install or make major 58052
repairs or modifications to any boiler without first registering 58053
to do so with the division of industrial compliance. 58054

(B) No person shall make any installation or major repair or 58055
modification of any boiler without first obtaining a permit to do 58056
so from the division. The permit application form shall provide 58057
the name and address of the owner, location of the boiler, and 58058
type of repair or modification that will be made. The application 58059
permit fee shall be ~~fifty~~ one hundred dollars. 58060

(C) The superintendent of industrial compliance shall require 58061
annual registration of all contractors who install, make major 58062
repairs to, or modify any boiler. The board of building standards 58063
shall establish a reasonable fee to cover the cost of processing 58064
registrations. 58065

Sec. 4104.18. (A) The owner or user of a boiler required 58066
under section 4104.12 of the Revised Code to be inspected upon 58067
installation, and the owner or user of a boiler for which a 58068
certificate of inspection has been issued which is replaced with 58069

an appropriate certificate of operation, shall pay to the 58070
superintendent of industrial compliance a fee in the amount of 58071
~~forty-five~~ fifty dollars for boilers subject to annual inspections 58072
under section 4104.11 of the Revised Code, ~~ninety one hundred~~ 58073
dollars for boilers subject to biennial inspection under section 58074
4104.13 of the Revised Code, one hundred ~~thirty-five~~ fifty dollars 58075
for boilers subject to triennial inspection under section 4104.11 58076
of the Revised Code, or two hundred ~~twenty-five~~ fifty dollars for 58077
boilers subject to quinquennial inspection under section 4104.13 58078
of the Revised Code. 58079

~~A renewal fee in the amount of forty-five dollars shall be 58080
paid to the treasurer of state before the renewal of any 58081
certificate of operation. 58082~~

(B) The fee for complete inspection during construction by a 58083
general inspector on boilers and pressure vessels manufactured 58084
within the state shall be thirty-five dollars per hour. Boiler and 58085
pressure vessel manufacturers other than those located in the 58086
state may secure inspection by a general inspector on work during 58087
construction, upon application to the superintendent, and upon 58088
payment of a fee of thirty-five dollars per hour, plus the 58089
necessary traveling and hotel expenses incurred by the inspector. 58090

(C) The application fee for applicants for steam engineer, 58091
high pressure boiler operator, or low pressure boiler operator 58092
licenses is ~~fifty~~ seventy-five dollars. The fee for each original 58093
or renewal steam engineer, high pressure boiler operator, or low 58094
pressure boiler operator license is ~~thirty-five~~ fifty dollars. 58095

(D) The director of commerce, subject to the approval of the 58096
controlling board, may establish fees in excess of the fees 58097
provided in divisions (A), (B), and (C) of this section. Any 58098
moneys collected under this section shall be paid into the state 58099
treasury to the credit of the industrial compliance operating fund 58100
created in section 121.084 of the Revised Code. 58101

(E) Any person who fails to pay an invoiced renewal fee or an
invoiced inspection fee required for any inspection conducted by
the division of industrial compliance pursuant to this chapter
within forty-five days of the invoice date shall pay a late
payment fee equal to twenty-five per cent of the invoiced fee.

(F) In addition to the fees assessed in divisions (A) and (B)
of this section, the board of building standards shall assess the
owner or user a fee of three dollars and twenty-five cents for
each certificate of operation or renewal thereof issued under
division (A) of this section and for each inspection conducted
under division (B) of this section. The board shall adopt rules,
in accordance with Chapter 119. of the Revised Code, specifying
the manner by which the superintendent shall collect and remit to
the board the fees assessed under this division and requiring that
remittance of the fees be made at least quarterly.

Sec. 4105.17. (A) The fee for each inspection, or attempted
inspection that, due to no fault of a general inspector or the
division of industrial compliance, is not successfully completed,
by a general inspector before the operation of a permanent new
elevator prior to the issuance of a certificate of operation,
before operation of an elevator being put back into service after
a repair or after an adjudication under section 4105.11 of the
Revised Code, or as a result of the operation of section 4105.08
of the Revised Code and is an elevator required to be inspected
under this chapter is one hundred twenty dollars plus ten dollars
for each floor where the elevator stops. The superintendent of
industrial compliance may assess an additional fee of one hundred
~~twenty-five~~ twenty dollars plus ~~five~~ ten dollars for each floor
where an elevator stops for the reinspection of an elevator when a
previous attempt to inspect that elevator has been unsuccessful
through no fault of a general inspector or the division of
industrial compliance.

(B) The fee for each inspection, or attempted inspection, 58134
that due to no fault of the general inspector or the division of 58135
industrial compliance, is not successfully completed by a general 58136
inspector before operation of a permanent new escalator or moving 58137
walk prior to the issuance of a certificate of operation, before 58138
operation of an escalator or moving walk being put back in service 58139
after a repair, or as a result of the operation of section 4105.08 58140
of the Revised Code is three hundred dollars. The superintendent 58141
of the division of industrial compliance may assess an additional 58142
fee of one hundred fifty dollars for the reinspection of an 58143
escalator or moving walk when a previous attempt to inspect that 58144
escalator or moving walk has been unsuccessful through no fault of 58145
the general inspector or the division of industrial compliance. 58146

(C) The fee for issuing or renewing a certificate of 58147
operation under section 4105.15 of the Revised Code for an 58148
elevator that is inspected every six months in accordance with 58149
division (A) of section 4105.10 of the Revised Code is two hundred 58150
twenty dollars plus ~~ten~~ twelve dollars for each floor where the 58151
elevator stops, except where the elevator has been inspected by a 58152
special inspector in accordance with section 4105.07 of the 58153
Revised Code. 58154

(D) The fee for issuing or renewing a certificate of 58155
operation under section 4105.05 of the Revised Code for an 58156
elevator that is inspected every twelve months in accordance with 58157
division (A) of section 4105.10 of the Revised Code is fifty-five 58158
dollars plus ten dollars for each floor where the elevator stops, 58159
except where the elevator has been inspected by a special 58160
inspector in accordance with section 4105.07 of the Revised Code. 58161

(E) The fee for issuing or renewing a certificate of 58162
operation under section 4105.15 of the Revised Code for an 58163
escalator or moving walk is three hundred dollars, except where 58164
the escalator or moving walk has been inspected by a special 58165

inspector in accordance section 4105.07 of the Revised Code. 58166

(F) All other fees to be charged for any examination given or 58167
other service performed by the division of industrial compliance 58168
pursuant to this chapter shall be prescribed by the director of 58169
commerce. The fees shall be reasonably related to the costs of 58170
such examination or other service. 58171

(G) The director of commerce, subject to the approval of the 58172
controlling board, may establish fees in excess of the fees 58173
provided in divisions (A), (B), (C), (D), and (E) of this section. 58174
Any moneys collected under this section shall be paid into the 58175
state treasury to the credit of the industrial compliance 58176
operating fund created in section 121.084 of the Revised Code. 58177

(H) Any person who fails to pay an inspection fee required 58178
for any inspection conducted by the division pursuant to this 58179
chapter within forty-five days after the inspection is conducted 58180
shall pay a late payment fee equal to twenty-five per cent of the 58181
inspection fee. 58182

(I) In addition to the fees assessed in divisions (A), (B), 58183
(C), (D), and (E) of this section, the board of building standards 58184
shall assess a fee of three dollars and twenty-five cents for each 58185
certificate of operation or renewal thereof issued under divisions 58186
(A), (B), (C), (D), or (E) of this section and for each permit 58187
issued under section 4105.16 of the Revised Code. The board shall 58188
adopt rules, in accordance with Chapter 119. of the Revised Code, 58189
specifying the manner by which the superintendent of industrial 58190
compliance shall collect and remit to the board the fees assessed 58191
under this division and requiring that remittance of the fees be 58192
made at least quarterly. 58193

(J) For purposes of this section: 58194

(1) "Escalator" means a power driven, inclined, continuous 58195
stairway used for raising or lowering passengers. 58196

(2) "Moving walk" means a passenger carrying device on which 58197
passengers stand or walk, with a passenger carrying surface that 58198
is uninterrupted and remains parallel to its direction of motion. 58199

Sec. 4115.04. (A)(1) Every public authority authorized to 58200
contract for or construct with its own forces a public 58201
improvement, before advertising for bids or undertaking such 58202
construction with its own forces, shall have the director of 58203
commerce determine the prevailing rates of wages of mechanics and 58204
laborers in accordance with section 4115.05 of the Revised Code 58205
for the class of work called for by the public improvement, in the 58206
locality where the work is to be performed. Except as provided in 58207
division (A)(2) of this section, that schedule of wages shall be 58208
attached to and made part of the specifications for the work, and 58209
shall be printed on the bidding blanks where the work is done by 58210
contract. A copy of the bidding blank shall be filed with the 58211
director before the contract is awarded. A minimum rate of wages 58212
for common laborers, on work coming under the jurisdiction of the 58213
department of transportation, shall be fixed in each county of the 58214
state by the department of transportation, in accordance with 58215
section 4115.05 of the Revised Code. 58216

(2) ~~In the case of contracts that are administered by the 58217
department of natural resources, the director of natural resources 58218
or the director's designee shall~~ A public authority may include 58219
language in the contracts requiring wage rate determinations and 58220
updates to be obtained directly from the department of commerce 58221
through electronic or other means as appropriate. Contracts that 58222
include this requirement are exempt from the requirements 58223
established in division (A)(1) of this section that involve 58224
attaching the schedule of wages to the specifications for the 58225
work, making the schedule part of those specifications, and 58226
printing the schedule on the bidding blanks where the work is done 58227
by contract. 58228

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 58229
apply to: 58230

(1) Public improvements in any case where the federal 58231
government or any of its agencies furnishes by loan or grant all 58232
or any part of the funds used in constructing such improvements, 58233
provided that the federal government or any of its agencies 58234
prescribes predetermined minimum wages to be paid to mechanics and 58235
laborers employed in the construction of such improvements; 58236

(2) A participant in a work activity, developmental activity, 58237
or an alternative work activity under sections 5107.40 to 5107.69 58238
of the Revised Code when a public authority directly uses the 58239
labor of the participant to construct a public improvement if the 58240
participant is not engaged in paid employment or subsidized 58241
employment pursuant to the activity; 58242

(3) Public improvements undertaken by, or under contract for, 58243
the board of education of any school district or the governing 58244
board of any educational service center; 58245

(4) Public improvements undertaken by, or under contract for, 58246
a county hospital operated pursuant to Chapter 339. of the Revised 58247
Code or a municipal hospital operated pursuant to Chapter 749. of 58248
the Revised Code if none of the funds used in constructing the 58249
improvements are the proceeds of bonds or other obligations that 58250
are secured by the full faith and credit of the state, a county, a 58251
township, or a municipal corporation and none of the funds used in 58252
constructing the improvements, including funds used to repay any 58253
amounts borrowed to construct the improvements, are funds that 58254
have been appropriated for that purpose by the state, a board of 58255
county commissioners, a township, or a municipal corporation from 58256
funds generated by the levy of a tax, provided that a county 58257
hospital or municipal hospital may elect to apply sections 4115.03 58258
to 4115.16 of the Revised Code to a public improvement undertaken 58259
by, or under contract for, the hospital; 58260

(5) Any project described in divisions (D)(1)(a) to (D)(1)(e) 58261
of section 176.05 of the Revised Code. 58262

Sec. 4117.01. As used in this chapter: 58263

(A) "Person," in addition to those included in division (C) 58264
of section 1.59 of the Revised Code, includes employee 58265
organizations, public employees, and public employers. 58266

(B) "Public employer" means the state or any political 58267
subdivision of the state located entirely within the state, 58268
including, without limitation, any municipal corporation with a 58269
population of at least five thousand according to the most recent 58270
federal decennial census; county; township with a population of at 58271
least five thousand in the unincorporated area of the township 58272
according to the most recent federal decennial census; school 58273
district; governing authority of a community school established 58274
under Chapter 3314. of the Revised Code; state institution of 58275
higher learning; public or special district; state agency, 58276
authority, commission, or board; or other branch of public 58277
employment. 58278

(C) "Public employee" means any person holding a position by 58279
appointment or employment in the service of a public employer, 58280
including any person working pursuant to a contract between a 58281
public employer and a private employer and over whom the national 58282
labor relations board has declined jurisdiction on the basis that 58283
the involved employees are employees of a public employer, except: 58284

(1) Persons holding elective office; 58285

(2) Employees of the general assembly and employees of any 58286
other legislative body of the public employer whose principal 58287
duties are directly related to the legislative functions of the 58288
body; 58289

(3) Employees on the staff of the governor or the chief 58290

executive of the public employer whose principal duties are	58291
directly related to the performance of the executive functions of	58292
the governor or the chief executive;	58293
(4) Persons who are members of the Ohio organized militia,	58294
while training or performing duty under section 5919.29 or 5923.12	58295
of the Revised Code;	58296
(5) Employees of the state employment relations board,	58297
<u>including those employees of the state employment relations board</u>	58298
<u>utilized by the state personnel board of review in the exercise of</u>	58299
<u>the powers and the performance of the duties and functions of the</u>	58300
<u>state personnel board of review;</u>	58301
(6) Confidential employees;	58302
(7) Management level employees;	58303
(8) Employees and officers of the courts, assistants to the	58304
attorney general, assistant prosecuting attorneys, and employees	58305
of the clerks of courts who perform a judicial function;	58306
(9) Employees of a public official who act in a fiduciary	58307
capacity, appointed pursuant to section 124.11 of the Revised	58308
Code;	58309
(10) Supervisors;	58310
(11) Students whose primary purpose is educational training,	58311
including graduate assistants or associates, residents, interns,	58312
or other students working as part-time public employees less than	58313
fifty per cent of the normal year in the employee's bargaining	58314
unit;	58315
(12) Employees of county boards of election;	58316
(13) Seasonal and casual employees as determined by the state	58317
employment relations board;	58318
(14) Part-time faculty members of an institution of higher	58319
education;	58320

(15) Employees of the state personnel board of review;	58321
(16) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	58322 58323 58324 58325 58326 58327
(17) <u>(16)</u> Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	58328 58329 58330
(18) <u>(17)</u> Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005;	58331 58332 58333 58334
<u>(18) Members and employees of the capitol square review and advisory board.</u>	58335 58336
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	58337 58338 58339 58340 58341
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	58342 58343 58344
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided	58345 58346 58347 58348 58349 58350 58351

that: 58352

(1) Employees of school districts who are department 58353
chairpersons or consulting teachers shall not be deemed 58354
supervisors; 58355

(2) With respect to members of a police or fire department, 58356
no person shall be deemed a supervisor except the chief of the 58357
department or those individuals who, in the absence of the chief, 58358
are authorized to exercise the authority and perform the duties of 58359
the chief of the department. Where prior to June 1, 1982, a public 58360
employer pursuant to a judicial decision, rendered in litigation 58361
to which the public employer was a party, has declined to engage 58362
in collective bargaining with members of a police or fire 58363
department on the basis that those members are supervisors, those 58364
members of a police or fire department do not have the rights 58365
specified in this chapter for the purposes of future collective 58366
bargaining. The state employment relations board shall decide all 58367
disputes concerning the application of division (F)(2) of this 58368
section. 58369

(3) With respect to faculty members of a state institution of 58370
higher education, heads of departments or divisions are 58371
supervisors; however, no other faculty member or group of faculty 58372
members is a supervisor solely because the faculty member or group 58373
of faculty members participate in decisions with respect to 58374
courses, curriculum, personnel, or other matters of academic 58375
policy; 58376

(4) No teacher as defined in section 3319.09 of the Revised 58377
Code shall be designated as a supervisor or a management level 58378
employee unless the teacher is employed under a contract governed 58379
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 58380
is assigned to a position for which a license deemed to be for 58381
administrators under state board rules is required pursuant to 58382
section 3319.22 of the Revised Code. 58383

(G) "To bargain collectively" means to perform the mutual 58384
obligation of the public employer, by its representatives, and the 58385
representatives of its employees to negotiate in good faith at 58386
reasonable times and places with respect to wages, hours, terms, 58387
and other conditions of employment and the continuation, 58388
modification, or deletion of an existing provision of a collective 58389
bargaining agreement, with the intention of reaching an agreement, 58390
or to resolve questions arising under the agreement. "To bargain 58391
collectively" includes executing a written contract incorporating 58392
the terms of any agreement reached. The obligation to bargain 58393
collectively does not mean that either party is compelled to agree 58394
to a proposal nor does it require the making of a concession. 58395

(H) "Strike" means continuous concerted action in failing to 58396
report to duty; willful absence from one's position; or stoppage 58397
of work in whole from the full, faithful, and proper performance 58398
of the duties of employment, for the purpose of inducing, 58399
influencing, or coercing a change in wages, hours, terms, and 58400
other conditions of employment. "Strike" does not include a 58401
stoppage of work by employees in good faith because of dangerous 58402
or unhealthful working conditions at the place of employment that 58403
are abnormal to the place of employment. 58404

(I) "Unauthorized strike" includes, but is not limited to, 58405
concerted action during the term or extended term of a collective 58406
bargaining agreement or during the pendency of the settlement 58407
procedures set forth in section 4117.14 of the Revised Code in 58408
failing to report to duty; willful absence from one's position; 58409
stoppage of work; slowdown, or abstinence in whole or in part from 58410
the full, faithful, and proper performance of the duties of 58411
employment for the purpose of inducing, influencing, or coercing a 58412
change in wages, hours, terms, and other conditions of employment. 58413
"Unauthorized strike" includes any such action, absence, stoppage, 58414
slowdown, or abstinence when done partially or intermittently, 58415

whether during or after the expiration of the term or extended 58416
term of a collective bargaining agreement or during or after the 58417
pendency of the settlement procedures set forth in section 4117.14 58418
of the Revised Code. 58419

(J) "Professional employee" means any employee engaged in 58420
work that is predominantly intellectual, involving the consistent 58421
exercise of discretion and judgment in its performance and 58422
requiring knowledge of an advanced type in a field of science or 58423
learning customarily acquired by a prolonged course in an 58424
institution of higher learning or a hospital, as distinguished 58425
from a general academic education or from an apprenticeship; or an 58426
employee who has completed the courses of specialized intellectual 58427
instruction and is performing related work under the supervision 58428
of a professional person to become qualified as a professional 58429
employee. 58430

(K) "Confidential employee" means any employee who works in 58431
the personnel offices of a public employer and deals with 58432
information to be used by the public employer in collective 58433
bargaining; or any employee who works in a close continuing 58434
relationship with public officers or representatives directly 58435
participating in collective bargaining on behalf of the employer. 58436

(L) "Management level employee" means an individual who 58437
formulates policy on behalf of the public employer, who 58438
responsibly directs the implementation of policy, or who may 58439
reasonably be required on behalf of the public employer to assist 58440
in the preparation for the conduct of collective negotiations, 58441
administer collectively negotiated agreements, or have a major 58442
role in personnel administration. Assistant superintendents, 58443
principals, and assistant principals whose employment is governed 58444
by section 3319.02 of the Revised Code are management level 58445
employees. With respect to members of a faculty of a state 58446
institution of higher education, no person is a management level 58447

employee because of the person's involvement in the formulation or 58448
implementation of academic or institution policy. 58449

(M) "Wages" means hourly rates of pay, salaries, or other 58450
forms of compensation for services rendered. 58451

(N) "Member of a police department" means a person who is in 58452
the employ of a police department of a municipal corporation as a 58453
full-time regular police officer as the result of an appointment 58454
from a duly established civil service eligibility list or under 58455
section 737.15 or 737.16 of the Revised Code, a full-time deputy 58456
sheriff appointed under section 311.04 of the Revised Code, a 58457
township constable appointed under section 509.01 of the Revised 58458
Code, or a member of a township police district police department 58459
appointed under section 505.49 of the Revised Code. 58460

(O) "Members of the state highway patrol" means highway 58461
patrol troopers and radio operators appointed under section 58462
5503.01 of the Revised Code. 58463

(P) "Member of a fire department" means a person who is in 58464
the employ of a fire department of a municipal corporation or a 58465
township as a fire cadet, full-time regular firefighter, or 58466
promoted rank as the result of an appointment from a duly 58467
established civil service eligibility list or under section 58468
505.38, 709.012, or 737.22 of the Revised Code. 58469

(Q) "Day" means calendar day. 58470

Sec. 4117.02. (A) There is hereby created the state 58471
employment relations board, consisting of three members to be 58472
appointed by the governor with the advice and consent of the 58473
senate. Members shall be knowledgeable about labor relations or 58474
personnel practices. No more than two of the three members shall 58475
belong to the same political party. A member of the state 58476
employment relations board during the member's period of service 58477

shall hold no other public office or public or private employment 58478
and shall allow no other responsibilities to interfere or conflict 58479
with the member's duties as a full-time state employment relations 58480
board member. Of the initial appointments made to the state 58481
employment relations board, one shall be for a term ending October 58482
6, 1984, one shall be for a term ending October 6, 1985, and one 58483
shall be for a term ending October 6, 1986. Thereafter, terms of 58484
office shall be for six years, each term ending on the same day of 58485
the same month of the year as did the term that it succeeds. Each 58486
member shall hold office from the date of the member's appointment 58487
until the end of the term for which the member is appointed. Any 58488
member appointed to fill a vacancy occurring prior to the 58489
expiration of the term for which the member's predecessor was 58490
appointed shall hold office for the remainder of the term. Any 58491
member shall continue in office subsequent to the expiration of 58492
the member's term until the member's successor takes office or 58493
until a period of sixty days has elapsed, whichever occurs first. 58494
The governor may remove any member of the state employment 58495
relations board, upon notice and public hearing, for neglect of 58496
duty or malfeasance in office, but for no other cause. 58497

(B)(1) The governor shall designate one member of the state 58498
employment relations board to serve as chairperson of the state 58499
employment relations board. The chairperson is the head of the 58500
state employment relations board and its chief executive officer. 58501

(2) The chairperson shall exercise all administrative powers 58502
and duties conferred upon the state employment relations board 58503
under this chapter and shall do all of the following: 58504

(a) ~~Except as provided in division (F)(2) of this section,~~ 58505
~~employ~~ Employ, promote, supervise, and remove all employees of the 58506
state employment relations board, and establish, change, or 58507
abolish positions and assign or reassign the duties of those 58508
employees as the chairperson determines necessary to achieve the 58509

most efficient performance of the ~~board's~~ duties of the state
employment relations board under this chapter; 58510
58511

(b) Determine the utilization by the state personnel board of
review of employees of the state employment relations board as
necessary for the state personnel board of review to exercise the
powers and perform the duties of the state personnel board of
review. 58512
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(c) Maintain the office of the state employment relations
board in Columbus and manage the office's daily operations, 58517
58518
including securing offices, facilities, equipment, and supplies 58519
necessary to house the state employment relations board, employees 58520
of the state employment relations board, the state personnel board
of review, and files and records under the ~~board's~~ control of the
state employment relations board and under the control of the
state personnel board of review; 58521
58522
58523
58524

~~(e)~~(d) Prepare and submit to the office of budget and 58525
management a budget for each biennium according to section 107.03 58526
of the Revised Code, and include in the budget the costs of the 58527
state employment relations board and its staff and the ~~board's~~ 58528
costs of the state employment relations board in discharging any 58529
duty imposed by law upon the state employment relations board, the 58530
chairperson, or any of the ~~board's~~ employees or agents of the
state employment relations board, and the costs of the state
personnel board of review in discharging any duty imposed by law
on the state personnel board of review or an agent of the state
personnel board of review. 58531
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(C) The vacancy on the state employment relations board does 58536
not impair the right of the remaining members to exercise all the 58537
powers of the state employment relations board, and two members of 58538
the state employment relations board, at all times, constitute a 58539
quorum. The state employment relations board shall have an 58540
official seal of which courts shall take judicial notice. 58541

(D) The state employment relations board shall make an annual 58542
report in writing to the governor and to the general assembly, 58543
stating in detail the work it has done. 58544

(E) Compensation of the chairperson and members shall be in 58545
accordance with division (J) of section 124.15 of the Revised 58546
Code. The chairperson and the members are eligible for 58547
reappointment. In addition to such compensation, all members shall 58548
be reimbursed for their necessary expenses incurred in the 58549
performance of their work as members. 58550

(F)(1) The chairperson, after consulting with the other state 58551
employment relations board members and receiving the consent of at 58552
least one other board member, shall appoint an executive director. 58553
The chairperson also shall appoint attorneys and ~~attorney trial~~ 58554
~~examiners~~ shall appoint an assistant executive director who shall 58555
be an attorney admitted to practice law in this state and who 58556
shall serve as a liaison to the attorney general on legal matters 58557
before the state employment relations board. 58558

(2) The state employment relations board shall appoint 58559
~~mediators, arbitrators,~~ members of fact-finding panels, ~~and~~ 58560
~~directors for local areas,~~ and shall prescribe their job duties. 58561

(G)(1) The executive director shall serve at the pleasure of 58562
the chairperson. The executive director, under the direction of 58563
the chairperson, shall do all of the following: 58564

(a) Act as chief administrative officer for the state 58565
employment relations board; 58566

(b) Ensure that all employees of the state employment 58567
relations board comply with the rules of the state employment 58568
relations board; 58569

(c) Do all things necessary for the efficient and effective 58570
implementation of the duties of the state employment relations 58571
board. 58572

(2) The duties of the executive director described in 58573
division (G)(1) of this section do not relieve the chairperson 58574
from final responsibility for the proper performance of the duties 58575
described in that division. 58576

(H) The attorney general shall be the legal adviser of the 58577
state employment relations board and shall appear for and 58578
represent the state employment relations board and its agents in 58579
all legal proceedings. The state employment relations board may 58580
utilize regional, local, or other agencies, and utilize voluntary 58581
and uncompensated services as needed. The state employment 58582
relations board may contract with the federal mediation and 58583
conciliation service for the assistance of mediators, arbitrators, 58584
and other personnel the service makes available. The ~~board and the~~ 58585
~~chairperson, respectively,~~ shall appoint all employees on the 58586
basis of training, practical experience, education, and character, 58587
notwithstanding the requirements established by section 119.09 of 58588
the Revised Code. The ~~board~~ chairperson shall give special regard 58589
to the practical training and experience that employees have for 58590
the particular position involved. ~~All full-time employees of the~~ 58591
~~board excepting the~~ The executive director, the head of the bureau 58592
~~of mediation~~ assistant executive director, administrative law 58593
judges, employees holding a fiduciary or administrative relation 58594
to the state employment relations board as described in division 58595
(A)(9) of section 124.11 of the Revised Code, and the personal 58596
secretaries and assistants of the state employment relations board 58597
members are in the ~~classified~~ unclassified service. All other 58598
full-time employees of the state employment relations board are in 58599
the classified service. All employees of the state employment 58600
relations board shall be paid in accordance with Chapter 124. of 58601
the Revised Code. 58602

(I) The ~~board~~ chairperson shall select and assign ~~examiners~~ 58603
administrative law judges and other agents whose functions are to 58604

conduct hearings with due regard to their impartiality, judicial 58605
temperament, and knowledge. If in any proceeding under this 58606
chapter, any party prior to five days before the hearing thereto 58607
files with the state employment relations board a sworn statement 58608
charging that the ~~examiner~~ administrative law judge or other agent 58609
designated to conduct the hearing is biased or partial in the 58610
proceeding, the state employment relations board may disqualify 58611
the person and designate another ~~examiner~~ administrative law judge 58612
or agent to conduct the proceeding. At least ten days before any 58613
hearing, the state employment relations board shall notify all 58614
parties to a proceeding of the name of the ~~examiner~~ administrative 58615
law judge or agent designated to conduct the hearing. 58616

(J) The principal office of the state employment relations 58617
board is in Columbus, but it may meet and exercise any or all of 58618
its powers at any other place within the state. The state 58619
employment relations board may, by one or more of its employees, 58620
or any agents or agencies it designates, conduct in any part of 58621
this state any proceeding, hearing, investigation, inquiry, or 58622
election necessary to the performance of its functions; provided, 58623
that no person so designated may later sit in determination of an 58624
appeal of the decision of that cause or matter. 58625

(K) In addition to the powers and functions provided in other 58626
sections of this chapter, the state employment relations board 58627
shall do all of the following: 58628

(1) Create a bureau of mediation within the state employment 58629
relations board, to perform the functions provided in section 58630
4117.14 of the Revised Code. This bureau shall also establish, 58631
after consulting representatives of employee organizations and 58632
public employers, panels of qualified persons to be available to 58633
serve as members of fact-finding panels and arbitrators. 58634

(2) Conduct studies of problems involved in representation 58635
and negotiation and make recommendations for legislation; 58636

(3) Hold hearings pursuant to this chapter and, for the purpose of the hearings and inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate these powers to any members of the state employment relations board or any ~~attorney trial examiner appointed~~ administrative law judge employed by the state employment relations board for the performance of its functions;

(4) Train representatives of employee organizations and public employers in the rules and techniques of collective bargaining procedures;

(5) Make studies and analyses of, and act as a clearinghouse of information relating to, conditions of employment of public employees throughout the state and request assistance, services, and data from any public employee organization, public employer, or governmental unit. Public employee organizations, public employers, and governmental units shall provide such assistance, services, and data as will enable the state employment relations board to carry out its functions and powers.

(6) Make available to employee organizations, public employers, mediators, fact-finding panels, arbitrators, and joint study committees statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve issues in negotiations;

(7) Notwithstanding section 119.13 of the Revised Code, establish standards of persons who practice before it;

(8) Adopt, amend, and rescind rules and procedures and exercise other powers appropriate to carry out this chapter. Before the adoption, amendment, or rescission of rules and

procedures under this section, the state employment relations 58668
board shall do all of the following: 58669

(a) Maintain a list of interested public employers and 58670
employee organizations and mail notice to such groups of any 58671
proposed rule or procedure, amendment thereto, or rescission 58672
thereof at least thirty days before any public hearing thereon; 58673

(b) Mail a copy of each proposed rule or procedure, amendment 58674
thereto, or rescission thereof to any person who requests a copy 58675
within five days after receipt of the request therefor; 58676

(c) Consult with appropriate statewide organizations 58677
representing public employers or employees who would be affected 58678
by the proposed rule or procedure. 58679

Although the state employment relations board is expected to 58680
discharge these duties diligently, failure to mail any notice or 58681
copy, or to so consult with any person, is not jurisdictional and 58682
shall not be construed to invalidate any proceeding or action of 58683
the state employment relations board. 58684

(L) In case of neglect or refusal to obey a subpoena issued 58685
to any person, the court of common pleas of the county in which 58686
the investigation or the public hearing occurs, upon application 58687
by the state employment relations board, may issue an order 58688
requiring the person to appear before the state employment 58689
relations board and give testimony about the matter under 58690
investigation. The court may punish a failure to obey the order as 58691
contempt. 58692

(M) Any subpoena, notice of hearing, or other process or 58693
notice of the state employment relations board issued under this 58694
section may be served personally, by certified mail, or by leaving 58695
a copy at the principal office or personal residence of the 58696
respondent required to be served. A return, made and verified by 58697
the individual making the service and setting forth the manner of 58698

service, is proof of service, and a return post office receipt, 58699
when certified mail is used, is proof of service. All process in 58700
any court to which application is made under this chapter may be 58701
served in the county wherein the persons required to be served 58702
reside or are found. 58703

(N) All expenses of the state employment relations board, 58704
including all necessary traveling and subsistence expenses 58705
incurred by the members or employees of the state employment 58706
relations board under its orders, shall be paid pursuant to 58707
itemized vouchers approved by the chairperson of the state 58708
employment relations board, the executive director, or both, or 58709
such other person as the chairperson designates for that purpose. 58710

(O) Whenever the state employment relations board determines 58711
that a substantial controversy exists with respect to the 58712
application or interpretation of this chapter and the matter is of 58713
public or great general interest, the state employment relations 58714
board shall certify its final order directly to the court of 58715
appeals having jurisdiction over the area in which the principal 58716
office of the public employer directly affected by the application 58717
or interpretation is located. The chairperson shall file with the 58718
clerk of the court a certified copy of the transcript of the 58719
proceedings before the state employment relations board pertaining 58720
to the final order. If upon hearing and consideration the court 58721
decides that the final order of the state employment relations 58722
board is unlawful or is not supported by substantial evidence on 58723
the record as a whole, the court shall reverse and vacate the 58724
final order or modify it and enter final judgment in accordance 58725
with the modification; otherwise, the court shall affirm the final 58726
order. The notice of the final order of the state employment 58727
relations board to the interested parties shall contain a 58728
certification by the chairperson of the state employment relations 58729
board that the final order is of public or great general interest 58730

and that a certified transcript of the record of the proceedings 58731
before the state employment relations board had been filed with 58732
the clerk of the court as an appeal to the court. For the purposes 58733
of this division, the state employment relations board has 58734
standing to bring its final order properly before the court of 58735
appeals. 58736

(P) Except as otherwise specifically provided in this 58737
section, the state employment relations board is subject to 58738
Chapter 119. of the Revised Code, including the procedure for 58739
submission of proposed rules to the general assembly for 58740
legislative review under division (H) of section 119.03 of the 58741
Revised Code. 58742

Sec. 4117.07. (A) When a petition is filed, in accordance 58743
with rules prescribed by the state employment relations board: 58744

(1) By any employee or group of employees, or any individual 58745
or employee organization acting in their behalf, alleging that at 58746
least thirty per cent of the employees in an appropriate unit wish 58747
to be represented for collective bargaining by an exclusive 58748
representative, or asserting that the designated exclusive 58749
representative is no longer the representative of the majority of 58750
employees in the unit, the board shall investigate the petition, 58751
and if it has reasonable cause to believe that a question of 58752
representation exists, provide for an appropriate hearing upon due 58753
notice to the parties; 58754

(2) By the employer alleging that one or more employee 58755
organizations has presented to it a claim to be recognized as the 58756
exclusive representative in an appropriate unit, the board shall 58757
investigate the petition, and if it has reasonable cause to 58758
believe that a question of representation exists, provide for an 58759
appropriate hearing upon due notice to the parties. 58760

If the board finds upon the record of a hearing that a 58761

question of representation exists, it shall direct an election and 58762
certify the results thereof. No one may vote in an election by 58763
~~mail or~~ proxy. The board may also certify an employee organization 58764
as an exclusive representative if it determines that a free and 58765
untrammelled election cannot be conducted because of the 58766
employer's unfair labor practices and that at one time the 58767
employee organization had the support of the majority of the 58768
employees in the unit. 58769

(B) Only the names of those employee organizations designated 58770
by more than ten per cent of the employees in the unit found to be 58771
appropriate may be placed on the ballot. Nothing in this section 58772
shall be construed to prohibit the waiving of hearings by 58773
stipulation, in conformity with the rules of the board, for the 58774
purpose of a consent election. 58775

(C) The board shall conduct representation elections by 58776
secret ballot cast, at the board's discretion, by mail or 58777
electronically or in person, and at times and places selected by 58778
the board subject to the following: 58779

(1) The board shall give no less than ten days' notice of the 58780
time and place of an election; 58781

(2) The board shall establish rules concerning the conduct of 58782
any election including, but not limited to, rules to guarantee the 58783
secrecy of the ballot; 58784

(3) The board may not certify a representative unless the 58785
representative receives a majority of the valid ballots cast; 58786

(4) Except as provided in this section, the board shall 58787
include on the ballot a choice of "no representative"; 58788

(5) In an election where none of the choices on the ballot 58789
receives a majority, the board shall conduct a runoff election. In 58790
that case, the ballot shall provide for a selection between the 58791
two choices or parties receiving the highest and the second 58792

highest number of ballots cast in the election. 58793

(6) The board may not conduct an election under this section 58794
in any appropriate bargaining unit within which a board-conducted 58795
election was held in the preceding twelve-month period, nor during 58796
the term of any lawful collective bargaining agreement between a 58797
public employer and an exclusive representative. 58798

Petitions for elections may be filed with the board no sooner 58799
than one hundred twenty days or later than ninety days before the 58800
expiration date of any collective bargaining agreement, or after 58801
the expiration date, until the public employer and exclusive 58802
representative enter into a new written agreement. 58803

For the purposes of this section, extensions of agreements do 58804
not affect the expiration date of the original agreement. 58805

Sec. 4117.12. (A) Whoever violates section 4117.11 of the 58806
Revised Code is guilty of an unfair labor practice remediable by 58807
the state employment relations board as specified in this section. 58808

(B) When anyone files a charge with the board alleging that 58809
an unfair labor practice has been committed, the board or its 58810
designated agent shall investigate the charge. If the board has 58811
probable cause for believing that a violation has occurred, the 58812
board shall issue a complaint and shall conduct a hearing 58813
concerning the charge. The board shall cause the complaint to be 58814
served upon the charged party which shall contain a notice of the 58815
time at which the hearing on the complaint will be held either 58816
before the board, a board member, or ~~a hearing officer~~ an 58817
administrative law judge. The board may not issue a notice of 58818
hearing based upon any unfair labor practice occurring more than 58819
ninety days prior to the filing of the charge with the board, 58820
unless the person aggrieved thereby is prevented from filing the 58821
charge by reason of service in the armed forces, in which event 58822
the ninety-day period shall be computed from the day of ~~his~~ the 58823

person's discharge. If the board dismisses a complaint as 58824
frivolous, it shall assess costs to the complainant pursuant to 58825
its standards governing such matters, and for that purpose, the 58826
board shall adopt a rule defining the standards by which the board 58827
will declare a complaint to be frivolous and the costs that will 58828
be assessed accordingly. 58829

(1) The board, board member, or ~~hearing officer~~ 58830
administrative law judge shall hold a hearing on the charge within 58831
ten days after service of the complaint. The board may amend a 58832
complaint, upon receipt of a notice from the charging party, at 58833
any time prior to the close of the hearing, and the charged party 58834
shall within ten days from receipt of the complaint or amendment 58835
to the complaint, file an answer to the complaint or amendment to 58836
the complaint. The charged party may file an answer to an original 58837
or amended complaint. The agents of the board and the person 58838
charged are parties and may appear or otherwise give evidence at 58839
the hearing. At the discretion of the board, board member, or 58840
~~hearing officer~~ administrative law judge, any interested party may 58841
intervene and present evidence at the hearing. The board, board 58842
member, or ~~hearing officer~~ administrative law judge is not bound 58843
by the rules of evidence prevailing in the courts. 58844

(2) A board member or ~~hearing officer~~ administrative law 58845
judge who conducts the hearing shall reduce the evidence taken to 58846
writing and file it with the board. The board member or the 58847
~~hearing officer~~ administrative law judge may thereafter take 58848
further evidence or hear further argument if notice is given to 58849
all interested parties. The ~~hearing officer~~ administrative law 58850
judge or board member shall issue to the parties a proposed 58851
decision, together with a recommended order and file it with the 58852
board. If the parties file no exceptions within twenty days after 58853
service thereof, the recommended order becomes the order of the 58854
board effective as therein prescribed. If the parties file 58855

exceptions to the proposed report, the board shall determine 58856
whether substantial issues have been raised. The board may rescind 58857
or modify the proposed order of the board member or ~~hearing~~ 58858
~~officer~~ administrative law judge; however, if the board determines 58859
that the exceptions do not raise substantial issues of fact or 58860
law, it may refuse to grant review, and the recommended order 58861
becomes effective as therein prescribed. 58862

(3) If upon the preponderance of the evidence taken, the 58863
board believes that any person named in the complaint has engaged 58864
in any unfair labor practice, the board shall state its findings 58865
of fact and issue and cause to be served on the person an order 58866
requiring that ~~he~~ the person cease and desist from these unfair 58867
labor practices, and take such affirmative action, including 58868
reinstatement of employees with or without back pay, as will 58869
effectuate the policies of Chapter 4117. of the Revised Code. If 58870
upon a preponderance of the evidence taken, the board believes 58871
that the person named in the complaint has not engaged in an 58872
unfair labor practice it shall state its findings of fact and 58873
issue an order dismissing the complaint. 58874

(4) The board may order the public employer to reinstate the 58875
public employee and further may order either the public employer 58876
or the employee organization, depending on who was responsible for 58877
the discrimination suffered by the public employee, to make such 58878
payment of back pay to the public employee as the board 58879
determines. No order of the board shall require the reinstatement 58880
of any individual as an employee who has been suspended or 58881
discharged, or require the payment to ~~him~~ the employee of any back 58882
pay, if the suspension or discharge was for just cause not related 58883
to rights provided in section 4117.03 of the Revised Code and the 58884
procedure contained in the collective bargaining agreement 58885
governing suspension or discharge was followed. The order of the 58886
board may require the party against whom the order is issued to 58887

make periodic reports showing the extent to which ~~he~~ the party has 58888
complied with the order. 58889

(C) Whenever a complaint alleges that a person has engaged in 58890
an unfair labor practice and that the complainant will suffer 58891
substantial and irreparable injury if not granted temporary 58892
relief, the board may petition the court of common pleas for any 58893
county wherein the alleged unfair labor practice in question 58894
occurs, or wherein any person charged with the commission of any 58895
unfair labor practice resides or transacts business for 58896
appropriate injunctive relief, pending the final adjudication by 58897
the board with respect to the matter. Upon the filing of any 58898
petition, the court shall cause notice thereof to be served upon 58899
the parties, and thereupon has jurisdiction to grant the temporary 58900
relief or restraining order it considers just and proper. 58901

(D) Until the record in a case is filed in a court, as 58902
specified in Chapter 4117. of the Revised Code, the board may at 58903
any time upon reasonable notice and in a manner it considers 58904
proper, modify or set aside, in whole or in part, any finding or 58905
order made or issued by it. 58906

Sec. 4117.24. (A) The training, publications, and grants fund 58907
is hereby created in the state treasury. The state employment 58908
relations board shall deposit into the training, publications, and 58909
grants fund all moneys received from the following sources: 58910

~~(A)~~(1) Payments received by the state employment relations 58911
board for copies of documents, rulebooks, and other publications; 58912

~~(B)~~(2) Fees received from seminar participants; 58913

~~(C)~~(3) Receipts from the sale of clearinghouse data; 58914

~~(D)~~(4) Moneys received from grants, donations, awards, 58915
bequests, gifts, reimbursements, and similar funds; 58916

~~(E)~~(5) Reimbursement received for professional services and 58917

expenses related to professional services; 58918

~~(F)~~(6) Funds received to support the development of labor 58919
relations services and programs. ~~The;~~ 58920

(7) Moneys received by the state personnel board of review 58921
pursuant to division (C) of section 124.03 of the Revised Code. 58922

(B) The state employment relations board shall use all moneys 58923
deposited into the training, publications, and grants fund to 58924
defray ~~the~~ all of the following: 58925

(1) The costs of furnishing and making available copies of 58926
documents, rulebooks, and other publications; ~~the~~ 58927

(2) The costs of planning, organizing, and conducting 58928
training seminars; ~~the~~ 58929

(3) The costs associated with grant projects, innovative 58930
labor-management cooperation programs, research projects related 58931
to these grants and programs, and the advancement in 58932
professionalism of public sector relations; ~~the~~ 58933

(4) The professional development of state employment 58934
relations board employees; ~~and the~~ 58935

(5) The costs of compiling clearinghouse data; 58936

(6) The cost of producing the administrative record of the 58937
state personnel board of review. 58938

The state employment relations board may seek, solicit, apply 58939
for, receive, and accept grants, gifts, and contributions of 58940
money, property, labor, and other things of value to be held for, 58941
used for, and applied to only the purpose for which the grants, 58942
gifts, and contributions are made, from individuals, private and 58943
public corporations, the United States or any agency thereof, the 58944
state or any agency thereof, and any political subdivision of the 58945
state, and may enter into any contract with any such public or 58946
private source in connection therewith to be held for, used for, 58947

and applied to only the purposes for which such grants are made 58948
and contracts are entered into, all subject to and in accordance 58949
with the purposes of this chapter. Any money received from the 58950
grants, gifts, contributions, or contracts shall be deposited into 58951
the training, publications, and grants fund. 58952

Sec. 4141.08. (A) There is hereby created an unemployment 58953
compensation advisory council appointed as follows: 58954

(1) Three members who on account of their vocation, 58955
employment, or affiliations can be classed as representative of 58956
employers and three members who on account of their vocation, 58957
employment, or affiliation can be classed as representatives of 58958
employees appointed by the governor with the advice and consent of 58959
the senate. All appointees shall be persons whose training and 58960
experience qualify them to deal with the difficult problems of 58961
unemployment compensation, particularly with respect to the legal, 58962
accounting, actuarial, economic, and social aspects of 58963
unemployment compensation; 58964

(2) The chairpersons of the standing committees of the senate 58965
and the house of representatives to which legislation pertaining 58966
to Chapter 4141. of the Revised Code is customarily referred; 58967

(3) Two members of the senate appointed by the president of 58968
the senate; and 58969

(4) Two members of the house of representatives appointed by 58970
the speaker of the house of representatives. 58971

The speaker and the president shall arrange that of the six 58972
legislative members appointed to the council, not more than three 58973
are members of the same political party. 58974

(B) Members appointed by the governor shall serve for a term 58975
of four years, each term ending on the same day as the date of 58976
their original appointment. Legislative members shall serve during 58977

the session of the general assembly to which they are elected and 58978
for as long as they are members of the general assembly. Vacancies 58979
shall be filled in the same manner as the original appointment but 58980
only for the unexpired part of a term. 58981

(C) Members of the council shall serve without salary but, 58982
notwithstanding section 101.26 of the Revised Code, shall be paid 58983
a meeting stipend of fifty dollars per day each and their actual 58984
and necessary expenses while engaged in the performance of their 58985
duties as members of the council which shall be paid from funds 58986
allocated to pay the expenses of the council pursuant to this 58987
section. 58988

(D) The council shall organize itself and select a 58989
chairperson or co-chairpersons and other officers and committees 58990
as it considers necessary. Seven members constitute a quorum and 58991
the council may act only upon the affirmative vote of seven 58992
members. The council shall meet at least once each calendar 58993
quarter but it may meet more often as the council considers 58994
necessary or at the request of the chairperson. 58995

(E) The council may employ professional and clerical 58996
assistance as it considers necessary and may request of the 58997
director of job and family services assistance as it considers 58998
necessary. The director shall furnish the council with office and 58999
meeting space as requested by the council. 59000

(F) The director shall pay the operating expenses of the 59001
council as determined by the council from moneys in the 59002
unemployment compensation special administrative fund established 59003
in section 4141.11 of the Revised Code. 59004

(G) The council shall have access to only the records of the 59005
department of job and family services that are necessary for the 59006
administration of this chapter and to the reasonable services of 59007
the employees of the department. It may request the director, or 59008

any of the employees appointed by the director, or any employer or 59009
employee subject to this chapter, to appear before it and to 59010
testify relative to the functioning of this chapter and to other 59011
relevant matters. The council may conduct research of its own, 59012
make and publish reports, and recommend to the director, the 59013
unemployment compensation review commission, the governor, or the 59014
general assembly needed changes in this chapter, or in the rules 59015
of the department as it considers necessary. 59016

Sec. 4141.162. (A) The director of job and family services 59017
shall establish an income and eligibility verification system that 59018
complies with section 1137 of the "Social Security Act." The 59019
programs included in the system are all of the following: 59020

(1) Unemployment compensation pursuant to section 3304 of the 59021
"Internal Revenue Code of 1954"; 59022

(2) The state programs funded in part under part A of Title 59023
IV of the "Social Security Act" and administered under Chapters 59024
5107. and 5108. of the Revised Code; 59025

(3) Medicaid pursuant to Title XIX of the "Social Security 59026
Act"; 59027

(4) ~~Food stamps~~ The supplemental nutrition assistance program 59028
pursuant to the ~~"Food Stamp and Nutrition Act of 1977," 91 Stat.~~ 59029
~~958, 2008 (7 U.S.C.A. 2011, as amended et seq.)~~ 59030

(5) Any Ohio program under a plan approved under Title I, X, 59031
XIV, or XVI of the "Social Security Act." 59032

Wage information provided by employers to the director shall 59033
be furnished to the income and eligibility verification system. 59034
Such information shall be used by the director to determine 59035
eligibility of individuals for unemployment compensation benefits 59036
and the amount of those benefits and used by the agencies that 59037
administer the programs identified in divisions (A)(2) to (5) of 59038

this section to determine or verify eligibility for or the amount 59039
of benefits under those programs. 59040

The director shall fully implement the use of wage 59041
information to determine eligibility for and the amount of 59042
unemployment compensation benefits by September 30, 1988. 59043

Information furnished under the system shall also be made 59044
available to the appropriate state or local child support 59045
enforcement agency for the purposes of an approved plan under 59046
Title IV-D of the "Social Security Act" and to the appropriate 59047
federal agency for the purposes of Titles II and XVI of the 59048
"Social Security Act." 59049

(B) The director shall adopt rules as necessary under which 59050
the department of job and family services and other state agencies 59051
that the director determines must participate in order to ensure 59052
compliance with section 1137 of the "Social Security Act" exchange 59053
information with each other or authorized federal agencies about 59054
individuals who are applicants for or recipients of benefits under 59055
any of the programs enumerated in division (A) of this section. 59056
The rules shall extend to all of the following: 59057

(1) A requirement for standardized formats and procedures for 59058
a participating agency to request and receive information about an 59059
individual, which information shall include the individual's 59060
social security number; 59061

(2) A requirement that all applicants for and recipients of 59062
benefits under any program enumerated in division (A) of this 59063
section be notified at the time of application, and periodically 59064
thereafter, that information available through the system may be 59065
shared with agencies that administer other benefit programs and 59066
utilized in establishing or verifying eligibility or benefit 59067
amounts under the other programs enumerated in division (A) of 59068
this section; 59069

(3) A requirement that information is made available only to 59070
the extent necessary to assist in the valid administrative needs 59071
of the program receiving the information and is targeted for use 59072
in ways which are most likely to be productive in identifying and 59073
preventing ineligibility and incorrect payments; 59074

(4) A requirement that information is adequately protected 59075
against unauthorized disclosures for purposes other than to 59076
establish or verify eligibility or benefit amounts under the 59077
programs enumerated in division (A) of this section; 59078

(5) A requirement that a program providing information is 59079
reimbursed by the program using the information for the actual 59080
costs of furnishing the information and that the director be 59081
reimbursed by the participating programs for any actual costs 59082
incurred in operating the system; 59083

(6) Requirements for any other matters necessary to ensure 59084
the effective, efficient, and timely exchange of necessary 59085
information or that the director determines must be addressed in 59086
order to ensure compliance with the requirements of section 1137 59087
of the "Social Security Act." 59088

(C) Each participating agency shall furnish to the income and 59089
eligibility verification system established in division (A) of 59090
this section that information, which the director, by rule, 59091
determines is necessary in order to comply with section 1137 of 59092
the "Social Security Act." 59093

(D) Notwithstanding the information disclosure requirements 59094
of this section and section 4141.21 and division (A) of section 59095
4141.284 of the Revised Code, the director shall administer those 59096
provisions of law so as to comply with section 1137 of the "Social 59097
Security Act." 59098

(E) Requirements in section 4141.21 of the Revised Code with 59099
respect to confidentiality of information obtained in the 59100

administration of Chapter 4141. of the Revised Code and any 59101
sanctions imposed for improper disclosure of such information 59102
shall apply to the redisclosure of information disclosed under 59103
this section. 59104

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 59105
the Revised Code: 59106

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 59107
fluid ounces. 59108

(2) "Sale" or "sell" includes exchange, barter, gift, 59109
distribution, and, except with respect to A-4 permit holders, 59110
offer for sale. 59111

(B) For the purposes of providing revenues for the support of 59112
the state and encouraging the grape industries in the state, a tax 59113
is hereby levied on the sale or distribution of wine in Ohio, 59114
except for known sacramental purposes, at the rate of thirty cents 59115
per wine gallon for wine containing not less than four per cent of 59116
alcohol by volume and not more than fourteen per cent of alcohol 59117
by volume, ninety-eight cents per wine gallon for wine containing 59118
more than fourteen per cent but not more than twenty-one per cent 59119
of alcohol by volume, one dollar and eight cents per wine gallon 59120
for vermouth, and one dollar and forty-eight cents per wine gallon 59121
for sparkling and carbonated wine and champagne, the tax to be 59122
paid by the holders of A-2 and B-5 permits or by any other person 59123
selling or distributing wine upon which no tax has been paid. From 59124
the tax paid under this section on wine, vermouth, and sparkling 59125
and carbonated wine and champagne, the treasurer of state shall 59126
credit to the Ohio grape industries fund created under section 59127
924.54 of the Revised Code a sum equal to one cent per gallon for 59128
each gallon upon which the tax is paid. 59129

(C) For the purpose of providing revenues for the support of 59130
the state, there is hereby levied a tax on prepared and bottled 59131

highballs, cocktails, cordials, and other mixed beverages at the 59132
rate of one dollar and twenty cents per wine gallon to be paid by 59133
holders of A-4 permits or by any other person selling or 59134
distributing those products upon which no tax has been paid. Only 59135
one sale of the same article shall be used in computing the amount 59136
of tax due. The tax on mixed beverages to be paid by holders of 59137
A-4 permits under this section shall not attach until the 59138
ownership of the mixed beverage is transferred for valuable 59139
consideration to a wholesaler or retailer, and no payment of the 59140
tax shall be required prior to that time. 59141

(D) During the period of July 1, ~~2007~~ 2009, through June 30, 59142
~~2009~~ 2011, from the tax paid under this section on wine, vermouth, 59143
and sparkling and carbonated wine and champagne, the treasurer of 59144
state shall credit to the Ohio grape industries fund created under 59145
section 924.54 of the Revised Code a sum equal to two cents per 59146
gallon upon which the tax is paid. The amount credited under this 59147
division is in addition to the amount credited to the Ohio grape 59148
industries fund under division (B) of this section. 59149

(E) For the purpose of providing revenues for the support of 59150
the state, there is hereby levied a tax on cider at the rate of 59151
twenty-four cents per wine gallon to be paid by the holders of A-2 59152
and B-5 permits or by any other person selling or distributing 59153
cider upon which no tax has been paid. Only one sale of the same 59154
article shall be used in computing the amount of the tax due. 59155

Sec. 4303.181. (A) Permit D-5a may be issued either to the 59156
owner or operator of a hotel or motel that is required to be 59157
licensed under section 3731.03 of the Revised Code, that contains 59158
at least fifty rooms for registered transient guests or is owned 59159
by a state institution of higher education as defined in section 59160
3345.011 of the Revised Code or a private college or university, 59161
and that qualifies under the other requirements of this section, 59162

or to the owner or operator of a restaurant specified under this 59163
section, to sell beer and any intoxicating liquor at retail, only 59164
by the individual drink in glass and from the container, for 59165
consumption on the premises where sold, and to registered guests 59166
in their rooms, which may be sold by means of a controlled access 59167
alcohol and beverage cabinet in accordance with division (B) of 59168
section 4301.21 of the Revised Code; and to sell the same products 59169
in the same manner and amounts not for consumption on the premises 59170
as may be sold by holders of D-1 and D-2 permits. The premises of 59171
the hotel or motel shall include a retail food establishment or a 59172
food service operation licensed pursuant to Chapter 3717. of the 59173
Revised Code that operates as a restaurant for purposes of this 59174
chapter and that is affiliated with the hotel or motel and within 59175
or contiguous to the hotel or motel, and that serves food within 59176
the hotel or motel, but the principal business of the owner or 59177
operator of the hotel or motel shall be the accommodation of 59178
transient guests. In addition to the privileges authorized in this 59179
division, the holder of a D-5a permit may exercise the same 59180
privileges as the holder of a D-5 permit. 59181

The owner or operator of a hotel, motel, or restaurant who 59182
qualified for and held a D-5a permit on August 4, 1976, may, if 59183
the owner or operator held another permit before holding a D-5a 59184
permit, either retain a D-5a permit or apply for the permit 59185
formerly held, and the division of liquor control shall issue the 59186
permit for which the owner or operator applies and formerly held, 59187
notwithstanding any quota. 59188

A D-5a permit shall not be transferred to another location. 59189
No quota restriction shall be placed on the number of D-5a permits 59190
that may be issued. 59191

The fee for this permit is two thousand three hundred 59192
forty-four dollars. 59193

(B) Permit D-5b may be issued to the owner, operator, tenant, 59194

lessee, or occupant of an enclosed shopping center to sell beer 59195
and intoxicating liquor at retail, only by the individual drink in 59196
glass and from the container, for consumption on the premises 59197
where sold; and to sell the same products in the same manner and 59198
amount not for consumption on the premises as may be sold by 59199
holders of D-1 and D-2 permits. In addition to the privileges 59200
authorized in this division, the holder of a D-5b permit may 59201
exercise the same privileges as a holder of a D-5 permit. 59202

A D-5b permit shall not be transferred to another location. 59203

One D-5b permit may be issued at an enclosed shopping center 59204
containing at least two hundred twenty-five thousand, but less 59205
than four hundred thousand, square feet of floor area. 59206

Two D-5b permits may be issued at an enclosed shopping center 59207
containing at least four hundred thousand square feet of floor 59208
area. No more than one D-5b permit may be issued at an enclosed 59209
shopping center for each additional two hundred thousand square 59210
feet of floor area or fraction of that floor area, up to a maximum 59211
of five D-5b permits for each enclosed shopping center. The number 59212
of D-5b permits that may be issued at an enclosed shopping center 59213
shall be determined by subtracting the number of D-3 and D-5 59214
permits issued in the enclosed shopping center from the number of 59215
D-5b permits that otherwise may be issued at the enclosed shopping 59216
center under the formulas provided in this division. Except as 59217
provided in this section, no quota shall be placed on the number 59218
of D-5b permits that may be issued. Notwithstanding any quota 59219
provided in this section, the holder of any D-5b permit first 59220
issued in accordance with this section is entitled to its renewal 59221
in accordance with section 4303.271 of the Revised Code. 59222

The holder of a D-5b permit issued before April 4, 1984, 59223
whose tenancy is terminated for a cause other than nonpayment of 59224
rent, may return the D-5b permit to the division of liquor 59225
control, and the division shall cancel that permit. Upon 59226

cancellation of that permit and upon the permit holder's payment 59227
of taxes, contributions, premiums, assessments, and other debts 59228
owing or accrued upon the date of cancellation to this state and 59229
its political subdivisions and a filing with the division of a 59230
certification of that payment, the division shall issue to that 59231
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 59232
that person requests. The division shall issue the D-5 permit, or 59233
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 59234
D-3, or D-5 permits currently issued in the municipal corporation 59235
or in the unincorporated area of the township where that person's 59236
proposed premises is located equals or exceeds the maximum number 59237
of such permits that can be issued in that municipal corporation 59238
or in the unincorporated area of that township under the 59239
population quota restrictions contained in section 4303.29 of the 59240
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 59241
be transferred to another location. If a D-5b permit is canceled 59242
under the provisions of this paragraph, the number of D-5b permits 59243
that may be issued at the enclosed shopping center for which the 59244
D-5b permit was issued, under the formula provided in this 59245
division, shall be reduced by one if the enclosed shopping center 59246
was entitled to more than one D-5b permit under the formula. 59247

The fee for this permit is two thousand three hundred 59248
forty-four dollars. 59249

(C) Permit D-5c may be issued to the owner or operator of a 59250
retail food establishment or a food service operation licensed 59251
pursuant to Chapter 3717. of the Revised Code that operates as a 59252
restaurant for purposes of this chapter and that qualifies under 59253
the other requirements of this section to sell beer and any 59254
intoxicating liquor at retail, only by the individual drink in 59255
glass and from the container, for consumption on the premises 59256
where sold, and to sell the same products in the same manner and 59257
amounts not for consumption on the premises as may be sold by 59258

holders of D-1 and D-2 permits. In addition to the privileges 59259
authorized in this division, the holder of a D-5c permit may 59260
exercise the same privileges as the holder of a D-5 permit. 59261

To qualify for a D-5c permit, the owner or operator of a 59262
retail food establishment or a food service operation licensed 59263
pursuant to Chapter 3717. of the Revised Code that operates as a 59264
restaurant for purposes of this chapter, shall have operated the 59265
restaurant at the proposed premises for not less than twenty-four 59266
consecutive months immediately preceding the filing of the 59267
application for the permit, have applied for a D-5 permit no later 59268
than December 31, 1988, and appear on the division's quota waiting 59269
list for not less than six months immediately preceding the filing 59270
of the application for the permit. In addition to these 59271
requirements, the proposed D-5c permit premises shall be located 59272
within a municipal corporation and further within an election 59273
precinct that, at the time of the application, has no more than 59274
twenty-five per cent of its total land area zoned for residential 59275
use. 59276

A D-5c permit shall not be transferred to another location. 59277
No quota restriction shall be placed on the number of such permits 59278
that may be issued. 59279

Any person who has held a D-5c permit for at least two years 59280
may apply for a D-5 permit, and the division of liquor control 59281
shall issue the D-5 permit notwithstanding the quota restrictions 59282
contained in section 4303.29 of the Revised Code or in any rule of 59283
the liquor control commission. 59284

The fee for this permit is one thousand five hundred 59285
sixty-three dollars. 59286

(D) Permit D-5d may be issued to the owner or operator of a 59287
retail food establishment or a food service operation licensed 59288
pursuant to Chapter 3717. of the Revised Code that operates as a 59289

restaurant for purposes of this chapter and that is located at an 59290
airport operated by a board of county commissioners pursuant to 59291
section 307.20 of the Revised Code, at an airport operated by a 59292
port authority pursuant to Chapter 4582. of the Revised Code, or 59293
at an airport operated by a regional airport authority pursuant to 59294
Chapter 308. of the Revised Code. The holder of a D-5d permit may 59295
sell beer and any intoxicating liquor at retail, only by the 59296
individual drink in glass and from the container, for consumption 59297
on the premises where sold, and may sell the same products in the 59298
same manner and amounts not for consumption on the premises where 59299
sold as may be sold by the holders of D-1 and D-2 permits. In 59300
addition to the privileges authorized in this division, the holder 59301
of a D-5d permit may exercise the same privileges as the holder of 59302
a D-5 permit. 59303

A D-5d permit shall not be transferred to another location. 59304
No quota restrictions shall be placed on the number of such 59305
permits that may be issued. 59306

The fee for this permit is two thousand three hundred 59307
forty-four dollars. 59308

(E) Permit D-5e may be issued to any nonprofit organization 59309
that is exempt from federal income taxation under the "Internal 59310
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 59311
amended, or that is a charitable organization under any chapter of 59312
the Revised Code, and that owns or operates a riverboat that meets 59313
all of the following: 59314

(1) Is permanently docked at one location; 59315

(2) Is designated as an historical riverboat by the Ohio 59316
historical society; 59317

(3) Contains not less than fifteen hundred square feet of 59318
floor area; 59319

(4) Has a seating capacity of fifty or more persons. 59320

The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

The fee for this permit is one thousand two hundred nineteen dollars.

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative

authority that the issuance of the D-5f permit is not inconsistent 59351
with that political subdivision's comprehensive development plan 59352
or other economic development goal as officially established by 59353
the local legislative authority. 59354

The holder of a D-5f permit may sell beer and intoxicating 59355
liquor at retail, only by the individual drink in glass and from 59356
the container, for consumption on the premises where sold. 59357

A D-5f permit shall not be transferred to another location. 59358

The division of liquor control shall not issue a D-5f permit 59359
if the permit premises or proposed permit premises are located 59360
within an area in which the sale of spirituous liquor by the glass 59361
is prohibited. 59362

A fee for this permit is two thousand three hundred 59363
forty-four dollars. 59364

As used in this division, "navigable river" means a river 59365
that is also a "navigable water" as defined in the "Federal Power 59366
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 59367

(G) Permit D-5g may be issued to a nonprofit corporation that 59368
is either the owner or the operator of a national professional 59369
sports museum. The holder of a D-5g permit may sell beer and any 59370
intoxicating liquor at retail, only by the individual drink in 59371
glass and from the container, for consumption on the premises 59372
where sold. The holder of a D-5g permit shall sell no beer or 59373
intoxicating liquor for consumption on the premises where sold 59374
after one a.m. A D-5g permit shall not be transferred to another 59375
location. No quota restrictions shall be placed on the number of 59376
D-5g permits that may be issued. The fee for this permit is one 59377
thousand eight hundred seventy-five dollars. 59378

(H)(1) Permit D-5h may be issued to any nonprofit 59379
organization that is exempt from federal income taxation under the 59380
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 59381

501(c)(3), as amended, that owns or operates any of the following: 59382

(a) A fine arts museum, provided that the nonprofit 59383
organization has no less than one thousand five hundred bona fide 59384
members possessing full membership privileges; 59385

(b) A community arts center. As used in division (H)(1)(b) of 59386
this section, "community arts center" means a facility that 59387
provides arts programming to the community in more than one arts 59388
discipline, including, but not limited to, exhibits of works of 59389
art and performances by both professional and amateur artists. 59390

(c) A community theater, provided that the nonprofit 59391
organization is a member of the Ohio arts council and the American 59392
community theatre association and has been in existence for not 59393
less than ten years. As used in division (H)(1)(c) of this 59394
section, "community theater" means a facility that contains at 59395
least one hundred fifty seats and has a primary function of 59396
presenting live theatrical performances and providing recreational 59397
opportunities to the community. 59398

(2) The holder of a D-5h permit may sell beer and any 59399
intoxicating liquor at retail, only by the individual drink in 59400
glass and from the container, for consumption on the premises 59401
where sold. The holder of a D-5h permit shall sell no beer or 59402
intoxicating liquor for consumption on the premises where sold 59403
after one a.m. A D-5h permit shall not be transferred to another 59404
location. No quota restrictions shall be placed on the number of 59405
D-5h permits that may be issued. 59406

(3) The fee for a D-5h permit is one thousand eight hundred 59407
seventy-five dollars. 59408

(I) Permit D-5i may be issued to the owner or operator of a 59409
retail food establishment or a food service operation licensed 59410
under Chapter 3717. of the Revised Code that operates as a 59411
restaurant for purposes of this chapter and that meets all of the 59412

following requirements:	59413
(1) It is located in a municipal corporation or a township with a population of one hundred thousand or less.	59414 59415
(2) It has inside seating capacity for at least one hundred forty persons.	59416 59417
(3) It has at least four thousand square feet of floor area.	59418
(4) It offers full-course meals, appetizers, and sandwiches.	59419
(5) Its receipts from beer and liquor sales, excluding wine sales, do not exceed twenty-five per cent of its total gross receipts.	59420 59421 59422
(6) It has at least one of the following characteristics:	59423
(a) The value of its real and personal property exceeds seven hundred twenty-five thousand dollars.	59424 59425
(b) It is located on property that is owned or leased by the state or a state agency, and its owner or operator has authorization from the state or the state agency that owns or leases the property to obtain a D-5i permit.	59426 59427 59428 59429
The holder of a D-5i permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5i permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after two-thirty a.m. In addition to the privileges authorized in this division, the holder of a D-5i permit may exercise the same privileges as the holder of a D-5 permit.	59430 59431 59432 59433 59434 59435 59436 59437 59438 59439 59440
A D-5i permit shall not be transferred to another location.	59441
The division of liquor control shall not renew a D-5i permit	59442

unless the retail food establishment or food service operation for 59443
which it is issued continues to meet the requirements described in 59444
divisions (I)(1) to (6) of this section. No quota restrictions 59445
shall be placed on the number of D-5i permits that may be issued. 59446
The fee for the D-5i permit is two thousand three hundred 59447
forty-four dollars. 59448

(J)(1) Permit D-5j may be issued to the owner or the operator 59449
of a retail food establishment or a food service operation 59450
licensed under Chapter 3717. of the Revised Code to sell beer and 59451
intoxicating liquor at retail, only by the individual drink in 59452
glass and from the container, for consumption on the premises 59453
where sold and to sell beer and intoxicating liquor in the same 59454
manner and amounts not for consumption on the premises where sold 59455
as may be sold by the holders of D-1 and D-2 permits. The holder 59456
of a D-5j permit may exercise the same privileges, and shall 59457
observe the same hours of operation, as the holder of a D-5 59458
permit. 59459

(2) The D-5j permit shall be issued only within a community 59460
entertainment district that is designated under section 4301.80 of 59461
the Revised Code and that meets one of the following 59462
qualifications: 59463

(a) It is located in a municipal corporation with a 59464
population of at least one hundred thousand. 59465

(b) It is located in a municipal corporation with a 59466
population of at least twenty thousand, and either of the 59467
following applies: 59468

(i) It contains an amusement park the rides of which have 59469
been issued a permit by the department of agriculture under 59470
Chapter 1711. of the Revised Code. 59471

(ii) Not less than fifty million dollars will be invested in 59472
development and construction in the community entertainment 59473

district's area located in the municipal corporation. 59474

(c) It is located in a township with a population of at least 59475
forty thousand. 59476

(d) It is located in a municipal corporation with a 59477
population of at least ten thousand, and not less than seventy 59478
million dollars will be invested in development and construction 59479
in the community entertainment district's area located in the 59480
municipal corporation. 59481

(e) It is located in a municipal corporation with a 59482
population of at least five thousand, and not less than one 59483
hundred million dollars will be invested in development and 59484
construction in the community entertainment district's area 59485
located in the municipal corporation. 59486

(3) The location of a D-5j permit may be transferred only 59487
within the geographic boundaries of the community entertainment 59488
district in which it was issued and shall not be transferred 59489
outside the geographic boundaries of that district. 59490

(4) Not more than one D-5j permit shall be issued within each 59491
community entertainment district for each five acres of land 59492
located within the district. Not more than fifteen D-5j permits 59493
may be issued within a single community entertainment district. 59494
Except as otherwise provided in division (J)(4) of this section, 59495
no quota restrictions shall be placed upon the number of D-5j 59496
permits that may be issued. 59497

(5) The fee for a D-5j permit is two thousand three hundred 59498
forty-four dollars. 59499

(K)(1) Permit D-5k may be issued to any nonprofit 59500
organization that is exempt from federal income taxation under the 59501
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 59502
501(c)(3), as amended, that is the owner or operator of a 59503
botanical garden recognized by the American association of 59504

botanical gardens and arboreta, and that has not less than 59505
twenty-five hundred bona fide members. 59506

(2) The holder of a D-5k permit may sell beer and any 59507
intoxicating liquor at retail, only by the individual drink in 59508
glass and from the container, on the premises where sold. 59509

(3) The holder of a D-5k permit shall sell no beer or 59510
intoxicating liquor for consumption on the premises where sold 59511
after one a.m. 59512

(4) A D-5k permit shall not be transferred to another 59513
location. 59514

(5) No quota restrictions shall be placed on the number of 59515
D-5k permits that may be issued. 59516

(6) The fee for the D-5k permit is one thousand eight hundred 59517
seventy-five dollars. 59518

(L)(1) Permit D-5l may be issued to the owner or the operator 59519
of a retail food establishment or a food service operation 59520
licensed under Chapter 3717. of the Revised Code to sell beer and 59521
intoxicating liquor at retail, only by the individual drink in 59522
glass and from the container, for consumption on the premises 59523
where sold and to sell beer and intoxicating liquor in the same 59524
manner and amounts not for consumption on the premises where sold 59525
as may be sold by the holders of D-1 and D-2 permits. The holder 59526
of a D-5l permit may exercise the same privileges, and shall 59527
observe the same hours of operation, as the holder of a D-5 59528
permit. 59529

(2) The D-5l permit shall be issued only to a premises that 59530
has gross annual receipts from the sale of food and meals that 59531
constitute not less than seventy-five per cent of its total gross 59532
annual receipts, that is located within a revitalization district 59533
that is designated under section 4301.81 of the Revised Code, that 59534
is located in a municipal corporation or township in which the 59535

number of D-5 permits issued equals or exceeds the number of those 59536
permits that may be issued in that municipal corporation or 59537
township under section 4303.29 of the Revised Code, and that is 59538
located in a county with a population of one hundred twenty-five 59539
thousand or less according to the population estimates certified 59540
by the department of development for calendar year 2006. 59541

59542

(3) The location of a D-5l permit may be transferred only 59543
within the geographic boundaries of the revitalization district in 59544
which it was issued and shall not be transferred outside the 59545
geographic boundaries of that district. 59546

(4) Not more than one D-5l permit shall be issued within each 59547
revitalization district for each five acres of land located within 59548
the district. Not more than five D-5l permits may be issued within 59549
a single revitalization district. Except as otherwise provided in 59550
division (L)(4) of this section, no quota restrictions shall be 59551
placed upon the number of D-5l permits that may be issued. 59552

(5) The fee for a D-5l permit is two thousand three hundred 59553
forty-four dollars. 59554

(M) Permit D-5m may be issued to either the owner or the 59555
operator of a retail food establishment or food service operation 59556
licensed under Chapter 3717. of the Revised Code that operates as 59557
a restaurant for purposes of this chapter and that is located in, 59558
or affiliated with, a center for the preservation of wild animals 59559
as defined in section 4301.404 of the Revised Code, to sell beer 59560
and any intoxicating liquor at retail, only by the glass and from 59561
the container, for consumption on the premises where sold, and to 59562
sell the same products in the same manner and amounts not for 59563
consumption on the premises as may be sold by the holders of D-1 59564
and D-2 permits. In addition to the privileges authorized by this 59565
division, the holder of a D-5m permit may exercise the same 59566
privileges as the holder of a D-5 permit. 59567

A D-5m permit shall not be transferred to another location. 59568
No quota restrictions shall be placed on the number of D-5m 59569
permits that may be issued. The fee for a permit D-5m is two 59570
thousand three hundred forty-four dollars. 59571

Sec. 4303.182. (A) Except as otherwise provided in divisions 59572
(B) to (J) of this section, permit D-6 shall be issued to the 59573
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 59574
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 59575
D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit 59576
between the hours of ten a.m. and midnight, or between the hours 59577
of one p.m. and midnight, on Sunday, as applicable, if that sale 59578
has been authorized under section 4301.361, 4301.364, 4301.365, or 59579
4301.366 of the Revised Code and under the restrictions of that 59580
authorization. 59581

(B) Permit D-6 shall be issued to the holder of any permit, 59582
including a D-4a and D-5d permit, authorizing the sale of 59583
intoxicating liquor issued for a premises located at any publicly 59584
owned airport, as defined in section 4563.01 of the Revised Code, 59585
at which commercial airline companies operate regularly scheduled 59586
flights on which space is available to the public, to allow sale 59587
under such permit between the hours of ten a.m. and midnight on 59588
Sunday, whether or not that sale has been authorized under section 59589
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 59590

(C) Permit D-6 shall be issued to the holder of a D-5a 59591
permit, and to the holder of a D-3 or D-3a permit who is the owner 59592
or operator of a hotel or motel that is required to be licensed 59593
under section 3731.03 of the Revised Code, that contains at least 59594
fifty rooms for registered transient guests, and that has on its 59595
premises a retail food establishment or a food service operation 59596
licensed pursuant to Chapter 3717. of the Revised Code that 59597
operates as a restaurant for purposes of this chapter and is 59598

affiliated with the hotel or motel and within or contiguous to the 59599
hotel or motel and serving food within the hotel or motel, to 59600
allow sale under such permit between the hours of ten a.m. and 59601
midnight on Sunday, whether or not that sale has been authorized 59602
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 59603
Revised Code. 59604

(D) The holder of a D-6 permit that is issued to a sports 59605
facility may make sales under the permit between the hours of 59606
eleven a.m. and midnight on any Sunday on which a professional 59607
baseball, basketball, football, hockey, or soccer game is being 59608
played at the sports facility. As used in this division, "sports 59609
facility" means a stadium or arena that has a seating capacity of 59610
at least four thousand and that is owned or leased by a 59611
professional baseball, basketball, football, hockey, or soccer 59612
franchise or any combination of those franchises. 59613

(E) Permit D-6 shall be issued to the holder of any permit 59614
that authorizes the sale of beer or intoxicating liquor and that 59615
is issued to a premises located in or at the Ohio historical 59616
society area or the state fairgrounds, as defined in division (B) 59617
of section 4301.40 of the Revised Code, to allow sale under that 59618
permit between the hours of ten a.m. and midnight on Sunday, 59619
whether or not that sale has been authorized under section 59620
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 59621

(F) Permit D-6 shall be issued to the holder of any permit 59622
that authorizes the sale of intoxicating liquor and that is issued 59623
to an outdoor performing arts center to allow sale under that 59624
permit between the hours of one p.m. and midnight on Sunday, 59625
whether or not that sale has been authorized under section 59626
4301.361 of the Revised Code. A D-6 permit issued under this 59627
division is subject to the results of an election, held after the 59628
D-6 permit is issued, on question (B)(4) as set forth in section 59629
4301.351 of the Revised Code. Following the end of the period 59630

during which an election may be held on question (B)(4) as set 59631
forth in that section, sales of intoxicating liquor may continue 59632
at an outdoor performing arts center under a D-6 permit issued 59633
under this division, unless an election on that question is held 59634
during the permitted period and a majority of the voters voting in 59635
the precinct on that question vote "no." 59636

As used in this division, "outdoor performing arts center" 59637
means an outdoor performing arts center that is located on not 59638
less than eight hundred acres of land and that is open for 59639
performances from the first day of April to the last day of 59640
October of each year. 59641

(G) Permit D-6 shall be issued to the holder of any permit 59642
that authorizes the sale of beer or intoxicating liquor and that 59643
is issued to a golf course owned by the state, a conservancy 59644
district, a park district created under Chapter 1545. of the 59645
Revised Code, or another political subdivision to allow sale under 59646
that permit between the hours of ten a.m. and midnight on Sunday, 59647
whether or not that sale has been authorized under section 59648
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 59649

(H) Permit D-6 shall be issued to the holder of a D-5g permit 59650
to allow sale under that permit between the hours of ten a.m. and 59651
midnight on Sunday, whether or not that sale has been authorized 59652
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 59653
Revised Code. 59654

(I) Permit D-6 shall be issued to the holder of any D permit 59655
for a premises that is licensed under Chapter 3717. of the Revised 59656
Code and that is located at a ski area to allow sale under the D-6 59657
permit between the hours of ten a.m. and midnight on Sunday, 59658
whether or not that sale has been authorized under section 59659
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 59660

As used in this division, "ski area" means a ski area as 59661

defined in section 4169.01 of the Revised Code, provided that the 59662
passenger tramway operator at that area is registered under 59663
section 4169.03 of the Revised Code. 59664

(J) Permit D-6 shall be issued to the holder of ~~a D-5j~~ any 59665
permit that is described in division (A) of this section for a 59666
permit premises that is located in a community entertainment 59667
district, as defined in section 4301.80 of the Revised Code, that 59668
was approved by the legislative authority of a municipal 59669
corporation under that section between October 1 and October 15, 59670
2005, to allow sale under the permit between the hours of ten a.m. 59671
and midnight on Sunday, whether or not that sale has been 59672
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 59673
of the Revised Code. 59674

(K) If the restriction to licensed premises where the sale of 59675
food and other goods and services exceeds fifty per cent of the 59676
total gross receipts of the permit holder at the premises is 59677
applicable, the division of liquor control may accept an affidavit 59678
from the permit holder to show the proportion of the permit 59679
holder's gross receipts derived from the sale of food and other 59680
goods and services. If the liquor control commission determines 59681
that affidavit to have been false, it shall revoke the permits of 59682
the permit holder at the premises concerned. 59683

(L) The fee for the D-6 permit is five hundred dollars when 59684
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 59685
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 59686
D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 59687
permit is four hundred dollars when it is issued to the holder of 59688
a C-2 permit. 59689

Sec. 4303.331. No permit holder shall purchase and import 59690
into this state any beer from any manufacturer, bottler, importer, 59691
wholesale dealer, or broker outside this state and within the 59692

United States unless and until such manufacturer, bottler, 59693
importer, wholesale dealer, or broker registers with the tax 59694
commissioner and supplies such information as the commissioner may 59695
require. 59696

The commissioner may, by rule, require any registrant to file 59697
with the commissioner a bond payable to the state in such form and 59698
amount as the commissioner prescribes with surety to the 59699
satisfaction of the tax commissioner conditioned upon the making 59700
of the report to be made to the tax commissioner and the payment 59701
to the tax commissioner of taxes levied by sections 4301.42 and 59702
4305.01 of the Revised Code, all as provided in section 4303.33 of 59703
the Revised Code. 59704

Any such manufacturer, bottler, importer, wholesale dealer, 59705
or broker shall, as a part of such registration, make the 59706
secretary of state its agent for the service of process or notice 59707
of any assessment, action, or proceedings instituted in the state 59708
against such person under sections 4303.33, 4301.42, and 4305.01 59709
of the Revised Code. 59710

~~Such process or notice shall be served, by the officer to 59711
whom it is directed or by the tax commissioner, or by the sheriff 59712
of Franklin county, who may be deputized for such purpose by the 59713
officer to whom the service is directed, upon the secretary of 59714
state by leaving at the office of the secretary of state, at least 59715
fifteen days before the return day of such process or notice, a 59716
true and attested copy thereof, and by sending to the defendant by 59717
certified mail, postage prepaid, a like and true attested copy, 59718
with an endorsement thereon of the service upon the secretary of 59719
state, addressed to such defendant at the address listed in the 59720
registration or at the defendant's last known address in 59721
accordance with section 5703.37 of the Revised Code. 59722~~

Any B-1 permit holder who purchases beer from any 59723
manufacturer, bottler, importer, wholesale dealer, or broker 59724

outside this state and within the United States who has not 59725
registered with the tax commissioner and filed a bond as provided 59726
in this section shall be liable for any tax due on any beer 59727
purchased from such unregistered manufacturer, bottler, importer, 59728
wholesale dealer, or broker and shall be subject to any penalties 59729
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 59730
Code. 59731

Any B-1 permit holder who purchases beer from any 59732
manufacturer, bottler, importer, wholesale dealer, or broker 59733
outside this state and within the United States who has complied 59734
with this section shall not be liable for any tax due to the state 59735
on any beer purchased from any such manufacturer, bottler, 59736
importer, wholesale dealer, or broker. 59737

All money collected by the tax commissioner under this 59738
section shall be paid to the treasurer of state as revenue arising 59739
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 59740
4305.01 of the Revised Code. 59741

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 59742
referred to in division (O) of section 4503.04, division (E) of 59743
section 4503.042, division (B) of section 4503.07, division (C)(1) 59744
of section 4503.10, division (D) of section 4503.182, division (A) 59745
of section 4503.19, division (D)(2) of section 4507.24, division 59746
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 59747
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 59748
of the Revised Code, and the taxes charged in section 4503.65 that 59749
are distributed in accordance with division (A)(2) of section 59750
4501.044 of the Revised Code unless otherwise designated by law, 59751
shall be deposited in the state treasury to the credit of the 59752
state highway safety fund, which is hereby created, and shall, 59753
after receipt of certifications from the commissioners of the 59754
sinking fund certifying, as required by sections 5528.15 and 59755

5528.35 of the Revised Code, that there are sufficient moneys to 59756
the credit of the highway improvement bond retirement fund created 59757
by section 5528.12 of the Revised Code to meet in full all 59758
payments of interest, principal, and charges for the retirement of 59759
bonds and other obligations issued pursuant to Section 2g of 59760
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 59761
of the Revised Code due and payable during the current calendar 59762
year, and that there are sufficient moneys to the credit of the 59763
highway obligations bond retirement fund created by section 59764
5528.32 of the Revised Code to meet in full all payments of 59765
interest, principal, and charges for the retirement of highway 59766
obligations issued pursuant to Section 2i of Article VIII, Ohio 59767
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 59768
due and payable during the current calendar year, be used for the 59769
purpose of enforcing and paying the expenses of administering the 59770
law relative to the registration and operation of motor vehicles 59771
on the public roads or highways. Amounts credited to the fund may 59772
also be used to pay the expenses of administering and enforcing 59773
the laws under which such fees were collected. All investment 59774
earnings of the state highway safety fund shall be credited to the 59775
fund. 59776

Sec. 4501.243. There is hereby created in the state treasury 59778
the Ohio nature preserves fund. The fund shall consist of the 59779
contributions that are paid to the registrar of motor vehicles by 59780
applicants who obtain Ohio nature preserves license plates 59781
pursuant to section 4503.563 of the Revised Code. All investment 59782
earnings of the fund shall be credited to the fund. 59783

The department of natural resources shall use the money in 59784
the fund to help finance nature preserve education, nature 59785
preserve clean-up projects, and nature preserve maintenance, 59786
protection, and restoration. 59787

Sec. 4501.271. (A)(1) A peace officer, correctional employee, 59788
or youth services employee may file a written request with the 59789
bureau of motor vehicles to do either or both of the following: 59790
59791

(a) Prohibit disclosure of the officer's or employee's 59792
residence address as contained in motor vehicle records of the 59793
bureau; 59794

(b) Provide a business address to be displayed on the 59795
officer's or employee's driver's license or certificate of 59796
registration, or both. 59797

(2) The officer or employee shall file the request described 59798
in division (A)(1) of this section on a form provided by the 59799
registrar of motor vehicles and shall provide any documentary 59800
evidence verifying the person's status as a peace officer, 59801
correctional employee, or youth services employee and the 59802
officer's or employee's business address that the registrar 59803
requires pursuant to division (G) of this section. 59804

(B)(1) Except as provided in division (C) of this section, if 59805
a peace officer, correctional employee, or youth services employee 59806
has filed a request under division (A) of this section, neither 59807
the registrar nor an employee or contractor of the bureau of motor 59808
vehicles shall knowingly disclose the residence address of the 59809
officer or employee that the bureau obtained in connection with a 59810
motor vehicle record. 59811

(2) In accordance with section 149.43 of the Revised Code, 59812
the registrar or an employee or contractor of the bureau shall 59813
make available for inspection or copying a motor vehicle record of 59814
a peace officer, correctional employee, or youth services employee 59815
who has filed a request under division (A) of this section if the 59816
record is a public record under that section, but shall obliterate 59817
the residence address of the officer or employee from the record 59818

before making the record available for inspection or copying. The 59819
business address of the officer or employee may be made available 59820
in response to a valid request under section 149.43 of the Revised 59821
Code. 59822

(C) Notwithstanding division (B)(2) of section 4501.27 of the 59823
Revised Code, the registrar or an employee or contractor of the 59824
bureau may disclose the residence address of a peace officer, 59825
correctional employee, or youth services employee who files a 59826
request under division (A) of this section only in accordance with 59827
division (B)(1) of section 4501.27 of the Revised Code or pursuant 59828
to a court order. 59829

(D) If a peace officer, correctional employee, or youth 59830
services employee files a request under division (A)(1)(b) of this 59831
section, the officer shall still provide a residence address in 59832
any application for a driver's license or license renewal and in 59833
any application for a motor vehicle registration or registration 59834
renewal. In accordance with sections 4503.101 and 4507.09 of the 59835
Revised Code, an officer or employee shall notify the registrar of 59836
any change in the officer's or employee's residence within ten 59837
days after the change occurs. 59838

(E) A certificate of registration issued to a peace officer, 59839
correctional employee, or youth services employee who files a 59840
request under division (A)(1)(b) of this section shall display the 59841
business address of the officer. Notwithstanding section 4507.13 59842
of the Revised Code, a driver's license issued to an officer or 59843
employee who files a request under division (A)(1)(b) of this 59844
section shall display the business address of the officer or 59845
employee. 59846

(F) The registrar may utilize the residence address of a 59847
peace officer, correctional employee, or youth services employee 59848
who files a request under division (A)(1)(b) of this section in 59849
carrying out the functions of the bureau of motor vehicles, 59850

including determining the district of registration for any 59851
applicable motor vehicle tax levied under Chapter 4504. of the 59852
Revised Code, determining whether tailpipe emissions inspections 59853
are required, and financial responsibility verification. 59854

(G) The registrar shall adopt rules governing a request for 59855
confidentiality of a peace officer's, correctional employee's, or 59856
youth services employee's residence address or use of a business 59857
address, including the documentary evidence required to verify the 59858
person's status as a peace officer, correctional employee, or 59859
youth services employee, the length of time that the request will 59860
be valid, procedures for ensuring that the bureau of motor 59861
vehicles receives notice of any change in a person's status as a 59862
peace officer, correctional employee, or youth services employee, 59863
and any other procedures the registrar considers necessary. The 59864
rules of the registrar may require an officer or employee to 59865
surrender any certificate of registration and any driver's license 59866
bearing the business address of the officer or employee and, upon 59867
payment of any applicable fees, to receive a certificate of 59868
registration and license bearing the officer's or employee's 59869
residence address, whenever the officer or employee no longer is 59870
associated with that business address. 59871

(H) As used in this section: 59872

(1) "Motor vehicle record" has the same meaning as in section 59873
4501.27 of the Revised Code. 59874

(2) "Peace officer" means those persons described in division 59875
(A)(1), (2), (4), (5), (6), (9), (10), (12), ~~or~~ (13), or (15) of 59876
section 109.71 of the Revised Code, an officer, agent, or employee 59877
of the state or any of its agencies, instrumentalities, or 59878
political subdivisions, upon whom, by statute, a duty to conserve 59879
the peace or to enforce all or certain laws is imposed and the 59880
authority to arrest violators is conferred, within the limits of 59881
that statutory duty and authority, an investigator of the bureau 59882

of criminal identification and investigation as defined in section 2903.11 of the Revised Code, the house sergeant at arms appointed under division (B)(1) of section 101.311 of the Revised Code, and any assistant sergeant at arms appointed under division (C)(1) of section 101.311 of the Revised Code. "Peace officer" includes state highway patrol troopers but does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

(3) "Correctional employee" and "youth services employee" have the same meanings as in section 149.43 of the Revised Code.

Sec. 4501.29. The department of administrative services shall collect user fees from participants in the multi-agency radio communications system (MARCS). The director of administrative services, with the advice of the MARCS steering committee and the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall be collected. All moneys from user fees shall be deposited in the MARCS administration fund, which is hereby created in the state treasury. All investment earnings on moneys in the fund shall be credited to the fund.

Sec. 4503.068. On or before the second Monday in September of each year, the county treasurer shall total the amount by which the manufactured home taxes levied in that year were reduced pursuant to section 4503.065 of the Revised Code, and certify that amount to the tax commissioner. Within ninety days of the receipt of the certification, the commissioner shall ~~certify that amount to the director of budget and management and the director shall make two payments from the general revenue fund in favor of the county treasurer. One shall be in the full amount by which taxes were reduced. The other shall be in an amount equal to two per~~

~~cent of such amount and shall be a payment provide for payment to~~ 59914
~~the county treasurer, from the general revenue fund, of the amount~~ 59915
~~certified, which shall be credited upon receipt to the county's~~ 59916
~~undivided income tax fund, and an amount equal to two per cent of~~ 59917
~~the amount by which taxes were reduced, which shall be credited~~ 59918
~~upon receipt to the county general fund as a payment, in addition~~ 59919
~~to the fees and charges authorized by sections 319.54 and 321.26~~ 59920
~~of the Revised Code, to the county auditor and county treasurer~~ 59921
for the costs of administering sections 4503.064 to 4503.069 of 59922
the Revised Code. 59923

Immediately upon receipt of ~~the payment in the full amount by~~ 59924
~~which taxes were reduced, the full amount of the payment shall be~~ 59925
~~distributed funds into the county undivided income tax fund under~~ 59926
~~this section, the county auditor shall distribute the full amount~~ 59927
~~thereof~~ among the taxing districts in the county as though it had 59928
been received as taxes under section 4503.06 of the Revised Code 59929
from each person for whom taxes were reduced under section 59930
4503.065 of the Revised Code. 59931

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 59932
motorcycle, and all-purpose vehicle required to be registered 59933
under section 4519.02 of the Revised Code shall file an 59934
application for registration under section 4519.03 of the Revised 59935
Code. The owner of a motor vehicle, other than a snowmobile, 59936
off-highway motorcycle, or all-purpose vehicle, that is not 59937
designed and constructed by the manufacturer for operation on a 59938
street or highway may not register it under this chapter except 59939
upon certification of inspection pursuant to section 4513.02 of 59940
the Revised Code by the sheriff, or the chief of police of the 59941
municipal corporation or township, with jurisdiction over the 59942
political subdivision in which the owner of the motor vehicle 59943
resides. Except as provided in section 4503.103 of the Revised 59944
Code, every owner of every other motor vehicle not previously 59945

described in this section and every person mentioned as owner in 59946
the last certificate of title of a motor vehicle that is operated 59947
or driven upon the public roads or highways shall cause to be 59948
filed each year, by mail or otherwise, in the office of the 59949
registrar of motor vehicles or a deputy registrar, a written or 59950
electronic application or a preprinted registration renewal notice 59951
issued under section 4503.102 of the Revised Code, the form of 59952
which shall be prescribed by the registrar, for registration for 59953
the following registration year, which shall begin on the first 59954
day of January of every calendar year and end on the thirty-first 59955
day of December in the same year. Applications for registration 59956
and registration renewal notices shall be filed at the times 59957
established by the registrar pursuant to section 4503.101 of the 59958
Revised Code. A motor vehicle owner also may elect to apply for or 59959
renew a motor vehicle registration by electronic means using 59960
electronic signature in accordance with rules adopted by the 59961
registrar. Except as provided in division (J) of this section, 59962
applications for registration shall be made on blanks furnished by 59963
the registrar for that purpose, containing the following 59964
information: 59965

(1) A brief description of the motor vehicle to be 59966
registered, including the year, make, model, and vehicle 59967
identification number, and, in the case of commercial cars, the 59968
gross weight of the vehicle fully equipped computed in the manner 59969
prescribed in section 4503.08 of the Revised Code; 59970

(2) The name and residence address of the owner, and the 59971
township and municipal corporation in which the owner resides; 59972

(3) The district of registration, which shall be determined 59973
as follows: 59974

(a) In case the motor vehicle to be registered is used for 59975
hire or principally in connection with any established business or 59976
branch business, conducted at a particular place, the district of 59977

registration is the municipal corporation in which that place is 59978
located or, if not located in any municipal corporation, the 59979
county and township in which that place is located. 59980

(b) In case the vehicle is not so used, the district of 59981
registration is the municipal corporation or county in which the 59982
owner resides at the time of making the application. 59983

(4) Whether the motor vehicle is a new or used motor vehicle; 59984

(5) The date of purchase of the motor vehicle; 59985

(6) Whether the fees required to be paid for the registration 59986
or transfer of the motor vehicle, during the preceding 59987
registration year and during the preceding period of the current 59988
registration year, have been paid. Each application for 59989
registration shall be signed by the owner, either manually or by 59990
electronic signature, or pursuant to obtaining a limited power of 59991
attorney authorized by the registrar for registration, or other 59992
document authorizing such signature. If the owner elects to apply 59993
for or renew the motor vehicle registration with the registrar by 59994
electronic means, the owner's manual signature is not required. 59995

(7) The owner's social security number, driver's license 59996
number, or state identification number, or, where a motor vehicle 59997
to be registered is used for hire or principally in connection 59998
with any established business, the owner's federal taxpayer 59999
identification number. The bureau of motor vehicles shall retain 60000
in its records all social security numbers provided under this 60001
section, but the bureau shall not place social security numbers on 60002
motor vehicle certificates of registration. 60003

(B) Except as otherwise provided in this division, each time 60004
an applicant first registers a motor vehicle in the applicant's 60005
name, the applicant shall present for inspection a physical 60006
certificate of title or memorandum certificate showing title to 60007
the motor vehicle to be registered in the name of the applicant if 60008

a physical certificate of title or memorandum certificate has been 60009
issued by a clerk of a court of common pleas. If, under sections 60010
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 60011
instead has issued an electronic certificate of title for the 60012
applicant's motor vehicle, that certificate may be presented for 60013
inspection at the time of first registration in a manner 60014
prescribed by rules adopted by the registrar. An applicant is not 60015
required to present a certificate of title to an electronic motor 60016
vehicle dealer acting as a limited authority deputy registrar in 60017
accordance with rules adopted by the registrar. When a motor 60018
vehicle inspection and maintenance program is in effect under 60019
section 3704.14 of the Revised Code and rules adopted under it, 60020
each application for registration for a vehicle required to be 60021
inspected under that section and those rules shall be accompanied 60022
by an inspection certificate for the motor vehicle issued in 60023
accordance with that section. The application shall be refused if 60024
any of the following applies: 60025

(1) The application is not in proper form. 60026

(2) The application is prohibited from being accepted by 60027
division (D) of section 2935.27, division (A) of section 2937.221, 60028
division (A) of section 4503.13, division (B) of section 4510.22, 60029
or division (B)(1) of section 4521.10 of the Revised Code. 60030

(3) A certificate of title or memorandum certificate of title 60031
is required but does not accompany the application or, in the case 60032
of an electronic certificate of title, is required but is not 60033
presented in a manner prescribed by the registrar's rules. 60034

(4) All registration and transfer fees for the motor vehicle, 60035
for the preceding year or the preceding period of the current 60036
registration year, have not been paid. 60037

(5) The owner or lessee does not have an inspection 60038
certificate for the motor vehicle as provided in section 3704.14 60039

of the Revised Code, and rules adopted under it, if that section
is applicable.

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

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

(C)(1) Except as otherwise provided in division (C)(1) of
this section, for each registration renewal with an expiration
date on or after October 1, 2003, and for each initial application

for registration received on and after that date, the registrar 60072
and each deputy registrar shall collect an additional fee of 60073
eleven dollars for each application for registration and 60074
registration renewal received. For vehicles specified in divisions 60075
(A)(1) to (21) of section 4503.042 of the Revised Code, commencing 60076
with each registration renewal with an expiration date on or after 60077
October 1, 2009, and for each initial application received on or 60078
after that date, the registrar and deputy registrar shall collect 60079
an additional fee of thirty dollars for each application for 60080
registration and registration renewal received. The additional fee 60081
is for the purpose of defraying the department of public safety's 60082
costs associated with the administration and enforcement of the 60083
motor vehicle and traffic laws of Ohio. Each deputy registrar 60084
shall transmit the fees collected under division (C)(1) of this 60085
section in the time and manner provided in this section. The 60086
registrar shall deposit all moneys received under division (C)(1) 60087
of this section into the state highway safety fund established in 60088
section 4501.06 of the Revised Code. 60089

60090

(2) In addition, a charge of twenty-five cents shall be made 60091
for each reflectorized safety license plate issued, and a single 60092
charge of twenty-five cents shall be made for each county 60093
identification sticker or each set of county identification 60094
stickers issued, as the case may be, to cover the cost of 60095
producing the license plates and stickers, including material, 60096
manufacturing, and administrative costs. Those fees shall be in 60097
addition to the license tax. If the total cost of producing the 60098
plates is less than twenty-five cents per plate, or if the total 60099
cost of producing the stickers is less than twenty-five cents per 60100
sticker or per set issued, any excess moneys accruing from the 60101
fees shall be distributed in the same manner as provided by 60102
section 4501.04 of the Revised Code for the distribution of 60103
license tax moneys. If the total cost of producing the plates 60104

exceeds twenty-five cents per plate, or if the total cost of 60105
producing the stickers exceeds twenty-five cents per sticker or 60106
per set issued, the difference shall be paid from the license tax 60107
moneys collected pursuant to section 4503.02 of the Revised Code. 60108

(D) Each deputy registrar shall be allowed a fee of three 60109
dollars and fifty cents for each application for registration and 60110
registration renewal notice the deputy registrar receives, which 60111
shall be for the purpose of compensating the deputy registrar for 60112
the deputy registrar's services, and such office and rental 60113
expenses, as may be necessary for the proper discharge of the 60114
deputy registrar's duties in the receiving of applications and 60115
renewal notices and the issuing of registrations. 60116

(E) Upon the certification of the registrar, the county 60117
sheriff or local police officials shall recover license plates 60118
erroneously or fraudulently issued. 60119

(F) Each deputy registrar, upon receipt of any application 60120
for registration or registration renewal notice, together with the 60121
license fee and any local motor vehicle license tax levied 60122
pursuant to Chapter 4504. of the Revised Code, shall transmit that 60123
fee and tax, if any, in the manner provided in this section, 60124
together with the original and duplicate copy of the application, 60125
to the registrar. The registrar, subject to the approval of the 60126
director of public safety, may deposit the funds collected by 60127
those deputies in a local bank or depository to the credit of the 60128
"state of Ohio, bureau of motor vehicles." Where a local bank or 60129
depository has been designated by the registrar, each deputy 60130
registrar shall deposit all moneys collected by the deputy 60131
registrar into that bank or depository not more than one business 60132
day after their collection and shall make reports to the registrar 60133
of the amounts so deposited, together with any other information, 60134
some of which may be prescribed by the treasurer of state, as the 60135
registrar may require and as prescribed by the registrar by rule. 60136

The registrar, within three days after receipt of notification of 60137
the deposit of funds by a deputy registrar in a local bank or 60138
depository, shall draw on that account in favor of the treasurer 60139
of state. The registrar, subject to the approval of the director 60140
and the treasurer of state, may make reasonable rules necessary 60141
for the prompt transmittal of fees and for safeguarding the 60142
interests of the state and of counties, townships, municipal 60143
corporations, and transportation improvement districts levying 60144
local motor vehicle license taxes. The registrar may pay service 60145
charges usually collected by banks and depositories for such 60146
service. If deputy registrars are located in communities where 60147
banking facilities are not available, they shall transmit the fees 60148
forthwith, by money order or otherwise, as the registrar, by rule 60149
approved by the director and the treasurer of state, may 60150
prescribe. The registrar may pay the usual and customary fees for 60151
such service. 60152

(G) This section does not prevent any person from making an 60153
application for a motor vehicle license directly to the registrar 60154
by mail, by electronic means, or in person at any of the 60155
registrar's offices, upon payment of a service fee of three 60156
dollars and fifty cents for each application. 60157

(H) No person shall make a false statement as to the district 60158
of registration in an application required by division (A) of this 60159
section. Violation of this division is falsification under section 60160
2921.13 of the Revised Code and punishable as specified in that 60161
section. 60162

(I)(1) Where applicable, the requirements of division (B) of 60163
this section relating to the presentation of an inspection 60164
certificate issued under section 3704.14 of the Revised Code and 60165
rules adopted under it for a motor vehicle, the refusal of a 60166
license for failure to present an inspection certificate, and the 60167
stamping of the inspection certificate by the official issuing the 60168

certificate of registration apply to the registration of and 60169
issuance of license plates for a motor vehicle under sections 60170
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 60171
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 60172
4503.47, and 4503.51 of the Revised Code. 60173

(2)(a) The registrar shall adopt rules ensuring that each 60174
owner registering a motor vehicle in a county where a motor 60175
vehicle inspection and maintenance program is in effect under 60176
section 3704.14 of the Revised Code and rules adopted under it 60177
receives information about the requirements established in that 60178
section and those rules and about the need in those counties to 60179
present an inspection certificate with an application for 60180
registration or preregistration. 60181

(b) Upon request, the registrar shall provide the director of 60182
environmental protection, or any person that has been awarded a 60183
contract under ~~division (D)~~ of section 3704.14 of the Revised 60184
Code, an on-line computer data link to registration information 60185
for all passenger cars, noncommercial motor vehicles, and 60186
commercial cars that are subject to that section. The registrar 60187
also shall provide to the director of environmental protection a 60188
magnetic data tape containing registration information regarding 60189
passenger cars, noncommercial motor vehicles, and commercial cars 60190
for which a multi-year registration is in effect under section 60191
4503.103 of the Revised Code or rules adopted under it, including, 60192
without limitation, the date of issuance of the multi-year 60193
registration, the registration deadline established under rules 60194
adopted under section 4503.101 of the Revised Code that was 60195
applicable in the year in which the multi-year registration was 60196
issued, and the registration deadline for renewal of the 60197
multi-year registration. 60198

(J) ~~Application~~ Subject to division (K) of this section, 60199
application for registration under the international registration 60200

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

(1) A uniform mileage schedule;

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

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

(K) The registrar shall determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct electronic transactions by July 1, 2010, or sooner. If the registrar determines that implementing such a program is feasible, the registrar shall adopt new rules under this division or amend existing rules adopted under this division as necessary in order to respond to advances in technology.

If international registration plan guidelines and provisions allow member jurisdictions to permit applications for registrations under the international registration plan to be made via the internet, the rules the registrar adopts under this division shall permit such action.

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles may adopt rules to permit any person or lessee, other than a person receiving an apportioned license plate under the international registration plan, who owns or leases one or more motor vehicles to file a written application for registration for no more than five succeeding registration years. The rules adopted

by the registrar may designate the classes of motor vehicles that 60231
are eligible for such registration. At the time of application, 60232
all annual taxes and fees shall be paid for each year for which 60233
the person is registering. 60234

(ii) Not later than October 1, 2009, the registrar shall 60235
adopt rules to permit any person or lessee who owns or leases ~~two~~ 60236
~~or more trailers~~ a trailer or ~~semitrailers~~ semitrailer that ~~are~~ is 60237
subject to the tax rates prescribed in section 4503.042 of the 60238
Revised Code for such trailers or semitrailers to file a written 60239
application for registration for not more than five succeeding 60240
registration years. At the time of application, all annual taxes 60241
and fees shall be paid for each year for which the person is 60242
registering. 60243

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 60244
section, the registrar shall adopt rules to permit any person who 60245
owns a motor vehicle to file an application for registration for 60246
the next two succeeding registration years. At the time of 60247
application, the person shall pay the annual taxes and fees for 60248
each registration year, calculated in accordance with division (C) 60249
of section 4503.11 of the Revised Code. A person who is 60250
registering a vehicle under division (A)(1)(b) of this section 60251
shall pay for each year of registration the additional fee 60252
established under division (C)(1) of section 4503.10 of the 60253
Revised Code. The person shall also pay one and one-half times the 60254
amount of the deputy registrar service fee specified in division 60255
(D) of section 4503.10 of the Revised Code or the bureau of motor 60256
vehicles service fee specified in division (G) of that section, as 60257
applicable. 60258

(ii) Division (A)(1)(b)(i) of this section does not apply to 60259
a person receiving an apportioned license plate under the 60260
international registration plan, or the owner of a commercial car 60261
used solely in intrastate commerce, or the owner of a bus as 60262

defined in section 4513.50 of the Revised Code. 60263

(2) No person applying for a multi-year registration under 60264
division (A)(1) of this section is entitled to a refund of any 60265
taxes or fees paid. 60266

(3) The registrar shall not issue to any applicant who has 60267
been issued a final, nonappealable order under division (B) of 60268
this section a multi-year registration or renewal thereof under 60269
this division or rules adopted under it for any motor vehicle that 60270
is required to be inspected under section 3704.14 of the Revised 60271
Code the district of registration of which, as determined under 60272
section 4503.10 of the Revised Code, is or is located in the 60273
county named in the order. 60274

(B) Upon receipt from the director of environmental 60275
protection of a notice issued under rules adopted under section 60276
3704.14 of the Revised Code indicating that an owner of a motor 60277
vehicle that is required to be inspected under that section who 60278
obtained a multi-year registration for the vehicle under division 60279
(A) of this section or rules adopted under that division has not 60280
obtained a required inspection certificate for the vehicle, the 60281
registrar in accordance with Chapter 119. of the Revised Code 60282
shall issue an order to the owner impounding the certificate of 60283
registration and identification license plates for the vehicle. 60284
The order also shall prohibit the owner from obtaining or renewing 60285
a multi-year registration for any vehicle that is required to be 60286
inspected under that section, the district of registration of 60287
which is or is located in the same county as the county named in 60288
the order during the number of years after expiration of the 60289
current multi-year registration that equals the number of years 60290
for which the current multi-year registration was issued. 60291

An order issued under this division shall require the owner 60292
to surrender to the registrar the certificate of registration and 60293
license plates for the vehicle named in the order within five days 60294

after its issuance. If the owner fails to do so within that time, 60295
the registrar shall certify that fact to the county sheriff or 60296
local police officials who shall recover the certificate of 60297
registration and license plates for the vehicle. 60298

(C) Upon the occurrence of either of the following 60299
circumstances, the registrar in accordance with Chapter 119. of 60300
the Revised Code shall issue to the owner a modified order 60301
rescinding the provisions of the order issued under division (B) 60302
of this section impounding the certificate of registration and 60303
license plates for the vehicle named in that original order: 60304

(1) Receipt from the director of environmental protection of 60305
a subsequent notice under rules adopted under section 3704.14 of 60306
the Revised Code that the owner has obtained the inspection 60307
certificate for the vehicle as required under those rules; 60308

(2) Presentation to the registrar by the owner of the 60309
required inspection certificate for the vehicle. 60310

(D) The owner of a motor vehicle for which the certificate of 60311
registration and license plates have been impounded pursuant to an 60312
order issued under division (B) of this section, upon issuance of 60313
a modified order under division (C) of this section, may apply to 60314
the registrar for their return. A fee of two dollars and fifty 60315
cents shall be charged for the return of the certificate of 60316
registration and license plates for each vehicle named in the 60317
application. 60318

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 60319
application and proof of purchase of the vehicle, may be issued a 60320
temporary license placard or windshield sticker for the motor 60321
vehicle. 60322

The purchaser of a vehicle applying for a temporary license 60323
placard or windshield sticker under this section shall execute an 60324

affidavit stating that the purchaser has not been issued 60325
previously during the current registration year a license plate 60326
that could legally be transferred to the vehicle. 60327

Placards or windshield stickers shall be issued only for the 60328
applicant's use of the vehicle to enable the applicant to legally 60329
operate the motor vehicle while proper title, license plates, and 60330
a certificate of registration are being obtained, and shall be 60331
displayed on no other motor vehicle. 60332

Placards or windshield stickers issued under this section are 60333
valid for a period of thirty days from date of issuance and are 60334
not transferable or renewable. 60335

The fee for the placards or windshield stickers issued under 60336
this section is two dollars plus a service fee of three dollars 60337
and fifty cents. 60338

(B)(1) The registrar of motor vehicles may issue to a 60339
motorized bicycle dealer or a licensed motor vehicle dealer 60340
temporary license placards to be issued to purchasers for use on 60341
vehicles sold by the dealer, in accordance with rules prescribed 60342
by the registrar. The dealer shall notify the registrar, within 60343
forty-eight hours, of the issuance of a placard by electronic 60344
means via computer equipment purchased and maintained by the 60345
dealer or in any other manner prescribed by the registrar. 60346

(2) The fee for each placard issued by the registrar to a 60347
dealer is ~~fifteen~~ two dollars, ~~of which thirteen dollars shall be~~ 60348
~~deposited and used in accordance with division (D) of this~~ 60349
~~section.~~ The registrar shall charge an additional three dollars 60350
and fifty cents for each placard issued to a dealer who notifies 60351
the registrar of the issuance of the placards in a manner other 60352
than by approved electronic means. 60353

(3) When a dealer issues a temporary license placard to a 60354
purchaser, the dealer shall collect and retain the fees 60355

established under divisions (A) and (D) of this section. 60356

(C) The registrar of motor vehicles, at the registrar's 60357
discretion, may issue a temporary license placard. Such a placard 60358
may be issued in the case of extreme hardship encountered by a 60359
citizen from this state or another state who has attempted to 60360
comply with all registration laws, but for extreme circumstances 60361
is unable to properly register the citizen's vehicle. 60362

(D) In addition to the fees charged under divisions (A) and 60363
(B) of this section, commencing on October 1, 2003, the registrar 60364
and each deputy registrar shall collect a fee of five dollars and 60365
commencing on October 1, 2009, a fee of thirteen dollars, for each 60366
temporary license placard issued. The additional fee is for the 60367
purpose of defraying the department of public safety's costs 60368
associated with the administration and enforcement of the motor 60369
vehicle and traffic laws of Ohio. ~~Each~~ At the time and in the 60370
manner provided by section 4503.10 of the Revised Code, the deputy 60371
registrar shall transmit to the registrar the fees collected under 60372
~~this division in the same manner as provided for transmission of~~ 60373
~~fees collected under division (A) of this section.~~ The registrar 60374
shall deposit all moneys received under this division into the 60375
state highway safety fund established in section 4501.06 of the 60376
Revised Code. 60377

(E) The registrar shall adopt rules, in accordance with 60378
division (B) of section 111.15 of the Revised Code, to specify the 60379
procedures for reporting the information from applications for 60380
temporary license placards and windshield stickers and for 60381
providing the information from these applications to law 60382
enforcement agencies. 60383

(F) Temporary license placards issued under this section 60384
shall bear a distinctive combination of seven letters, numerals, 60385
or letters and numerals, and shall incorporate a security feature 60386
that, to the greatest degree possible, prevents tampering with any 60387

of the information that is entered upon a placard when it is 60388
issued. 60389

(G) Whoever violates division (A) of this section is guilty 60390
of a misdemeanor of the fourth degree. Whoever violates division 60391
(B) of this section is guilty of a misdemeanor of the first 60392
degree. 60393

(H) As used in this section, "motorized bicycle dealer" means 60394
any person engaged in the business of selling at retail, 60395
displaying, offering for sale, or dealing in motorized bicycles 60396
who is not subject to section 4503.09 of the Revised Code. 60397

Sec. 4503.19. (A) Upon the filing of an application for 60398
registration and the payment of the tax for registration, the 60399
registrar of motor vehicles or a deputy registrar shall determine 60400
whether the owner previously has been issued license plates for 60401
the motor vehicle described in the application. If no license 60402
plates previously have been issued to the owner for that motor 60403
vehicle, the registrar or deputy registrar shall assign to the 60404
motor vehicle a distinctive number and issue and deliver to the 60405
owner in the manner that the registrar may select a certificate of 60406
registration, in the form that the registrar shall prescribe, and, 60407
except as otherwise provided in this section, two license plates, 60408
duplicates of each other, and a validation sticker, or a 60409
validation sticker alone, to be attached to the number plates as 60410
provided in section 4503.191 of the Revised Code. The registrar or 60411
deputy registrar also shall charge the owner any fees required 60412
under division (C) of section 4503.10 of the Revised Code. 60413
Trailers, manufactured homes, mobile homes, semitrailers, the 60414
manufacturer thereof, the dealer, or in transit companies therein, 60415
shall be issued one license plate only and one validation sticker, 60416
or a validation sticker alone, and the license plate and 60417
validation sticker shall be displayed only on the rear of such 60418

vehicles. A commercial tractor that does not receive an 60419
apportioned license plate under the international registration 60420
plan shall be issued two license plates and one validation 60421
sticker, and the validation sticker shall be displayed on the 60422
front of the commercial tractor. An apportioned vehicle receiving 60423
an apportioned license plate under the international registration 60424
plan shall be issued one license plate only and one validation 60425
sticker, or a validation sticker alone; the license plate shall be 60426
displayed only on the front of a semitractor and on the rear of 60427
all other vehicles. School buses shall not be issued license 60428
plates but shall bear identifying numbers in the manner prescribed 60429
by section 4511.764 of the Revised Code. The certificate of 60430
registration and license plates and validation stickers, or 60431
validation stickers alone, shall be issued and delivered to the 60432
owner in person or by mail. Chauffeured limousines shall be issued 60433
license plates, a validation sticker, and a livery sticker as 60434
provided in section 4503.24 of the Revised Code. In the event of 60435
the loss, mutilation, or destruction of any certificate of 60436
registration, or of any license plates or validation stickers, or 60437
if the owner chooses to replace license plates previously issued 60438
for a motor vehicle, or if the registration certificate and 60439
license plates have been impounded as provided by division (B)(1) 60440
of section 4507.02 and section 4507.16 of the Revised Code, the 60441
owner of a motor vehicle, or manufacturer or dealer, may obtain 60442
from the registrar, or from a deputy registrar if authorized by 60443
the registrar, a duplicate thereof or new license plates bearing a 60444
different number, if the registrar considers it advisable, upon 60445
filing an application prescribed by the registrar, and upon paying 60446
a fee of one dollar for such certificate of registration, which 60447
one dollar fee shall be deposited into the state treasury to the 60448
credit of the state bureau of motor vehicles fund created in 60449
section 4501.25 of the Revised Code. Commencing with each request 60450

made on or after October 1, 2009, or in conjunction with 60451
replacement license plates issued for renewal registrations 60452
expiring on or after October 1, 2009, a fee of seven dollars and 60453
fifty cents for each set of two license plates, or six dollars and 60454
fifty cents for each single license plate or validation sticker 60455
shall be charged and collected, of which the registrar shall 60456
deposit five dollars and fifty cents of each seven dollar and 60457
fifty cent fee or each six dollar and fifty cent fee into the 60458
state treasury to the credit of the state highway safety fund 60459
created in section 4501.06 of the Revised Code and the remaining 60460
portion of each such fee into the state treasury to the credit of 60461
the state bureau of motor vehicles fund created in section 4501.25 60462
of the Revised Code. In addition, each applicant for a replacement 60463
certificate of registration, license plate, or validation sticker 60464
shall pay the fees provided in divisions (C) and (D) of section 60465
4503.10 of the Revised Code. 60466

~~The registrar shall pay five dollars and fifty cents of the~~ 60467
~~fee collected for each license plate or set of license plates~~ 60468
~~issued into the state highway safety fund created in section~~ 60469
~~4501.06 of the Revised Code.~~ 60470

Additionally, the registrar and each deputy registrar who 60471
either issues license plates and a validation sticker for use on 60472
any vehicle other than a commercial tractor, semitrailer, or 60473
apportioned vehicle, or who issues a validation sticker alone for 60474
use on such a vehicle and the owner has changed the owner's county 60475
of residence since the owner last was issued county identification 60476
stickers, also shall issue and deliver to the owner either one or 60477
two county identification stickers, as appropriate, which shall be 60478
attached to the license plates in a manner prescribed by the 60479
director of public safety. The county identification stickers 60480
shall identify prominently by name or number the county in which 60481
the owner of the vehicle resides at the time of registration. 60482

(B) Whoever violates this section is guilty of a minor
misdemeanor. 60483
60484

Sec. 4503.235. (A) If division (G) of section 4511.19 or 60485
division (B) of section 4511.193 of the Revised Code requires a 60486
court, as part of the sentence of an offender who is convicted of 60487
or pleads guilty to a violation of division (A) of section 4511.19 60488
of the Revised Code or as a sanction for an offender who is 60489
convicted of or pleaded guilty to a violation of a municipal OVI 60490
ordinance, to order the immobilization of a vehicle for a 60491
specified period of time, notwithstanding the requirement, the 60492
court in its discretion may determine not to order the 60493
immobilization of the vehicle if both of the following apply: 60494

(1) Prior to the issuance of the order of immobilization, a 60495
family or household member of the offender files a motion with the 60496
court identifying the vehicle and requesting that the 60497
immobilization order not be issued on the ground that the family 60498
or household member is completely dependent on the vehicle for the 60499
necessities of life and that the immobilization of the vehicle 60500
would be an undue hardship to the family or household member. 60501

(2) The court determines that the family or household member 60503
who files the motion is completely dependent on the vehicle for 60504
the necessities of life and that the immobilization of the vehicle 60505
would be an undue hardship to the family or household member. 60506

(B) If a court pursuant to division (A) of this section 60508
determines not to order the immobilization of a vehicle that 60509
otherwise would be required pursuant to division (G) of section 60510
4511.19 or division (B) of section 4511.193 of the Revised Code, 60511
the court shall issue an order that waives the immobilization that 60512
otherwise would be required pursuant to either of those divisions. 60513

The immobilization waiver order shall be in effect for the period 60514
of time for which the immobilization of the vehicle otherwise 60515
would have been required under division (G) of section 4511.19 or 60516
division (B) of section 4511.193 of the Revised Code if the 60517
immobilization waiver order had not been issued, subject to 60518
division (D) of this section. The immobilization waiver order 60519
shall specify the period of time for which it is in effect. The 60520
court shall provide a copy of an immobilization waiver order to 60521
the offender and to the family or household member of the offender 60522
who filed the motion requesting that the immobilization order not 60523
be issued and shall place a copy of the immobilization waiver 60524
order in the record in the case. The court shall impose an 60525
immobilization waiver fee in the amount of fifty dollars. The 60526
court shall determine whether the fee is to be paid by the 60527
offender or by the family or household member. The clerk of the 60528
court shall ~~transmit~~ deposit all of the fees collected during a 60529
month on or before the twenty-third day of the following month ~~to~~ 60530
into the state treasury to be credited to the county or municipal 60531
indigent drivers alcohol treatment fund under the control of that 60532
court, as created by the county or municipal corporation under 60533
division (F) of section 4511.191 of the Revised Code. 60534

(C) If a court pursuant to division (B) of this section 60536
issues an immobilization waiver order, the order shall identify 60537
the family or household member who requested the order and the 60538
vehicle to which the order applies, shall identify the family or 60539
household members who are permitted to operate the vehicle, and 60540
shall identify the offender and specify that the offender is not 60541
permitted to operate the vehicle. The immobilization waiver order 60542
shall require that the family or household member display on the 60543
vehicle to which the order applies restricted license plates that 60544
are issued under section 4503.231 of the Revised Code for the 60545
entire period for which the immobilization of the vehicle 60546

otherwise would have been required under division (G) of section 60547
4511.19 or division (B) of section 4511.193 of the Revised Code if 60548
the immobilization waiver order had not been issued. 60549

(D) A family or household member who is permitted to operate 60550
a vehicle under an immobilization waiver order issued under this 60551
section shall not permit the offender to operate the vehicle. If a 60552
family or household member who is permitted to operate a vehicle 60553
under an immobilization waiver order issued under this section 60554
permits the offender to operate the vehicle, both of the following 60555
apply: 60556

(1) The court that issued the immobilization waiver order 60557
shall terminate that order and shall issue an immobilization order 60558
in accordance with section 4503.233 of the Revised Code that 60559
applies to the vehicle, and the immobilization order shall be in 60560
effect for the remaining period of time for which the 60561
immobilization of the vehicle otherwise would have been required 60562
under division (G) of section 4511.19 or division (B) of section 60563
4511.193 of the Revised Code if the immobilization waiver order 60564
had not been issued. 60565

(2) The conduct of the family or household member in 60566
permitting the offender to operate the vehicle is a violation of 60567
section 4511.203 of the Revised Code. 60568

(E) No offender shall operate a motor vehicle subject to an 60569
immobilization waiver order. Whoever violates this division is 60570
guilty of operating a motor vehicle in violation of an 60571
immobilization waiver, a misdemeanor of the first degree. 60572

(F) "Family or household member" has the same meaning as in 60573
section 2919.25 of the Revised Code, except that the person must 60574
be currently residing with the offender. 60575

Sec. 4503.40. The For each registration renewal with an 60576

expiration date before October 1, 2009, and for each initial 60577
application for registration received before that date the 60578
registrar of motor vehicles shall be allowed a fee not to exceed 60579
ten dollars, and for each registration renewal with an expiration 60580
date on or after October 1, 2009, and for each initial application 60581
for registration received on or after that date the registrar of 60582
~~motor vehicles~~ shall be allowed a fee of twenty-five dollars, for 60583
each application received by the registrar for special state 60584
reserved license plate numbers and the issuing of such licenses, 60585
and validation stickers, in the several series as the registrar 60586
may designate. The fee shall be in addition to the license tax 60587
established by this chapter and, where applicable, Chapter 4504. 60588
of the Revised Code. Seven dollars and fifty cents of the fee 60589
shall be for the purpose of compensating the bureau of motor 60590
vehicles for additional services required in the issuing of such 60591
licenses, and the remaining ~~seventeen dollars and fifty cents~~ 60592
portion of the fee shall be deposited by the registrar into the 60593
state treasury to the credit of the state highway safety fund 60594
created by section 4501.06 of the Revised Code. The types of motor 60595
vehicles for which special state reserved license plates may be 60596
issued in accordance with this section shall include at least 60597
motorcycles, buses, passenger cars, and noncommercial motor 60598
vehicles. 60599

Sec. 4503.42. ~~The~~ For each registration renewal with an 60600
expiration date before October 1, 2009, and for each initial 60601
application for registration received before that date the 60602
registrar of motor vehicles shall be allowed a fee not to exceed 60603
thirty-five dollars, and for each registration renewal with an 60604
expiration date on or after October 1, 2009, and for each initial 60605
application for registration received on or after that date the 60606
~~registrar of motor vehicles~~ shall be allowed a fee of fifty 60607
dollars, which shall be in addition to the regular license fee for 60608

tags as prescribed under section 4503.04 of the Revised Code and 60609
any tax levied under section 4504.02 or 4504.06 of the Revised 60610
Code, for each application received by the registrar for special 60611
reserved license plate numbers containing more than three letters 60612
or numerals, and the issuing of such licenses and validation 60613
stickers in the several series as the registrar may designate. 60614
Five dollars of the fee shall be for the purpose of compensating 60615
the bureau of motor vehicles for additional services required in 60616
the issuing of such licenses and validation stickers, and the 60617
remaining ~~forty five dollars~~ portion of the fee shall be deposited 60618
by the registrar into the state treasury to the credit of the 60619
state highway safety fund created by section 4501.06 of the 60620
Revised Code. 60621

This section does not apply to the issuance of reserved 60622
license plates as authorized by sections 4503.14, 4503.15, and 60623
4503.40 of the Revised Code. The types of motor vehicles for which 60624
license plate numbers containing more than three letters or 60625
numerals may be issued in accordance with this section shall 60626
include at least buses, passenger cars, and noncommercial motor 60627
vehicles. 60628

Sec. 4503.44. (A) As used in this section and in section 60629
4511.69 of the Revised Code: 60630

(1) "Person with a disability that limits or impairs the 60631
ability to walk" means any person who, as determined by a health 60632
care provider, meets any of the following criteria: 60633

(a) Cannot walk two hundred feet without stopping to rest; 60634

(b) Cannot walk without the use of, or assistance from, a 60635
brace, cane, crutch, another person, prosthetic device, 60636
wheelchair, or other assistive device; 60637

(c) Is restricted by a lung disease to such an extent that 60638

the person's forced (respiratory) expiratory volume for one 60639
second, when measured by spirometry, is less than one liter, or 60640
the arterial oxygen tension is less than sixty millimeters of 60641
mercury on room air at rest; 60642

(d) Uses portable oxygen; 60643

(e) Has a cardiac condition to the extent that the person's 60644
functional limitations are classified in severity as class III or 60645
class IV according to standards set by the American heart 60646
association; 60647

(f) Is severely limited in the ability to walk due to an 60648
arthritic, neurological, or orthopedic condition; 60649

(g) Is blind. 60650

(2) "Organization" means any private organization or 60651
corporation, or any governmental board, agency, department, 60652
division, or office, that, as part of its business or program, 60653
transports persons with disabilities that limit or impair the 60654
ability to walk on a regular basis in a motor vehicle that has not 60655
been altered for the purpose of providing it with special 60656
equipment for use by handicapped persons. This definition does not 60657
apply to division (J) of this section. 60658

(3) "Health care provider" means a physician, physician 60659
assistant, advanced practice nurse, or chiropractor as defined in 60660
this section. 60661

(4) "Physician" means a person licensed to practice medicine 60662
or surgery or osteopathic medicine and surgery under Chapter 4731. 60663
of the Revised Code. 60664

(5) "Chiropractor" means a person licensed to practice 60665
chiropractic under Chapter 4734. of the Revised Code. 60666

(6) "Advanced practice nurse" means any certified nurse 60667
practitioner, clinical nurse specialist, certified registered 60668

nurse anesthetist, or certified nurse-midwife who holds a 60669
certificate of authority issued by the board of nursing under 60670
Chapter 4723. of the Revised Code. 60671

(7) "Physician assistant" means a person who holds a 60672
certificate to practice as a physician assistant issued under 60673
Chapter 4730. of the Revised Code. 60674

(B) Any organization or person with a disability that limits 60675
or impairs the ability to walk may apply to the registrar of motor 60676
vehicles for a removable windshield placard or, if the person owns 60677
or leases a motor vehicle, the person may apply for the 60678
registration of any motor vehicle the person owns or leases. In 60679
addition to one or more sets of license plates or one placard, a 60680
person with a disability that limits or impairs the ability to 60681
walk is entitled to one additional placard, but only if the person 60682
applies separately for the additional placard, states the reasons 60683
why the additional placard is needed, and the registrar, in the 60684
registrar's discretion, determines that good and justifiable cause 60685
exists to approve the request for the additional placard. When a 60686
motor vehicle has been altered for the purpose of providing it 60687
with special equipment for a person with a disability that limits 60688
or impairs the ability to walk, but is owned or leased by someone 60689
other than such a person, the owner or lessee may apply to the 60690
registrar or a deputy registrar for registration under this 60691
section. The application for registration of a motor vehicle owned 60692
or leased by a person with a disability that limits or impairs the 60693
ability to walk shall be accompanied by a signed statement from 60694
the applicant's health care provider certifying that the applicant 60695
meets at least one of the criteria contained in division (A)(1) of 60696
this section and that the disability is expected to continue for 60697
more than six consecutive months. The application for a removable 60698
windshield placard made by a person with a disability that limits 60699
or impairs the ability to walk shall be accompanied by a 60700

prescription from the applicant's health care provider prescribing 60701
such a placard for the applicant, provided that the applicant 60702
meets at least one of the criteria contained in division (A)(1) of 60703
this section. The health care provider shall state on the 60704
prescription the length of time the health care provider expects 60705
the applicant to have the disability that limits or impairs the 60706
applicant's ability to walk. The application for a removable 60707
windshield placard made by an organization shall be accompanied by 60708
such documentary evidence of regular transport of persons with 60709
disabilities that limit or impair the ability to walk by the 60710
organization as the registrar may require by rule and shall be 60711
completed in accordance with procedures that the registrar may 60712
require by rule. The application for registration of a motor 60713
vehicle that has been altered for the purpose of providing it with 60714
special equipment for a person with a disability that limits or 60715
impairs the ability to walk but is owned by someone other than 60716
such a person shall be accompanied by such documentary evidence of 60717
vehicle alterations as the registrar may require by rule. 60718

60719

(C) When an organization, a person with a disability that 60720
limits or impairs the ability to walk, or a person who does not 60721
have a disability that limits or impairs the ability to walk but 60722
owns a motor vehicle that has been altered for the purpose of 60723
providing it with special equipment for a person with a disability 60724
that limits or impairs the ability to walk first submits an 60725
application for registration of a motor vehicle under this section 60726
and every fifth year thereafter, the organization or person shall 60727
submit a signed statement from the applicant's health care 60728
provider, a completed application, and any required documentary 60729
evidence of vehicle alterations as provided in division (B) of 60730
this section, and also a power of attorney from the owner of the 60731
motor vehicle if the applicant leases the vehicle. Upon submission 60732
of these items, the registrar or deputy registrar shall issue to 60733

the applicant appropriate vehicle registration and a set of 60734
license plates and validation stickers, or validation stickers 60735
alone when required by section 4503.191 of the Revised Code. In 60736
addition to the letters and numbers ordinarily inscribed thereon, 60737
the license plates shall be imprinted with the international 60738
symbol of access. The license plates and validation stickers shall 60739
be issued upon payment of the regular license fee as prescribed 60740
under section 4503.04 of the Revised Code and any motor vehicle 60741
tax levied under Chapter 4504. of the Revised Code, and the 60742
payment of a service fee equal to the amount specified in division 60743
(D) or (G) of section 4503.10 of the Revised Code. 60744

60745

(D)(1) Upon receipt of a completed and signed application for 60746
a removable windshield placard, a prescription as described in 60747
division (B) of this section, documentary evidence of regular 60748
transport of persons with disabilities that limit or impair the 60749
ability to walk, if required, and payment of a service fee equal 60750
to the amount specified in division (D) or (G) of section 4503.10 60751
of the Revised Code, the registrar or deputy registrar shall issue 60752
to the applicant a removable windshield placard, which shall bear 60753
the date of expiration on both sides of the placard and shall be 60754
valid until expired, revoked, or surrendered. Every removable 60755
windshield placard expires as described in division (D)(2) of this 60756
section, but in no case shall a removable windshield placard be 60757
valid for a period of less than sixty days. Removable windshield 60758
placards shall be renewable upon application as provided in 60759
division (B) of this section, and a service fee equal to the 60760
amount specified in division (D) or (G) of section 4503.10 of the 60761
Revised Code shall be charged for the renewal of a removable 60762
windshield placard. The registrar shall provide the application 60763
form and shall determine the information to be included thereon. 60764
The registrar also shall determine the form and size of the 60765
removable windshield placard, the material of which it is to be 60766

made, and any other information to be included thereon, and shall 60767
adopt rules relating to the issuance, expiration, revocation, 60768
surrender, and proper display of such placards. Any placard issued 60769
after October 14, 1999, shall be manufactured in a manner that 60770
allows the expiration date of the placard to be indicated on it 60771
through the punching, drilling, boring, or creation by any other 60772
means of holes in the placard. 60773

(2) At the time a removable windshield placard is issued to a 60774
person with a disability that limits or impairs the ability to 60775
walk, the registrar or deputy registrar shall enter into the 60776
records of the bureau of motor vehicles the last date on which the 60777
person will have that disability, as indicated on the accompanying 60778
prescription. Not less than thirty days prior to that date and all 60779
removable windshield placard renewal dates, the bureau shall send 60780
a renewal notice to that person at the person's last known address 60781
as shown in the records of the bureau, informing the person that 60782
the person's removable windshield placard will expire on the 60783
indicated date not to exceed five years from the date of issuance, 60784
and that the person is required to renew the placard by submitting 60785
to the registrar or a deputy registrar another prescription, as 60786
described in division (B) of this section, and by complying with 60787
the renewal provisions prescribed in division (D)(1) of this 60788
section. If such a prescription is not received by the registrar 60789
or a deputy registrar by that date, the placard issued to that 60790
person expires and no longer is valid, and this fact shall be 60791
recorded in the records of the bureau. 60792

(3) At least once every year, on a date determined by the 60793
registrar, the bureau shall examine the records of the office of 60794
vital statistics, located within the department of health, that 60795
pertain to deceased persons, and also the bureau's records of all 60796
persons who have been issued removable windshield placards and 60797
temporary removable windshield placards. If the records of the 60798

office of vital statistics indicate that a person to whom a 60799
removable windshield placard or temporary removable windshield 60800
placard has been issued is deceased, the bureau shall cancel that 60801
placard, and note the cancellation in its records. 60802

The office of vital statistics shall make available to the 60803
bureau all information necessary to enable the bureau to comply 60804
with division (D)(3) of this section. 60805

(4) Nothing in this section shall be construed to require a 60806
person or organization to apply for a removable windshield placard 60807
or special license plates if the parking card or special license 60808
plates issued to the person or organization under prior law have 60809
not expired or been surrendered or revoked. 60810

(E)(1)(a) Any person with a disability that limits or impairs 60811
the ability to walk may apply to the registrar or a deputy 60812
registrar for a temporary removable windshield placard. The 60813
application for a temporary removable windshield placard shall be 60814
accompanied by a prescription from the applicant's health care 60815
provider prescribing such a placard for the applicant, provided 60816
that the applicant meets at least one of the criteria contained in 60817
division (A)(1) of this section and that the disability is 60818
expected to continue for six consecutive months or less. The 60819
health care provider shall state on the prescription the length of 60820
time the health care provider expects the applicant to have the 60821
disability that limits or impairs the applicant's ability to walk, 60822
which cannot exceed six months from the date of the prescription. 60823
Upon receipt of an application for a temporary removable 60824
windshield placard, presentation of the prescription from the 60825
applicant's health care provider, and payment of a service fee 60826
equal to the amount specified in division (D) or (G) of section 60827
4503.10 of the Revised Code, the registrar or deputy registrar 60828
shall issue to the applicant a temporary removable windshield 60829
placard. 60830

(b) Any active-duty member of the armed forces of the United States, including the reserve components of the armed forces and the national guard, who has an illness or injury that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. With the application, the person shall present evidence of the person's active-duty status and the illness or injury. Evidence of the illness or injury may include a current department of defense convalescent leave statement, any department of defense document indicating that the person currently has an ill or injured casualty status or has limited duties, or a prescription from any health care provider prescribing the placard for the applicant. Upon receipt of the application and the necessary evidence, the registrar or deputy registrar shall issue the applicant the temporary removable windshield placard without the payment of any service fee.

(2) The temporary removable windshield placard shall be of the same size and form as the removable windshield placard, shall be printed in white on a red-colored background, and shall bear the word "temporary" in letters of such size as the registrar shall prescribe. A temporary removable windshield placard also shall bear the date of expiration on the front and back of the placard, and shall be valid until expired, surrendered, or revoked, but in no case shall such a placard be valid for a period of less than sixty days. The registrar shall provide the application form and shall determine the information to be included on it, provided that the registrar shall not require a health care provider's prescription or certification for a person applying under division (E)(1)(b) of this section. The registrar also shall determine the material of which the temporary removable windshield placard is to be made and any other information to be included on the placard and shall adopt rules relating to the issuance, expiration, surrender, revocation, and proper display of

those placards. Any temporary removable windshield placard issued 60864
after October 14, 1999, shall be manufactured in a manner that 60865
allows for the expiration date of the placard to be indicated on 60866
it through the punching, drilling, boring, or creation by any 60867
other means of holes in the placard. 60868

(F) If an applicant for a removable windshield placard is a 60869
veteran of the armed forces of the United States whose disability, 60870
as defined in division (A)(1) of this section, is 60871
service-connected, the registrar or deputy registrar, upon receipt 60872
of the application, presentation of a signed statement from the 60873
applicant's health care provider certifying the applicant's 60874
disability, and presentation of such documentary evidence from the 60875
department of veterans affairs that the disability of the 60876
applicant meets at least one of the criteria identified in 60877
division (A)(1) of this section and is service-connected as the 60878
registrar may require by rule, but without the payment of any 60879
service fee, shall issue the applicant a removable windshield 60880
placard that is valid until expired, surrendered, or revoked. 60881

(G) Upon a conviction of a violation of division (I), (J), or 60882
(K) of this section, the court shall report the conviction, and 60883
send the placard or parking card, if available, to the registrar, 60884
who thereupon shall revoke the privilege of using the placard or 60885
parking card and send notice in writing to the placardholder or 60886
cardholder at that holder's last known address as shown in the 60887
records of the bureau, and the placardholder or cardholder shall 60888
return the placard or card if not previously surrendered to the 60889
court, to the registrar within ten days following mailing of the 60890
notice. 60891

Whenever a person to whom a removable windshield placard or 60892
parking card has been issued moves to another state, the person 60893
shall surrender the placard or card to the registrar; and whenever 60894
an organization to which a placard or card has been issued changes 60895

its place of operation to another state, the organization shall 60896
surrender the placard or card to the registrar. 60897

(H) Subject to division (F) of section 4511.69 of the Revised 60898
Code, the operator of a motor vehicle displaying a removable 60899
windshield placard, temporary removable windshield placard, 60900
parking card, or the special license plates authorized by this 60901
section is entitled to park the motor vehicle in any special 60902
parking location reserved for persons with disabilities that limit 60903
or impair the ability to walk, also known as handicapped parking 60904
spaces or disability parking spaces. 60905

(I) No person or organization that is not eligible under 60906
division (B) or (E) of this section shall willfully and falsely 60907
represent that the person or organization is so eligible. 60908

No person or organization shall display license plates issued 60909
under this section unless the license plates have been issued for 60910
the vehicle on which they are displayed and are valid. 60911

(J) No person or organization to which a removable windshield 60912
placard or temporary removable windshield placard is issued shall 60913
do either of the following: 60914

(1) Display or permit the display of the placard on any motor 60915
vehicle when having reasonable cause to believe the motor vehicle 60916
is being used in connection with an activity that does not include 60917
providing transportation for persons with disabilities that limit 60918
or impair the ability to walk; 60919

(2) Refuse to return or surrender the placard, when required. 60920

(K)(1) No person or organization to which a parking card is 60921
issued shall do either of the following: 60922

(a) Display or permit the display of the parking card on any 60923
motor vehicle when having reasonable cause to believe the motor 60924
vehicle is being used in connection with an activity that does not 60925

include providing transportation for a handicapped person; 60926

(b) Refuse to return or surrender the parking card, when 60927
required. 60928

(2) As used in division (K) of this section: 60929

(a) "Handicapped person" means any person who has lost the 60930
use of one or both legs or one or both arms, who is blind, deaf, 60931
or so severely handicapped as to be unable to move about without 60932
the aid of crutches or a wheelchair, or whose mobility is 60933
restricted by a permanent cardiovascular, pulmonary, or other 60934
handicapping condition. 60935

(b) "Organization" means any private organization or 60936
corporation, or any governmental board, agency, department, 60937
division, or office, that, as part of its business or program, 60938
transports handicapped persons on a regular basis in a motor 60939
vehicle that has not been altered for the purposes of providing it 60940
with special equipment for use by handicapped persons. 60941

(L) If a removable windshield placard, temporary removable 60942
windshield placard, or parking card is lost, destroyed, or 60943
mutilated, the placardholder or cardholder may obtain a duplicate 60944
by doing both of the following: 60945

(1) Furnishing suitable proof of the loss, destruction, or 60946
mutilation to the registrar; 60947

(2) Paying a service fee equal to the amount specified in 60948
division (D) or (G) of section 4503.10 of the Revised Code. 60949

Any placardholder or cardholder who loses a placard or card 60950
and, after obtaining a duplicate, finds the original, immediately 60951
shall surrender the original placard or card to the registrar. 60952

(M) The registrar shall pay all fees received under this 60953
section for the issuance of removable windshield placards or 60954
temporary removable windshield placards or duplicate removable 60955

windshield placards or cards into the state treasury to the credit 60956
of the state bureau of motor vehicles fund created in section 60957
4501.25 of the Revised Code. 60958

(N) In addition to the fees collected under this section, the 60959
registrar or deputy registrar shall ask each person applying for a 60960
removable windshield placard or temporary removable windshield 60961
placard or duplicate removable windshield placard or license plate 60962
issued under this section, whether the person wishes to make a 60963
two-dollar voluntary contribution to support rehabilitation 60964
employment services. The registrar shall transmit the 60965
contributions received under this division to the treasurer of 60966
state for deposit into the rehabilitation employment fund, which 60967
is hereby created in the state treasury. A deputy registrar shall 60968
transmit the contributions received under this division to the 60969
registrar in the time and manner prescribed by the registrar. The 60970
contributions in the fund shall be used by the rehabilitation 60971
services commission to purchase services related to vocational 60972
evaluation, work adjustment, personal adjustment, job placement, 60973
job coaching, and community-based assessment from accredited 60974
community rehabilitation program facilities. 60975

(O) For purposes of enforcing this section, every peace 60976
officer is deemed to be an agent of the registrar. Any peace 60977
officer or any authorized employee of the bureau of motor vehicles 60978
who, in the performance of duties authorized by law, becomes aware 60979
of a person whose placard or parking card has been revoked 60980
pursuant to this section, may confiscate that placard or parking 60981
card and return it to the registrar. The registrar shall prescribe 60982
any forms used by law enforcement agencies in administering this 60983
section. 60984

No peace officer, law enforcement agency employing a peace 60985
officer, or political subdivision or governmental agency employing 60986
a peace officer, and no employee of the bureau is liable in a 60987

civil action for damages or loss to persons arising out of the 60988
performance of any duty required or authorized by this section. As 60989
used in this division, "peace officer" has the same meaning as in 60990
division (B) of section 2935.01 of the Revised Code. 60991

~~(O)~~(P) All applications for registration of motor vehicles, 60992
removable windshield placards, and temporary removable windshield 60993
placards issued under this section, all renewal notices for such 60994
items, and all other publications issued by the bureau that relate 60995
to this section shall set forth the criminal penalties that may be 60996
imposed upon a person who violates any provision relating to 60997
special license plates issued under this section, the parking of 60998
vehicles displaying such license plates, and the issuance, 60999
procurement, use, and display of removable windshield placards and 61000
temporary removable windshield placards issued under this section. 61001

~~(P)~~(O) Whoever violates this section is guilty of a 61002
misdemeanor of the fourth degree. 61003

Sec. 4503.548. (A) Any person who has been awarded the combat 61004
infantryman badge may apply to the registrar of motor vehicles for 61005
the registration of any passenger car, noncommercial motor 61006
vehicle, recreational vehicle, or other vehicle of a class 61007
approved by the registrar that the person owns or leases. The 61008
application shall be accompanied by such documentary evidence in 61009
support of the award as the registrar may require. The application 61010
may be combined with a request for a special reserved license 61011
plate under section 4503.40 or 4503.42 of the Revised Code. 61012

Upon receipt of an application for registration of a motor 61013
vehicle under this section and the required taxes and fees, and 61014
upon presentation of the required supporting evidence of the award 61015
of the combat infantryman badge, the registrar shall issue to the 61016
applicant the appropriate motor vehicle registration and a set of 61017
license plates and a validation sticker, or a validation sticker 61018

alone when required by section 4503.191 of the Revised Code. 61019

In addition to the letters and numbers ordinarily inscribed 61020
on license plates, the license plates shall be inscribed with the 61021
words "combat infantryman badge" and bear a reproduction of the 61022
combat infantryman badge. The license plates shall bear county 61023
identification stickers that identify the county of registration 61024
by name or number. 61025

The license plates and a validation sticker or, when 61026
applicable, a validation sticker alone shall be issued upon 61027
payment of the regular license tax required by section 4503.04 of 61028
the Revised Code, payment of any local motor vehicle license tax 61029
levied under Chapter 4504. of the Revised Code, payment of any 61030
applicable additional fee prescribed by section 4503.40 or 4503.42 61031
of the Revised Code, and compliance with all other applicable laws 61032
relating to the registration of motor vehicles. 61033

(B) No person who is not a recipient of the combat 61034
infantryman badge shall willfully and falsely represent that the 61035
person is a recipient of the combat infantryman badge for the 61036
purpose of obtaining license plates under this section. No person 61037
shall own a motor vehicle bearing license plates issued under this 61038
section unless the person is eligible to be issued those license 61039
plates. 61040

(C) Sections 4503.77 and 4503.78 of the Revised Code do not 61041
apply to license plates issued under this section. 61042

Sec. 4503.563. (A) The owner or lessee of any passenger car, 61043
noncommercial motor vehicle, recreational vehicle, or other 61044
vehicle of a class approved by the registrar of motor vehicles may 61045
apply to the registrar for the registration of the vehicle and 61046
issuance of Ohio nature preserves license plates. The application 61047
for Ohio nature preserves license plates may be combined with a 61048
request for a special reserved license plate under section 4503.40 61049

or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of Ohio nature preserves license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed thereon, Ohio nature preserves license plates shall be inscribed with identifying words or markings designed by the department of natural resources and approved by the registrar. Ohio nature preserves license plates shall bear county identification stickers that identify the county of registration by name or number.

(B) The Ohio nature preserves license plates and validation sticker shall be issued upon receipt of a contribution as provided in division (C) of this section and upon payment of the regular license fees as prescribed under section 4503.04 of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for Ohio nature preserves license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the contribution, fees, and taxes contained in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

(C) For each application for registration and registration renewal submitted under this section, the registrar shall collect a contribution in an amount not to exceed forty dollars as determined by the department. The registrar shall transmit this

contribution to the treasurer of state for deposit in the Ohio nature preserves fund created in section 4501.243 of the Revised Code. 61081
61082
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The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing Ohio nature preserves license plates, in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 61084
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Sec. 4505.01. (A) As used in this chapter: 61089

(1) "Lien" includes, unless the context requires a different meaning, a security interest in a motor vehicle. 61090
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(2) "Motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds. 61092
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(3) "Manufactured home" has the same meaning as section 3781.06 of the Revised Code. 61095
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(4) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 61097
61098

(5) "Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code. 61099
61100
61101

(6) "Motor vehicle dealer" includes manufactured housing dealers. 61102
61103

(7) "Motor vehicle salesperson" includes manufactured housing salespersons. 61104
61105

(B) The various certificates, applications, and assignments necessary to provide certificates of title for manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds, shall be made upon 61106
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61109

forms prescribed by the registrar of motor vehicles. 61110

Sec. 4505.06. (A)(1) Application for a certificate of title 61111
shall be made in a form prescribed by the registrar of motor 61112
vehicles and shall be sworn to before a notary public or other 61113
officer empowered to administer oaths. The application shall be 61114
filed with the clerk of any court of common pleas. An application 61115
for a certificate of title may be filed electronically by any 61116
electronic means approved by the registrar in any county with the 61117
clerk of the court of common pleas of that county. Any payments 61118
required by this chapter shall be considered as accompanying any 61119
electronically transmitted application when payment actually is 61120
received by the clerk. Payment of any fee or taxes may be made by 61121
electronic transfer of funds. 61122

(2) The application for a certificate of title shall be 61123
accompanied by the fee prescribed in section 4505.09 of the 61124
Revised Code. The fee shall be retained by the clerk who issues 61125
the certificate of title and shall be distributed in accordance 61126
with that section. If a clerk of a court of common pleas, other 61127
than the clerk of the court of common pleas of an applicant's 61128
county of residence, issues a certificate of title to the 61129
applicant, the clerk shall transmit data related to the 61130
transaction to the automated title processing system. 61131

(3) If a certificate of title previously has been issued for 61132
a motor vehicle in this state, the application for a certificate 61133
of title also shall be accompanied by that certificate of title 61134
duly assigned, unless otherwise provided in this chapter. If a 61135
certificate of title previously has not been issued for the motor 61136
vehicle in this state, the application, unless otherwise provided 61137
in this chapter, shall be accompanied by a manufacturer's or 61138
importer's certificate or by a certificate of title of another 61139
state from which the motor vehicle was brought into this state. If 61140

the application refers to a motor vehicle last previously 61141
registered in another state, the application also shall be 61142
accompanied by the physical inspection certificate required by 61143
section 4505.061 of the Revised Code. If the application is made 61144
by two persons regarding a motor vehicle in which they wish to 61145
establish joint ownership with right of survivorship, they may do 61146
so as provided in section 2131.12 of the Revised Code. If the 61147
applicant requests a designation of the motor vehicle in 61148
beneficiary form so that upon the death of the owner of the motor 61149
vehicle, ownership of the motor vehicle will pass to a designated 61150
transfer-on-death beneficiary or beneficiaries, the applicant may 61151
do so as provided in section 2131.13 of the Revised Code. A person 61152
who establishes ownership of a motor vehicle that is transferable 61153
on death in accordance with section 2131.13 of the Revised Code 61154
may terminate that type of ownership or change the designation of 61155
the transfer-on-death beneficiary or beneficiaries by applying for 61156
a certificate of title pursuant to this section. The clerk shall 61157
retain the evidence of title presented by the applicant and on 61158
which the certificate of title is issued, except that, if an 61159
application for a certificate of title is filed electronically by 61160
an electronic motor vehicle dealer on behalf of the purchaser of a 61161
motor vehicle, the clerk shall retain the completed electronic 61162
record to which the dealer converted the certificate of title 61163
application and other required documents. The registrar, after 61164
consultation with the attorney general, shall adopt rules that 61165
govern the location at which, and the manner in which, are stored 61166
the actual application and all other documents relating to the 61167
sale of a motor vehicle when an electronic motor vehicle dealer 61168
files the application for a certificate of title electronically on 61169
behalf of the purchaser. 61170

The clerk shall use reasonable diligence in ascertaining 61171
whether or not the facts in the application for a certificate of 61172
title are true by checking the application and documents 61173

accompanying it or the electronic record to which a dealer 61174
converted the application and accompanying documents with the 61175
records of motor vehicles in the clerk's office. If the clerk is 61176
satisfied that the applicant is the owner of the motor vehicle and 61177
that the application is in the proper form, the clerk, within five 61178
business days after the application is filed and except as 61179
provided in section 4505.021 of the Revised Code, shall issue a 61180
physical certificate of title over the clerk's signature and 61181
sealed with the clerk's seal, unless the applicant specifically 61182
requests the clerk not to issue a physical certificate of title 61183
and instead to issue an electronic certificate of title. For 61184
purposes of the transfer of a certificate of title, if the clerk 61185
is satisfied that the secured party has duly discharged a lien 61186
notation but has not canceled the lien notation with a clerk, the 61187
clerk may cancel the lien notation on the automated title 61188
processing system and notify the clerk of the county of origin. 61189

(4) In the case of the sale of a motor vehicle to a general 61190
buyer or user by a dealer, by a motor vehicle leasing dealer 61191
selling the motor vehicle to the lessee or, in a case in which the 61192
leasing dealer subleased the motor vehicle, the sublessee, at the 61193
end of the lease agreement or sublease agreement, or by a 61194
manufactured ~~home~~ housing broker, the certificate of title shall 61195
be obtained in the name of the buyer by the dealer, leasing 61196
dealer, or manufactured ~~home~~ housing broker, as the case may be, 61197
upon application signed by the buyer. The certificate of title 61198
shall be issued, or the process of entering the certificate of 61199
title application information into the automated title processing 61200
system if a physical certificate of title is not to be issued 61201
shall be completed, within five business days after the 61202
application for title is filed with the clerk. If the buyer of the 61203
motor vehicle previously leased the motor vehicle and is buying 61204
the motor vehicle at the end of the lease pursuant to that lease, 61205
the certificate of title shall be obtained in the name of the 61206

buyer by the motor vehicle leasing dealer who previously leased 61207
the motor vehicle to the buyer or by the motor vehicle leasing 61208
dealer who subleased the motor vehicle to the buyer under a 61209
sublease agreement. 61210

In all other cases, except as provided in section 4505.032 61211
and division (D)(2) of section 4505.11 of the Revised Code, such 61212
certificates shall be obtained by the buyer. 61213

(5)(a)(i) If the certificate of title is being obtained in 61214
the name of the buyer by a motor vehicle dealer or motor vehicle 61215
leasing dealer and there is a security interest to be noted on the 61216
certificate of title, the dealer or leasing dealer shall submit 61217
the application for the certificate of title and payment of the 61218
applicable tax to a clerk within seven business days after the 61219
later of the delivery of the motor vehicle to the buyer or the 61220
date the dealer or leasing dealer obtains the manufacturer's or 61221
importer's certificate, or certificate of title issued in the name 61222
of the dealer or leasing dealer, for the motor vehicle. Submission 61223
of the application for the certificate of title and payment of the 61224
applicable tax within the required seven business days may be 61225
indicated by postmark or receipt by a clerk within that period. 61226

(ii) Upon receipt of the certificate of title with the 61227
security interest noted on its face, the dealer or leasing dealer 61228
shall forward the certificate of title to the secured party at the 61229
location noted in the financing documents or otherwise specified 61230
by the secured party. 61231

(iii) A motor vehicle dealer or motor vehicle leasing dealer 61232
is liable to a secured party for a late fee of ten dollars per day 61233
for each certificate of title application and payment of the 61234
applicable tax that is submitted to a clerk more than seven 61235
business days but less than twenty-one days after the later of the 61236
delivery of the motor vehicle to the buyer or the date the dealer 61237
or leasing dealer obtains the manufacturer's or importer's 61238

certificate, or certificate of title issued in the name of the 61239
dealer or leasing dealer, for the motor vehicle and, from then on, 61240
twenty-five dollars per day until the application and applicable 61241
tax are submitted to a clerk. 61242

(b) In all cases of transfer of a motor vehicle except the 61243
transfer of a manufactured home or mobile home, the application 61244
for certificate of title shall be filed within thirty days after 61245
the assignment or delivery of the motor vehicle. ~~If~~ 61246

(c) An application for a certificate of title for a new 61247
manufactured home shall be filed within thirty days after the 61248
delivery of the new manufactured home to the purchaser. The date 61249
of the delivery shall be the date on which an occupancy permit for 61250
the manufactured home is delivered to the purchaser of the home by 61251
the appropriate legal authority. 61252

(d) An application for a certificate of title for a used 61253
manufactured home or a used mobile home shall be filed as follows: 61254

(i) If a certificate of title for the used manufactured home 61255
or used mobile home was issued to the motor vehicle dealer prior 61256
to the sale of the manufactured or mobile home to the purchaser, 61257
the application for certificate of title shall be filed within 61258
thirty days after the date on which an occupancy permit for the 61259
manufactured or mobile home is delivered to the purchaser by the 61260
appropriate legal authority. 61261

(ii) If the motor vehicle dealer has been designated by a 61262
secured party to display the manufactured or mobile home for sale, 61263
or to sell the manufactured or mobile home under section 4505.20 61264
of the Revised Code, but the certificate of title has not been 61265
transferred by the secured party to the motor vehicle dealer, and 61266
the dealer has complied with the requirements of division (A) of 61267
section 4505.181 of the Revised Code, the application for 61268
certificate of title shall be filed within thirty days after the 61269

date on which the motor vehicle dealer obtains the certificate of title for the home from the secured party or the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority, whichever occurs later. 61270
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(6) If an application for a certificate of title is not filed within the period specified in division (A)(5)(b), (c), or (d) of this section, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be required from a motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, who immediately surrenders the certificate of title for cancellation. The fee shall be in addition to all other fees established by this chapter, and shall be retained by the clerk. The registrar shall provide, on the certificate of title form prescribed by section 4505.07 of the Revised Code, language necessary to give evidence of the date on which the assignment or delivery of the motor vehicle was made. 61275
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~~(6)~~(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the Revised Code. 61288
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(B)(1) The clerk, except as provided in this section, shall refuse to accept for filing any application for a certificate of title and shall refuse to issue a certificate of title unless the dealer ~~or manufactured home broker~~ or the applicant, in cases in which the certificate shall be obtained by the buyer, submits with the application payment of the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code based on the purchaser's county of residence. Upon payment of the tax in 61294
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accordance with division (E) of this section, the clerk shall 61302
issue a receipt prescribed by the registrar and agreed upon by the 61303
tax commissioner showing payment of the tax or a receipt issued by 61304
the commissioner showing the payment of the tax. When submitting 61305
payment of the tax to the clerk, a dealer shall retain any 61306
discount to which the dealer is entitled under section 5739.12 of 61307
the Revised Code. 61308

(2) For receiving and disbursing such taxes paid to the clerk 61309
by a resident of the clerk's county, the clerk may retain a 61310
poundage fee of one and one one-hundredth per cent, and the clerk 61311
shall pay the poundage fee into the certificate of title 61312
administration fund created by section 325.33 of the Revised Code. 61313
The clerk shall not retain a poundage fee from payments of taxes 61314
by persons who do not reside in the clerk's county. 61315

A clerk, however, may retain from the taxes paid to the clerk 61316
an amount equal to the poundage fees associated with certificates 61317
of title issued by other clerks of courts of common pleas to 61318
applicants who reside in the first clerk's county. The registrar, 61319
in consultation with the tax commissioner and the clerks of the 61320
courts of common pleas, shall develop a report from the automated 61321
title processing system that informs each clerk of the amount of 61322
the poundage fees that the clerk is permitted to retain from those 61323
taxes because of certificates of title issued by the clerks of 61324
other counties to applicants who reside in the first clerk's 61325
county. 61326

(3) In the case of casual sales of motor vehicles, as defined 61327
in section 4517.01 of the Revised Code, the price for the purpose 61328
of determining the tax shall be the purchase price on the assigned 61329
certificate of title executed by the seller and filed with the 61330
clerk by the buyer on a form to be prescribed by the registrar, 61331
which shall be prima-facie evidence of the amount for the 61332
determination of the tax. 61333

(4) Each county clerk shall forward to the treasurer of state 61334
all sales and use tax collections resulting from sales of motor 61335
vehicles, off-highway motorcycles, and all-purpose vehicles during 61336
a calendar week on or before the Friday following the close of 61337
that week. If, on any Friday, the offices of the clerk of courts 61338
or the state are not open for business, the tax shall be forwarded 61339
to the treasurer of state on or before the next day on which the 61340
offices are open. Every remittance of tax under division (B)(4) of 61341
this section shall be accompanied by a remittance report in such 61342
form as the tax commissioner prescribes. Upon receipt of a tax 61343
remittance and remittance report, the treasurer of state shall 61344
date stamp the report and forward it to the tax commissioner. If 61345
the tax due for any week is not remitted by a clerk of courts as 61346
required under division (B)(4) of this section, the commissioner 61347
may require the clerk to forfeit the poundage fees for the sales 61348
made during that week. The treasurer of state may require the 61349
clerks of courts to transmit tax collections and remittance 61350
reports electronically. 61351

(C)(1) If the transferor indicates on the certificate of 61352
title that the odometer reflects mileage in excess of the designed 61353
mechanical limit of the odometer, the clerk shall enter the phrase 61354
"exceeds mechanical limits" following the mileage designation. If 61355
the transferor indicates on the certificate of title that the 61356
odometer reading is not the actual mileage, the clerk shall enter 61357
the phrase "nonactual: warning - odometer discrepancy" following 61358
the mileage designation. The clerk shall use reasonable care in 61359
transferring the information supplied by the transferor, but is 61360
not liable for any errors or omissions of the clerk or those of 61361
the clerk's deputies in the performance of the clerk's duties 61362
created by this chapter. 61363

The registrar shall prescribe an affidavit in which the 61364
transferor shall swear to the true selling price and, except as 61365

provided in this division, the true odometer reading of the motor 61366
vehicle. The registrar may prescribe an affidavit in which the 61367
seller and buyer provide information pertaining to the odometer 61368
reading of the motor vehicle in addition to that required by this 61369
section, as such information may be required by the United States 61370
secretary of transportation by rule prescribed under authority of 61371
subchapter IV of the "Motor Vehicle Information and Cost Savings 61372
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 61373

(2) Division (C)(1) of this section does not require the 61374
giving of information concerning the odometer and odometer reading 61375
of a motor vehicle when ownership of a motor vehicle is being 61376
transferred as a result of a bequest, under the laws of intestate 61377
succession, to a survivor pursuant to section 2106.18, 2131.12, or 61378
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 61379
beneficiaries pursuant to section 2131.13 of the Revised Code, in 61380
connection with the creation of a security interest or for a 61381
vehicle with a gross vehicle weight rating of more than sixteen 61382
thousand pounds. 61383

(D) When the transfer to the applicant was made in some other 61384
state or in interstate commerce, the clerk, except as provided in 61385
this section, shall refuse to issue any certificate of title 61386
unless the tax imposed by or pursuant to Chapter 5741. of the 61387
Revised Code based on the purchaser's county of residence has been 61388
paid as evidenced by a receipt issued by the tax commissioner, or 61389
unless the applicant submits with the application payment of the 61390
tax. Upon payment of the tax in accordance with division (E) of 61391
this section, the clerk shall issue a receipt prescribed by the 61392
registrar and agreed upon by the tax commissioner, showing payment 61393
of the tax. 61394

For receiving and disbursing such taxes paid to the clerk by 61395
a resident of the clerk's county, the clerk may retain a poundage 61396
fee of one and one one-hundredth per cent. The clerk shall not 61397

retain a poundage fee from payments of taxes by persons who do not 61398
reside in the clerk's county. 61399

A clerk, however, may retain from the taxes paid to the clerk 61400
an amount equal to the poundage fees associated with certificates 61401
of title issued by other clerks of courts of common pleas to 61402
applicants who reside in the first clerk's county. The registrar, 61403
in consultation with the tax commissioner and the clerks of the 61404
courts of common pleas, shall develop a report from the automated 61405
title processing system that informs each clerk of the amount of 61406
the poundage fees that the clerk is permitted to retain from those 61407
taxes because of certificates of title issued by the clerks of 61408
other counties to applicants who reside in the first clerk's 61409
county. 61410

When the vendor is not regularly engaged in the business of 61411
selling motor vehicles, the vendor shall not be required to 61412
purchase a vendor's license or make reports concerning those 61413
sales. 61414

(E) The clerk shall accept any payment of a tax in cash, or 61415
by cashier's check, certified check, draft, money order, or teller 61416
check issued by any insured financial institution payable to the 61417
clerk and submitted with an application for a certificate of title 61418
under division (B) or (D) of this section. The clerk also may 61419
accept payment of the tax by corporate, business, or personal 61420
check, credit card, electronic transfer or wire transfer, debit 61421
card, or any other accepted form of payment made payable to the 61422
clerk. The clerk may require bonds, guarantees, or letters of 61423
credit to ensure the collection of corporate, business, or 61424
personal checks. Any service fee charged by a third party to a 61425
clerk for the use of any form of payment may be paid by the clerk 61426
from the certificate of title administration fund created in 61427
section 325.33 of the Revised Code, or may be assessed by the 61428
clerk upon the applicant as an additional fee. Upon collection, 61429

the additional fees shall be paid by the clerk into that certificate of title administration fund.

The clerk shall make a good faith effort to collect any payment of taxes due but not made because the payment was returned or dishonored, but the clerk is not personally liable for the payment of uncollected taxes or uncollected fees. The clerk shall notify the tax commissioner of any such payment of taxes that is due but not made and shall furnish the information to the commissioner that the commissioner requires. The clerk shall deduct the amount of taxes due but not paid from the clerk's periodic remittance of tax payments, in accordance with procedures agreed upon by the tax commissioner. The commissioner may collect taxes due by assessment in the manner provided in section 5739.13 of the Revised Code.

Any person who presents payment that is returned or dishonored for any reason is liable to the clerk for payment of a penalty over and above the amount of the taxes due. The clerk shall determine the amount of the penalty, and the penalty shall be no greater than that amount necessary to compensate the clerk for banking charges, legal fees, or other expenses incurred by the clerk in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies. Subsequently collected penalties, poundage fees, and title fees, less any title fee due the state, from returned or dishonored payments collected by the clerk shall be paid into the certificate of title administration fund. Subsequently collected taxes, less poundage fees, shall be sent by the clerk to the treasurer of state at the next scheduled periodic remittance of tax payments, with information as the commissioner may require. The clerk may abate all or any part of any penalty assessed under this division.

(F) In the following cases, the clerk shall accept for filing

an application and shall issue a certificate of title without 61462
requiring payment or evidence of payment of the tax: 61463

(1) When the purchaser is this state or any of its political 61464
subdivisions, a church, or an organization whose purchases are 61465
exempted by section 5739.02 of the Revised Code; 61466

(2) When the transaction in this state is not a retail sale 61467
as defined by section 5739.01 of the Revised Code; 61468

(3) When the purchase is outside this state or in interstate 61469
commerce and the purpose of the purchaser is not to use, store, or 61470
consume within the meaning of section 5741.01 of the Revised Code; 61471

(4) When the purchaser is the federal government; 61472

(5) When the motor vehicle was purchased outside this state 61473
for use outside this state; 61474

(6) When the motor vehicle is purchased by a nonresident 61475
under the circumstances described in division (B)(1) of section 61476
5739.029 of the Revised Code, and upon presentation of a copy of 61477
the affidavit provided by that section, and a copy of the 61478
exemption certificate provided by section 5739.03 of the Revised 61479
Code. 61480

(G) An application, as prescribed by the registrar and agreed 61481
to by the tax commissioner, shall be filled out and sworn to by 61482
the buyer of a motor vehicle in a casual sale. The application 61483
shall contain the following notice in bold lettering: "WARNING TO 61484
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 61485
law to state the true selling price. A false statement is in 61486
violation of section 2921.13 of the Revised Code and is punishable 61487
by six months' imprisonment or a fine of up to one thousand 61488
dollars, or both. All transfers are audited by the department of 61489
taxation. The seller and buyer must provide any information 61490
requested by the department of taxation. The buyer may be assessed 61491
any additional tax found to be due." 61492

(H) For sales of manufactured homes or mobile homes occurring 61493
on or after January 1, 2000, the clerk shall accept for filing, 61494
pursuant to Chapter 5739. of the Revised Code, an application for 61495
a certificate of title for a manufactured home or mobile home 61496
without requiring payment of any tax pursuant to section 5739.02, 61497
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 61498
issued by the tax commissioner showing payment of the tax. For 61499
sales of manufactured homes or mobile homes occurring on or after 61500
January 1, 2000, the applicant shall pay to the clerk an 61501
additional fee of five dollars for each certificate of title 61502
issued by the clerk for a manufactured or mobile home pursuant to 61503
division (H) of section 4505.11 of the Revised Code and for each 61504
certificate of title issued upon transfer of ownership of the 61505
home. The clerk shall credit the fee to the county certificate of 61506
title administration fund, and the fee shall be used to pay the 61507
expenses of archiving those certificates pursuant to division (A) 61508
of section 4505.08 and division (H)(3) of section 4505.11 of the 61509
Revised Code. The tax commissioner shall administer any tax on a 61510
manufactured or mobile home pursuant to Chapters 5739. and 5741. 61511
of the Revised Code. 61512

(I) Every clerk shall have the capability to transact by 61513
electronic means all procedures and transactions relating to the 61514
issuance of motor vehicle certificates of title that are described 61515
in the Revised Code as being accomplished by electronic means. 61516

Sec. 4505.062. Notwithstanding any general requirement in 61517
this chapter to the effect that an application for a certificate 61518
of title to a motor vehicle shall be "sworn to" or shall be "sworn 61519
to before a notary public or other officer empowered to administer 61520
oaths," that requirement shall apply only in the case of a 61521
transfer of a motor vehicle between parties in the course of a 61522
casual sale, as defined in ~~section~~ sections 4517.01 and 4781.01 of 61523
the Revised Code. 61524

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 61525
shall charge and retain fees as follows: 61526

(a) Five dollars for each certificate of title that is not 61527
applied for within thirty days after the later of the assignment 61528
or delivery of the motor vehicle described in it. The entire fee 61529
shall be retained by the clerk. 61530

(b) Fifteen dollars for each certificate of title or 61531
duplicate certificate of title including the issuance of a 61532
memorandum certificate of title, or authorization to print a 61533
non-negotiable evidence of ownership described in division (G) of 61534
section 4505.08 of the Revised Code, non-negotiable evidence of 61535
ownership printed by the clerk under division (H) of that section, 61536
and notation of any lien on a certificate of title that is applied 61537
for at the same time as the certificate of title. The clerk shall 61538
retain eleven dollars and fifty cents of that fee for each 61539
certificate of title when there is a notation of a lien or 61540
security interest on the certificate of title, twelve dollars and 61541
twenty-five cents when there is no lien or security interest noted 61542
on the certificate of title, and eleven dollars and fifty cents 61543
for each duplicate certificate of title. 61544

(c) Five dollars for each certificate of title with no 61545
security interest noted that is issued to a licensed motor vehicle 61546
dealer for resale purposes. The clerk shall retain two dollars and 61547
twenty-five cents of that fee. 61548

(d) Five dollars for each memorandum certificate of title or 61549
non-negotiable evidence of ownership that is applied for 61550
separately. The clerk shall retain that entire fee. 61551

(2) The fees that are not retained by the clerk shall be paid 61552
to the registrar of motor vehicles by monthly returns, which shall 61553
be forwarded to the registrar not later than the fifth day of the 61554
month next succeeding that in which the certificate is issued or 61555

that in which the registrar is notified of a lien or cancellation of a lien. 61556
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(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code. 61558
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(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows: 61566
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(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the bureau of motor vehicles fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer. 61568
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(b) Twenty-one cents shall be paid into the highway operating fund. 61584
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(c) Twenty-five cents shall be paid into the state treasury 61586

to the credit of the motor vehicle sales audit fund, which is 61587
hereby created. The moneys in the fund shall be used by the tax 61588
commissioner together with other funds available to the 61589
commissioner to conduct a continuing investigation of sales and 61590
use tax returns filed for motor vehicles in order to determine if 61591
sales and use tax liability has been satisfied. The commissioner 61592
shall refer cases of apparent violations of section 2921.13 of the 61593
Revised Code made in connection with the titling or sale of a 61594
motor vehicle and cases of any other apparent violations of the 61595
sales or use tax law to the appropriate county prosecutor whenever 61596
the commissioner considers it advisable. 61597

(3) Two dollars of the amount received by the registrar for 61598
each certificate of title shall be paid into the state treasury to 61599
the credit of the automated title processing fund, which is hereby 61600
created and which shall consist of moneys collected under division 61601
(B)(3) of this section and under sections 1548.10 and 4519.59 of 61602
the Revised Code. All investment earnings of the fund shall be 61603
credited to the fund. The moneys in the fund shall be used as 61604
follows: 61605

(a) Except for moneys collected under section 1548.10 of the 61606
Revised Code and as provided in division (B)(3)(c) of this 61607
section, moneys collected under division (B)(3) of this section 61608
shall be used to implement and maintain an automated title 61609
processing system for the issuance of motor vehicle, off-highway 61610
motorcycle, and all-purpose vehicle certificates of title in the 61611
offices of the clerks of the courts of common pleas. 61612

(b) Moneys collected under section 1548.10 of the Revised 61613
Code shall be used to issue marine certificates of title in the 61614
offices of the clerks of the courts of common pleas as provided in 61615
Chapter 1548. of the Revised Code. 61616

(c) Moneys collected under division (B)(3) of this section 61617
shall be used in accordance with section 4505.25 of the Revised 61618

Code to implement Sub. S.B. 59 of the 124th general assembly. 61619

(C)(1) The automated title processing board is hereby created 61620
consisting of the registrar or the registrar's representative, a 61621
person selected by the registrar, the president of the Ohio clerks 61622
of court association or the president's representative, and two 61623
clerks of courts of common pleas appointed by the governor. The 61624
director of budget and management or the director's designee, the 61625
chief of the division of watercraft in the department of natural 61626
resources or the chief's designee, and the tax commissioner or the 61627
commissioner's designee shall be nonvoting members of the board. 61628
The purpose of the board is to facilitate the operation and 61629
maintenance of an automated title processing system and approve 61630
the procurement of automated title processing system equipment. 61631
Voting members of the board, excluding the registrar or the 61632
registrar's representative, shall serve without compensation, but 61633
shall be reimbursed for travel and other necessary expenses 61634
incurred in the conduct of their official duties. The registrar or 61635
the registrar's representative shall receive neither compensation 61636
nor reimbursement as a board member. 61637

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(2) The automated title processing board shall determine each 61639
of the following: 61640

(a) The automated title processing equipment and certificates 61641
of title requirements for each county; 61642

(b) The payment of expenses that may be incurred by the 61643
counties in implementing an automated title processing system; 61644

(c) The repayment to the counties for existing title 61645
processing equipment. 61646

(3) The registrar shall purchase, lease, or otherwise acquire 61647
any automated title processing equipment and certificates of title 61648
that the board determines are necessary from moneys in the 61649

automated title processing fund established by division (B)(3) of 61650
this section. 61651

(D) All counties shall conform to the requirements of the 61652
registrar regarding the operation of their automated title 61653
processing system for motor vehicle titles, certificates of title 61654
for off-highway motorcycles and all-purpose vehicles, and 61655
certificates of title for watercraft and outboard motors. 61656

Sec. 4505.111. (A) Every motor vehicle, other than a 61657
manufactured home, a mobile home, or a motor vehicle as provided 61658
in divisions (C), (D), and (E) of section 4505.11 of the Revised 61659
Code, that is assembled from component parts by a person other 61660
than the manufacturer, shall be inspected by the state highway 61661
patrol prior to issuance of title to the motor vehicle. The 61662
inspection shall include establishing proof of ownership and an 61663
inspection of the motor number and vehicle identification number 61664
of the motor vehicle, and any items of equipment the director of 61665
public safety considers advisable and requires to be inspected by 61666
rule. A fee of forty dollars in fiscal year 1998 and fifty dollars 61667
in fiscal year 1999 and thereafter shall be assessed by the state 61668
highway patrol for each inspection made pursuant to this section, 61669
and shall be deposited in the state highway safety fund 61670
established by section 4501.06 of the Revised Code. 61671

(B) Whoever violates this section shall be fined not more 61672
than two thousand dollars, imprisoned not more than one year, or 61673
both. 61674

Sec. 4505.181. (A) Notwithstanding divisions (A)(2), (5), and 61675
(6) of section 4505.18 of the Revised Code, a motor vehicle dealer 61676
or person acting on behalf of a motor vehicle dealer may display, 61677
offer for sale, or sell a used motor vehicle and a manufactured 61678
housing dealer or person acting on behalf of a manufactured 61679

housing dealer may display, offer for sale, or sell a used 61680
manufactured home or used mobile home without having first 61681
obtained a certificate of title for the vehicle in the name of the 61682
dealer as required by this chapter if the dealer or person acting 61683
on behalf of the dealer complies with divisions (A)(1)(a) and (2) 61684
of this section, or divisions (A)(1)(b) and (2) of this section, 61685
as follows: 61686

(1)(a) If the dealer has been licensed as a motor vehicle 61687
dealer or manufactured housing dealer for less than the three-year 61688
period prior to the date on which the dealer or person acting on 61689
behalf of the dealer displays, offers for sale, or sells the used 61690
motor vehicle for which the dealer has not obtained a certificate 61691
of title in the name of the dealer, or if the attorney general has 61692
paid a retail purchaser of the dealer under division (C) of this 61693
section within three years prior to such date, the dealer posts 61694
with the attorney general's office in favor of this state a bond 61695
of a surety company authorized to do business in this state, in an 61696
amount of not less than twenty-five thousand dollars, to be used 61697
solely for the purpose of compensating retail purchasers of motor 61698
vehicles, manufactured homes, or mobile homes who suffer damages 61699
due to failure of the dealer or person acting on behalf of the 61700
dealer to comply with this section. The dealer's surety shall 61701
notify the registrar and attorney general when a bond of a motor 61702
vehicle dealer is canceled and shall notify the manufactured homes 61703
commission and the attorney general when a bond of a manufactured 61704
housing dealer is canceled. Such notification of cancellation 61705
shall include the effective date of and reason for cancellation. 61706
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(b) If the dealer has been licensed as a motor vehicle dealer 61708
or manufactured housing dealer for longer than the three-year 61709
period prior to the date on which the dealer or person acting on 61710
behalf of the dealer displays, offers for sale, or sells the used 61711

motor vehicle, used manufactured home, or used mobile home for 61712
which the dealer has not obtained a certificate of title in the 61713
name of the dealer and the attorney general has not paid a retail 61714
purchaser of the dealer under division (C) of this section within 61715
three years prior to such date, the dealer pays one hundred fifty 61716
dollars to the attorney general for deposit into the title defect 61717
recision fund created by section 1345.52 of the Revised Code. 61718

(2) The dealer or person acting on behalf of the dealer 61719
possesses a bill of sale for each motor vehicle, used manufactured 61720
home, and used mobile home proposed to be displayed, offered for 61721
sale, or sold under this section and a properly executed power of 61722
attorney or other related documents from the prior owner of the 61723
motor vehicle, manufactured home, or mobile home giving the dealer 61724
or person acting on behalf of the dealer authority to have a 61725
certificate of title to the motor vehicle, manufactured home, or 61726
mobile home issued in the name of the dealer, and retains copies 61727
of all such documents in the dealer's or person's files until such 61728
time as a certificate of title in the dealer's name is issued for 61729
each such motor vehicle, manufactured home, or mobile home by the 61730
clerk of the court of common pleas. Such documents shall be 61731
available for inspection by the bureau of motor vehicles and the 61732
manufactured homes commission during normal business hours. 61733

(B) If a retail purchaser purchases a motor vehicle, used 61734
manufactured home, or used mobile home for which the dealer, 61735
pursuant to and in accordance with division (A) of this section, 61736
does not have a certificate of title issued in the name of the 61737
dealer at the time of the sale, the retail purchaser has an 61738
unconditional right to rescind the transaction and the dealer has 61739
an obligation to refund to the retail purchaser the full purchase 61740
price of the vehicle, if one of the following applies: 61741

(1) The dealer fails, on or before the fortieth day following 61742
the date of the sale, to obtain a title in the name of the retail 61743

purchaser. 61744

(2) The title for the vehicle indicates that it is a rebuilt 61745
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 61746
was not disclosed to the retail purchaser in writing prior to the 61747
execution of the purchase agreement. 61748

(3) The title for the vehicle indicates that the dealer has 61749
made an inaccurate odometer disclosure to the retail purchaser. 61750

(4) The motor vehicle is a used manufactured home or used 61751
mobile home, as defined by section 5739.021 of the Revised Code, 61752
that has been repossessed under Chapter 1309. or 1317. of the 61753
Revised Code, but a certificate of title for the repossessed home 61754
has not yet been transferred by the repossessing party to the 61755
dealer on the date the retail purchaser purchases the used 61756
manufactured home or used mobile home from the dealer, and the 61757
dealer fails to obtain a certificate of title on or before the 61758
fortieth day after the dealer obtains the certificate of title for 61759
the home from the repossessing party or the date on which an 61760
occupancy permit for the home is delivered to the purchaser by the 61761
appropriate legal authority, whichever occurs later. 61762

If any of the circumstances described in divisions (B)(1) to 61763
~~(3)~~(4) of this section applies, a retail purchaser or the retail 61764
purchaser's representative shall notify the dealer and afford the 61765
dealer the opportunity to comply with the dealer's obligation to 61766
refund the full purchase price of the motor vehicle. Nothing in 61767
this division shall be construed as prohibiting the dealer and the 61768
retail purchaser or their representatives from negotiating a 61769
compromise resolution that is satisfactory to both parties. 61770

(C) If a retail purchaser notifies a dealer of one or more of 61771
the circumstances listed in division (B) of this section and the 61772
dealer fails to refund to the retail purchaser the full purchase 61773
price of the vehicle or reach a satisfactory compromise with the 61774

retail purchaser within three business days of presentation of the 61775
retail purchaser's rescission claim, the retail purchaser may apply 61776
to the attorney general for payment from the fund of the full 61777
purchase price to the retail purchaser. 61778

(D) Upon application by a retail purchaser for payment from 61779
the fund, if the attorney general is satisfied that one or more of 61780
the circumstances contained in divisions (B)(1) to ~~(3)~~(4) of this 61781
section exist, the attorney general shall cause the full purchase 61782
price of the vehicle, manufactured home, or mobile home to be paid 61783
to the retail purchaser from the fund after delivery of the 61784
vehicle, manufactured home, or mobile home to the attorney 61785
general. The attorney general may sell or otherwise dispose of any 61786
vehicle, manufactured home, or mobile home that is delivered to 61787
the attorney general under this section, and may collect the 61788
proceeds of any bond posted under division (A) of this section by 61789
a dealer who has failed to comply with division (C) of this 61790
section. The proceeds from all such sales and collections shall be 61791
deposited into the title defect rescission fund for use as specified 61792
in section 1345.52 of the Revised Code. 61793

(E) Failure by a dealer to comply with division (A) or (B) of 61794
this section constitutes a deceptive act or practice in connection 61795
with a consumer transaction, and is a violation of section 1345.02 61796
of the Revised Code. 61797

(F) The remedy provided in this section to retail purchasers 61798
is in addition to any remedies otherwise available to the retail 61799
purchaser for the same conduct of the dealer or person acting on 61800
behalf of the dealer under federal law or the laws of this state 61801
or a political subdivision of this state. 61802

(G) All motor vehicle dealers licensed under Chapter 4517. of 61803
the Revised Code and manufactured housing dealers licensed under 61804
Chapter 4781. of the Revised Code shall pay to the attorney 61805
general for deposit into the title defect rescission fund the amount 61806

described in division (A)(1)(b) of this section beginning with the 61807
calendar year during which this section becomes effective and each 61808
year subsequent to that year until the balance in the fund is not 61809
less than three hundred thousand dollars. All such dealers also 61810
shall pay to the attorney general for deposit into the fund that 61811
amount during any year and subsequent years during which the 61812
balance in the fund is less than three hundred thousand dollars 61813
until the balance in the fund reaches three hundred thousand 61814
dollars. 61815

If a motor vehicle dealer or manufactured housing dealer 61816
fails to comply with this division, the attorney general may bring 61817
a civil action in a court of competent jurisdiction to collect the 61818
amount the dealer failed to pay to the attorney general for 61819
deposit into the fund. 61820

Sec. 4505.20. (A) Notwithstanding division (A)(2) of section 61821
4505.18 of the Revised Code or any other provision of this chapter 61822
or Chapter 4517. of the Revised Code, a secured party may 61823
designate ~~any~~ a manufactured housing dealer to display, display 61824
for sale, or sell a manufactured or mobile home if the home has 61825
come into the possession of that secured party by a default in the 61826
terms of a security instrument and the certificate of title 61827
remains in the name and possession of the secured party. 61828

(B) Notwithstanding division (A)(2) of section 4505.18 of the 61829
Revised Code or any other provision of this chapter or Chapter 61830
4517. of the Revised Code, the owner of a recreational vehicle or 61831
a secured party of a recreational vehicle who has come into 61832
possession of the vehicle by a default in the terms of a security 61833
instrument, may designate ~~any~~ a new motor vehicle dealer to 61834
display, display for sale, or sell the vehicle while the 61835
certificate of title remains in the possession of the owner or 61836
secured party. No new motor vehicle dealer may display or offer 61837

for sale more than five recreational vehicles at any time under 61838
this division. No new motor vehicle dealer may display or offer 61839
for sale a recreational vehicle under this division unless the new 61840
motor vehicle dealer maintains insurance or the bond of a surety 61841
company authorized to transact business within this state in an 61842
amount sufficient to satisfy the fair market value of the vehicle. 61843

~~(C) The registrar of motor vehicles may adopt rules in 61844
accordance with Chapter 119. of the Revised Code prescribing the 61845
maximum number of manufactured or mobile homes that have come into 61846
the possession of a secured party by a default in the terms of a 61847
security instrument that any dealer may display or offer for sale 61848
at any time. The registrar may adopt ~~other~~ reasonable rules 61849
regarding the resale of ~~such manufactured homes, mobile homes, and~~ 61850
recreational vehicles that the registrar considers necessary. 61851~~

(D) The manufactured housing dealer or new motor vehicle 61852
secured party or owner shall provide the dealer with written 61853
authorization to display, display for sale, or sell the 61854
manufactured home, mobile home, or recreational vehicle. The 61855
manufactured housing dealer or new motor vehicle dealer shall show 61856
and explain the written authorization to any prospective 61857
purchaser. The written authorization shall contain the vehicle 61858
identification number, make, model, year of manufacture, and 61859
physical description of the manufactured home, mobile home, or 61860
recreational vehicle that is provided to the manufactured housing 61861
dealer or new motor vehicle dealer. 61862

~~(E) As used in this section, "dealer" means a new motor 61863
vehicle dealer that is licensed under Chapter 4517. of the Revised 61864
Code. 61865~~

~~(F)~~ Whoever violates this section shall be fined not more 61866
than two hundred dollars, imprisoned not more than ninety days, or 61867
both. 61868

Sec. 4507.02. (A)(1) No person shall permit the operation of 61869
a motor vehicle upon any public or private property used by the 61870
public for purposes of vehicular travel or parking knowing the 61871
operator does not have a valid driver's license issued to the 61872
operator by the registrar of motor vehicles under this chapter or 61873
a valid commercial driver's license issued under Chapter 4506. of 61874
the Revised Code. Whoever violates this division is guilty of a an 61875
unclassified misdemeanor ~~of the first degree~~. The offender may be 61876
fined up to one thousand dollars and pursuant to division (B) of 61877
section 2929.27 of the Revised Code additionally may be ordered to 61878
serve a term of community service of up to five hundred hours. If 61879
the offender previously was convicted of or pleaded guilty to two 61880
or more violations of this section or a substantially equivalent 61881
municipal ordinance within the past three years, the offense is a 61882
misdemeanor of the first degree. 61883

(2) No person shall receive a driver's license, or a 61884
motorcycle operator's endorsement of a driver's or commercial 61885
driver's license, unless and until the person surrenders to the 61886
registrar all valid licenses issued to the person by another 61887
jurisdiction recognized by this state. The registrar shall report 61888
the surrender of a license to the issuing authority, together with 61889
information that a license is now issued in this state. The 61890
registrar shall destroy any such license that is not returned to 61891
the issuing authority. No person shall be permitted to have more 61892
than one valid license at any time. 61893

(B)(1) If a person is convicted of a violation of section 61894
4510.11, 4510.14, 4510.16 when division (B)(3) of that section 61895
applies, or 4510.21 of the Revised Code or if division (F) of 61896
section 4507.164 of the Revised Code applies, the trial judge of 61897
any court, in addition to or independent of any other penalties 61898
provided by law or ordinance, shall impound the identification 61899
license plates of any motor vehicle registered in the name of the 61900

person. If a person is convicted of a violation of section 4510.16 61901
of the Revised Code and division (B)(2) of that section applies, 61902
the trial judge of any court, in addition to or independent of any 61903
other penalties provided by law or ordinance, may impound the 61904
identification license plates of any motor vehicle registered in 61905
the name of the person. The court shall send the impounded license 61906
plates to the registrar, who may retain the license plates until 61907
the driver's or commercial driver's license of the owner has been 61908
reinstated or destroy them pursuant to section 4503.232 of the 61909
Revised Code. 61910

If the license plates of a person convicted of a violation of 61911
any provision of those sections have been impounded in accordance 61912
with the provisions of this division, the court shall notify the 61913
registrar of that action. The notice shall contain the name and 61914
address of the driver, the serial number of the driver's driver's 61915
or commercial driver's license, the serial numbers of the license 61916
plates of the motor vehicle, and the length of time for which the 61917
license plates have been impounded. The registrar shall record the 61918
data in the notice as part of the driver's permanent record. 61919

(2) Any motor vehicle owner who has had the license plates of 61920
a motor vehicle impounded pursuant to division (B)(1) of this 61921
section may apply to the registrar, or to a deputy registrar, for 61922
restricted license plates that shall conform to the requirements 61923
of section 4503.231 of the Revised Code. The registrar or deputy 61924
registrar forthwith shall notify the court of the application and, 61925
upon approval of the court, shall issue restricted license plates 61926
to the applicant. Until the driver's or commercial driver's 61927
license of the owner is reinstated, any new license plates issued 61928
to the owner also shall conform to the requirements of section 61929
4503.231 of the Revised Code. 61930

The registrar or deputy registrar shall charge the owner of a 61931
vehicle the fees provided in section 4503.19 of the Revised Code 61932

for restricted license plates that are issued in accordance with 61933
this division, except upon renewal as specified in section 4503.10 61934
of the Revised Code, when the regular fee as provided in section 61935
4503.04 of the Revised Code shall be charged. The registrar or 61936
deputy registrar shall charge the owner of a vehicle the fees 61937
provided in section 4503.19 of the Revised Code whenever 61938
restricted license plates are exchanged, by reason of the 61939
reinstatement of the driver's or commercial driver's license of 61940
the owner, for those ordinarily issued. 61941

(3) If an owner wishes to sell a motor vehicle during the 61942
time the restricted license plates provided under division (B)(2) 61943
of this section are in use, the owner may apply to the court that 61944
impounded the license plates of the motor vehicle for permission 61945
to transfer title to the motor vehicle. If the court is satisfied 61946
that the sale will be made in good faith and not for the purpose 61947
of circumventing the provisions of this section, it may certify 61948
its consent to the owner and to the registrar of motor vehicles 61949
who shall enter notice of the transfer of the title of the motor 61950
vehicle in the vehicle registration record. 61951

If, during the time the restricted license plates provided 61952
under division (B)(2) of this section are in use, the title to a 61953
motor vehicle is transferred by the foreclosure of a chattel 61954
mortgage, a sale upon execution, the cancellation of a conditional 61955
sales contract, or by order of a court, the court shall notify the 61956
registrar of the action and the registrar shall enter notice of 61957
the transfer of the title to the motor vehicle in the vehicle 61958
registration record. 61959

(C) This section is not intended to change or modify any 61960
provision of Chapter 4503. of the Revised Code with respect to the 61961
taxation of motor vehicles or the time within which the taxes on 61962
motor vehicles shall be paid. 61963

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

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

(C)(1) Except as provided in divisions (E) and (J) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars.

(2) Except as provided in division ~~(I)~~(J) of this section, each application for a duplicate driver's license shall be accompanied by a fee of seven dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.

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

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

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

twenty-five cents; 61994

(2) If the person is seventeen years of age or older, but 61995
less than eighteen years of age, a fee of six dollars; 61996

(3) If the person is eighteen years of age or older, but less 61997
than nineteen years of age, a fee of four dollars and seventy-five 61998
cents; 61999

(4) If the person is nineteen years of age or older, but less 62000
than twenty years of age, a fee of three dollars and fifty cents; 62001

(5) If the person is twenty years of age or older, but less 62002
than twenty-one years of age, a fee of two dollars and twenty-five 62003
cents. 62004

(F) Neither the registrar nor any deputy registrar shall 62005
charge a fee in excess of one dollar and fifty cents for 62006
laminating a driver's license, motorized bicycle license, or 62007
temporary instruction permit identification cards as required by 62008
sections 4507.13 and 4511.521 of the Revised Code. A deputy 62009
registrar laminating a driver's license, motorized bicycle 62010
license, or temporary instruction permit identification cards 62011
shall retain the entire amount of the fee charged for lamination, 62012
less the actual cost to the registrar of the laminating materials 62013
used for that lamination, as specified in the contract executed by 62014
the bureau for the laminating materials and laminating equipment. 62015
The deputy registrar shall forward the amount of the cost of the 62016
laminating materials to the registrar for deposit as provided in 62017
this section. 62018

(G) Except as provided in division (J) of this section and 62019
except for the renewal of a driver's license, commencing on 62020
October 1, 2003, each transaction described in divisions (A), (B), 62021
(C), (D), and (E) of this section shall be accompanied by an 62022
additional fee of twelve dollars. A transaction involving the 62023
renewal of a driver's license with an expiration date on or after 62024

that date shall be accompanied by an additional fee of twelve 62025
dollars. The additional fee is for the purpose of defraying the 62026
department of public safety's costs associated with the 62027
administration and enforcement of the motor vehicle and traffic 62028
laws of Ohio. 62029

(H) Except as provided in division (J) of this section, 62030
commencing on October 1, 2009, if an application for a driver's 62031
license or motorcycle operator's endorsement made by a person who 62032
previously held such a license is not applied for within the 62033
period specified in section 4507.09 of the Revised Code or within 62034
seven days after the period so specified, the registrar or deputy 62035
registrar shall collect a fee of twenty dollars for the issuance 62036
of the driver's license or motorcycle endorsement, but may waive 62037
the fee for good cause shown if the application is accompanied by 62038
supporting evidence as the registrar may require. The fee shall be 62039
in addition to all other fees established by this section. A 62040
deputy registrar collecting this twenty dollar fee shall retain 62041
fifty cents and send the remaining fee to the registrar as 62042
specified in division (I) of this section. 62043

(I) At the time and in the manner provided by section 4503.10 62044
of the Revised Code, the deputy registrar shall transmit the fees 62045
collected under divisions (A), (B), (C), (D), and (E), those 62046
portions of the fees specified in and collected under division 62047
(F), and the additional fee under divisions (G) and (H) of this 62048
section to the registrar. The registrar shall pay two dollars and 62049
fifty cents of each fee collected under divisions (A), (B), (C)(1) 62050
and (2), (D), and (E)(1) to (4) of this section, and the entire 62051
fee collected under division (E)(5) of this section, into the 62052
state highway safety fund established in section 4501.06 of the 62053
Revised Code, and such fees shall be used for the sole purpose of 62054
supporting driver licensing activities. The registrar also shall 62055
pay five dollars of each fee collected under division (C)(2) of 62056

this section and the entire fee collected under divisions (G) and 62057
(H) of this section into the state highway safety fund created in 62058
section 4501.06 of the Revised Code. The remaining fees collected 62059
by the registrar under this section shall be paid into the state 62060
bureau of motor vehicles fund established in section 4501.25 of 62061
the Revised Code. 62062

(J) A disabled veteran who has a service-connected disability 62063
rated at one hundred per cent by the veterans' administration may 62064
apply to the registrar or a deputy registrar for the issuance to 62065
that veteran, without the payment of any fee prescribed in this 62066
section, of any of the following items: 62067

(1) A temporary instruction permit and examination; 62068

(2) A new, renewal, or duplicate driver's or commercial 62069
driver's license; 62070

(3) A motorcycle operator's endorsement; 62071

(4) A motorized bicycle license or duplicate thereof; 62072

(5) The fee established in division (H) of this section; 62073

(6) Lamination of a driver's license, motorized bicycle 62074
license, or temporary instruction permit identification card as 62075
provided in division (F) of this section, if the circumstances 62076
specified in division (J)(6) of this section are met. 62077

A disabled veteran whose driver's license, motorized bicycle 62078
license, or temporary instruction permit identification card is 62079
laminated by the registrar or deputy registrar is not required to 62080
pay the registrar any lamination fee. 62081

An application made under division (J) of this section shall 62082
be accompanied by such documentary evidence of disability as the 62083
registrar may require by rule. 62084

Sec. 4507.24. (A) Except as provided in division (C) of this 62085

section, the registrar of motor vehicles or a deputy registrar may collect a fee not to exceed the following:

(1) Four dollars and fifty cents commencing on January 1, 2004, and six dollars and twenty-five cents commencing on October 1, 2009, for each application for renewal of a driver's license received by the deputy registrar, when the applicant is required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code;

(2) Three dollars and fifty cents commencing on January 1, 2004, for each application for a driver's license, or motorized bicycle license, or for renewal of such a license, received by the deputy registrar, when the applicant is not required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code.

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

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

application such documentary evidence of disability as the 62118
registrar may require by rule. 62119

A disabled veteran who submits an application described in 62120
this division is not required to pay either of the fees prescribed 62121
in division (A) of this section if the disabled veteran submits 62122
the application to a deputy registrar who is acting as a deputy 62123
registrar pursuant to a contract with the registrar that is 62124
executed after the effective date of this amendment. The disabled 62125
veteran still is required to submit with the disabled veteran's 62126
application such documentary evidence of disability as the 62127
registrar may require by rule. 62128

A disabled veteran who submits an application described in 62129
this division directly to the registrar is not required to pay 62130
either of the fees prescribed in division (A) of this section if 62131
the disabled veteran submits with the disabled veteran's 62132
application such documentary evidence of disability as the 62133
registrar may require by rule. 62134

(D)(1) Each deputy registrar shall transmit to the registrar 62135
of motor vehicles, at such time and in such manner as the 62136
registrar shall require by rule, an amount of each fee collected 62137
under division (A)(1) of this section as shall be determined by 62138
the registrar. The registrar shall pay all such moneys so received 62139
into the state bureau of motor vehicles fund created in section 62140
4501.25 of the Revised Code. 62141

(2) Commencing on October 1, 2009, each deputy registrar 62142
shall transmit one dollar and seventy-five cents of each fee 62143
collected under division (A)(1) of this section to the registrar 62144
at the time and in the manner provided by section 4503.10 of the 62145
Revised Code. The registrar shall deposit all moneys received 62146
under division (D)(2) of this section into the state highway 62147
safety fund established in section 4501.06 of the Revised Code. 62148

Sec. 4507.45. If a person's driver's license, commercial driver's license, or nonresident operating privilege is suspended, disqualified, or canceled for an indefinite period of time or for a period of at least ninety days, and if at the end of the period of suspension, disqualification, or cancellation the person is eligible to have the license or privilege reinstated, the registrar of motor vehicles shall collect a reinstatement fee of ~~thirty~~ forty dollars when the person requests reinstatement. However, the registrar shall not collect the fee prescribed by this section if a different driver's license, commercial driver's license, or nonresident operating privilege reinstatement fee is prescribed by law.

The registrar shall deposit ten dollars of each forty-dollar fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code and thirty dollars of each fee into the state treasury to the credit of the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

Sec. 4509.101. (A)(1) No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle.

(2) Whoever violates division (A)(1) of this section shall be subject to the following civil penalties:

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class E suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time

specified in division (B)(5) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. No court may grant limited driving privileges during the suspension.

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under any of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(c) Whenever, in accordance with rules adopted by the registrar, the person is randomly selected by the registrar and requested to provide such verification.

(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, personally delivers the license or certificate of registration and license plates, or causes the delivery of the items, to the registrar;

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container

bearing a postmark showing a date no later than the date specified 62242
in the order. 62243

(5) Except as provided in division (A)(6) or (L) of this 62244
section, the registrar shall not restore any operating privileges 62245
or registration rights suspended under this section, return any 62246
license, certificate of registration, or license plates impounded 62247
under this section, or reissue license plates under section 62248
4503.232 of the Revised Code, if the registrar destroyed the 62249
impounded license plates under that section, or reissue a license 62250
under section 4510.52 of the Revised Code, if the registrar 62251
destroyed the suspended license under that section, unless the 62252
rights are not subject to suspension or revocation under any other 62253
law and unless the person, in addition to complying with all other 62254
conditions required by law for reinstatement of the operating 62255
privileges or registration rights, complies with all of the 62256
following: 62257

(a) Pays a financial responsibility reinstatement fee of 62258
~~seventy five~~ one hundred dollars for the first violation of 62259
division (A)(1) of this section, ~~two~~ three hundred ~~fifty~~ dollars 62260
for a second violation of that division, and ~~five~~ six hundred 62261
dollars for a third or subsequent violation of that division; 62262

(b) If the person has not voluntarily surrendered the 62263
license, certificate, or license plates in compliance with the 62264
order, pays a financial responsibility nonvoluntary compliance fee 62265
in an amount, not to exceed fifty dollars, determined by the 62266
registrar; 62267

(c) Files and continuously maintains proof of financial 62268
responsibility under sections 4509.44 to 4509.65 of the Revised 62269
Code. 62270

(6) If the registrar issues an order under division (A)(2) of 62271
this section resulting from the failure of a person to respond to 62272

a financial responsibility random verification request under 62273
division (A)(3)(c) of this section and the person successfully 62274
maintains an affirmative defense to a violation of section 4510.16 62275
of the Revised Code or is determined by the registrar or a deputy 62276
registrar to have been in compliance with division (A)(1) of this 62277
section at the time of the initial financial responsibility random 62278
verification request, the registrar shall do both of the 62279
following: 62280

(a) Terminate the order of suspension or impoundment; 62281

(b) Restore the operating privileges and registration rights 62282
of the person without payment of the fees established in divisions 62283
(A)(5)(a) and (b) of this section and without a requirement to 62284
file proof of financial responsibility. 62285

(B)(1) Every party required to file an accident report under 62286
section 4509.06 of the Revised Code also shall include with the 62287
report a document described in division (G)(1) of this section. 62288

If the registrar determines, within forty-five days after the 62289
report is filed, that an operator or owner has violated division 62290
(A)(1) of this section, the registrar shall do all of the 62291
following: 62292

(a) Order the impoundment, with respect to the motor vehicle 62293
involved, required under division (A)(2)(d) of this section, of 62294
the certificate of registration and license plates of any owner 62295
who has violated division (A)(1) of this section; 62296

(b) Order the suspension required under division (A)(2)(a), 62297
(b), or (c) of this section of the license of any operator or 62298
owner who has violated division (A)(1) of this section; 62299

(c) Record the name and address of the person whose 62300
certificate of registration and license plates have been impounded 62301
or are under an order of impoundment, or whose license has been 62302
suspended or is under an order of suspension; the serial number of 62303

the person's license; the serial numbers of the person's 62304
certificate of registration and license plates; and the person's 62305
social security account number, if assigned, or, where the motor 62306
vehicle is used for hire or principally in connection with any 62307
established business, the person's federal taxpayer identification 62308
number. The information shall be recorded in such a manner that it 62309
becomes a part of the person's permanent record, and assists the 62310
registrar in monitoring compliance with the orders of suspension 62311
or impoundment. 62312

(d) Send written notification to every person to whom the 62313
order pertains, at the person's last known address as shown on the 62314
records of the bureau. The person, within ten days after the date 62315
of the mailing of the notification, shall surrender to the 62316
registrar, in a manner set forth in division (A)(4) of this 62317
section, any certificate of registration and registration plates 62318
under an order of impoundment, or any license under an order of 62319
suspension. 62320

(2) The registrar shall issue any order under division (B)(1) 62321
of this section without a hearing. Any person adversely affected 62322
by the order, within ten days after the issuance of the order, may 62323
request an administrative hearing before the registrar, who shall 62324
provide the person with an opportunity for a hearing in accordance 62325
with this paragraph. A request for a hearing does not operate as a 62326
suspension of the order. The scope of the hearing shall be limited 62327
to whether the person in fact demonstrated to the registrar proof 62328
of financial responsibility in accordance with this section. The 62329
registrar shall determine the date, time, and place of any 62330
hearing, provided that the hearing shall be held, and an order 62331
issued or findings made, within thirty days after the registrar 62332
receives a request for a hearing. If requested by the person in 62333
writing, the registrar may designate as the place of hearing the 62334
county seat of the county in which the person resides or a place 62335

within fifty miles of the person's residence. The person shall pay 62336
the cost of the hearing before the registrar, if the registrar's 62337
order of suspension or impoundment is upheld. 62338

(C) Any order of suspension or impoundment issued under this 62339
section or division (B) of section 4509.37 of the Revised Code may 62340
be terminated at any time if the registrar determines upon a 62341
showing of proof of financial responsibility that the operator or 62342
owner of the motor vehicle was in compliance with division (A)(1) 62343
of this section at the time of the traffic offense, motor vehicle 62344
inspection, or accident that resulted in the order against the 62345
person. A determination may be made without a hearing. This 62346
division does not apply unless the person shows good cause for the 62347
person's failure to present satisfactory proof of financial 62348
responsibility to the registrar prior to the issuance of the 62349
order. 62350

(D)(1) For the purpose of enforcing this section, every peace 62351
officer is deemed an agent of the registrar. 62352

(a) Except as provided in division (D)(1)(b) of this section, 62353
any peace officer who, in the performance of the peace officer's 62354
duties as authorized by law, becomes aware of a person whose 62355
license is under an order of suspension, or whose certificate of 62356
registration and license plates are under an order of impoundment, 62357
pursuant to this section, may confiscate the license, certificate 62358
of registration, and license plates, and return them to the 62359
registrar. 62360

(b) Any peace officer who, in the performance of the peace 62361
officer's duties as authorized by law, becomes aware of a person 62362
whose license is under an order of suspension, or whose 62363
certificate of registration and license plates are under an order 62364
of impoundment resulting from failure to respond to a financial 62365
responsibility random verification, shall not, for that reason, 62366
arrest the owner or operator or seize the vehicle or license 62367

plates. Instead, the peace officer shall issue a citation for a 62368
violation of section 4510.16 of the Revised Code specifying the 62369
circumstances as failure to respond to a financial responsibility 62370
random verification. 62371

(2) A peace officer shall request the owner or operator of a 62372
motor vehicle to produce proof of financial responsibility in a 62373
manner described in division (G) of this section at the time the 62374
peace officer acts to enforce the traffic laws of this state and 62375
during motor vehicle inspections conducted pursuant to section 62376
4513.02 of the Revised Code. 62377

(3) A peace officer shall indicate on every traffic ticket 62378
whether the person receiving the traffic ticket produced proof of 62379
the maintenance of financial responsibility in response to the 62380
officer's request under division (D)(2) of this section. The peace 62381
officer shall inform every person who receives a traffic ticket 62382
and who has failed to produce proof of the maintenance of 62383
financial responsibility that the person must submit proof to the 62384
traffic violations bureau with any payment of a fine and costs for 62385
the ticketed violation or, if the person is to appear in court for 62386
the violation, the person must submit proof to the court. 62387

(4)(a) If a person who has failed to produce proof of the 62388
maintenance of financial responsibility appears in court for a 62389
ticketed violation, the court may permit the defendant to present 62390
evidence of proof of financial responsibility to the court at such 62391
time and in such manner as the court determines to be necessary or 62392
appropriate. In a manner prescribed by the registrar, the clerk of 62393
courts shall provide the registrar with the identity of any person 62394
who fails to submit proof of the maintenance of financial 62395
responsibility pursuant to division (D)(3) of this section. 62396

(b) If a person who has failed to produce proof of the 62397
maintenance of financial responsibility also fails to submit that 62398
proof to the traffic violations bureau with payment of a fine and 62399

costs for the ticketed violation, the traffic violations bureau, 62400
in a manner prescribed by the registrar, shall notify the 62401
registrar of the identity of that person. 62402

(5)(a) Upon receiving notice from a clerk of courts or 62403
traffic violations bureau pursuant to division (D)(4) of this 62404
section, the registrar shall order the suspension of the license 62405
of the person required under division (A)(2)(a), (b), or (c) of 62406
this section and the impoundment of the person's certificate of 62407
registration and license plates required under division (A)(2)(d) 62408
of this section, effective thirty days after the date of the 62409
mailing of notification. The registrar also shall notify the 62410
person that the person must present the registrar with proof of 62411
financial responsibility in accordance with this section, 62412
surrender to the registrar the person's certificate of 62413
registration, license plates, and license, or submit a statement 62414
subject to section 2921.13 of the Revised Code that the person did 62415
not operate or permit the operation of the motor vehicle at the 62416
time of the offense. Notification shall be in writing and shall be 62417
sent to the person at the person's last known address as shown on 62418
the records of the bureau of motor vehicles. The person, within 62419
fifteen days after the date of the mailing of notification, shall 62420
present proof of financial responsibility, surrender the 62421
certificate of registration, license plates, and license to the 62422
registrar in a manner set forth in division (A)(4) of this 62423
section, or submit the statement required under this section 62424
together with other information the person considers appropriate. 62425

If the registrar does not receive proof or the person does 62426
not surrender the certificate of registration, license plates, and 62427
license, in accordance with this division, the registrar shall 62428
permit the order for the suspension of the license of the person 62429
and the impoundment of the person's certificate of registration 62430
and license plates to take effect. 62431

(b) In the case of a person who presents, within the
fifteen-day period, documents to show proof of financial
responsibility, the registrar shall terminate the order of
suspension and the impoundment of the registration and license
plates required under division (A)(2)(d) of this section and shall
send written notification to the person, at the person's last
known address as shown on the records of the bureau.

(c) Any person adversely affected by the order of the
registrar under division (D)(5)(a) or (b) of this section, within
ten days after the issuance of the order, may request an
administrative hearing before the registrar, who shall provide the
person with an opportunity for a hearing in accordance with this
paragraph. A request for a hearing does not operate as a
suspension of the order. The scope of the hearing shall be limited
to whether, at the time of the hearing, the person presents proof
of financial responsibility covering the vehicle and whether the
person is eligible for an exemption in accordance with this
section or any rule adopted under it. The registrar shall
determine the date, time, and place of any hearing; provided, that
the hearing shall be held, and an order issued or findings made,
within thirty days after the registrar receives a request for a
hearing. If requested by the person in writing, the registrar may
designate as the place of hearing the county seat of the county in
which the person resides or a place within fifty miles of the
person's residence. Such person shall pay the cost of the hearing
before the registrar, if the registrar's order of suspension or
impoundment under division (D)(5)(a) or (b) of this section is
upheld.

(6) A peace officer may charge an owner or operator of a
motor vehicle with a violation of section 4510.16 of the Revised
Code when the owner or operator fails to show proof of the
maintenance of financial responsibility pursuant to a peace

officer's request under division (D)(2) of this section, if a 62464
check of the owner or operator's driving record indicates that the 62465
owner or operator, at the time of the operation of the motor 62466
vehicle, is required to file and maintain proof of financial 62467
responsibility under section 4509.45 of the Revised Code for a 62468
previous violation of this chapter. 62469

(7) Any forms used by law enforcement agencies in 62470
administering this section shall be prescribed, supplied, and paid 62471
for by the registrar. 62472

(8) No peace officer, law enforcement agency employing a 62473
peace officer, or political subdivision or governmental agency 62474
that employs a peace officer shall be liable in a civil action for 62475
damages or loss to persons arising out of the performance of any 62476
duty required or authorized by this section. 62477

(9) As used in this division and divisions (E) and (G) of 62478
this section, "peace officer" has the meaning set forth in section 62479
2935.01 of the Revised Code. 62480

(E) All fees, except court costs and those portions of the 62481
financial responsibility reinstatement fees as otherwise specified 62482
in this division, collected under this section shall be paid into 62483
the state treasury to the credit of the financial responsibility 62484
compliance fund. The financial responsibility compliance fund 62485
shall be used exclusively to cover costs incurred by the bureau in 62486
the administration of this section and sections 4503.20, 4507.212, 62487
and 4509.81 of the Revised Code, and by any law enforcement agency 62488
employing any peace officer who returns any license, certificate 62489
of registration, and license plates to the registrar pursuant to 62490
division (C) of this section, except that the director of budget 62491
and management may transfer excess money from the financial 62492
responsibility compliance fund to the state bureau of motor 62493
vehicles fund if the registrar determines that the amount of money 62494
in the financial responsibility compliance fund exceeds the amount 62495

required to cover such costs incurred by the bureau or a law enforcement agency and requests the director to make the transfer. 62496
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Of each financial responsibility reinstatement fee the registrar collects pursuant to division (A)(5)(a) of this section, the registrar shall deposit twenty-five dollars of each one-hundred-dollar reinstatement fee, fifty dollars of each three-hundred-dollar reinstatement fee, and one hundred dollars of each six-hundred-dollar reinstatement fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code. 62498
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All investment earnings of the financial responsibility compliance fund shall be credited to the fund. 62506
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(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not clearly inconsistent with this section. 62508
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(G)(1) The registrar, court, traffic violations bureau, or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents: 62511
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(a) A financial responsibility identification card as provided in section 4509.103 of the Revised Code; 62519
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(b) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code; 62521
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(c) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or 62525
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bond complies with section 4509.20 or sections 4509.49 to 4509.61 62527
of the Revised Code; 62528

(d) A bond or certification of the issuance of a bond as 62529
provided in section 4509.59 of the Revised Code; 62530

(e) A certificate of deposit of money or securities as 62531
provided in section 4509.62 of the Revised Code; 62532

(f) A certificate of self-insurance as provided in section 62533
4509.72 of the Revised Code. 62534

(2) If a person fails to demonstrate proof of financial 62535
responsibility in a manner described in division (G)(1) of this 62536
section, the person may demonstrate proof of financial 62537
responsibility under this section by any other method that the 62538
court or the bureau, by reason of circumstances in a particular 62539
case, may consider appropriate. 62540

(3) A motor carrier certificated by the interstate commerce 62541
commission or by the public utilities commission may demonstrate 62542
proof of financial responsibility by providing a statement 62543
designating the motor carrier's operating authority and averring 62544
that the insurance coverage required by the certificating 62545
authority is in full force and effect. 62546

(4)(a) A finding by the registrar or court that a person is 62547
covered by proof of financial responsibility in the form of an 62548
insurance policy or surety bond is not binding upon the named 62549
insurer or surety or any of its officers, employees, agents, or 62550
representatives and has no legal effect except for the purpose of 62551
administering this section. 62552

(b) The preparation and delivery of a financial 62553
responsibility identification card or any other document 62554
authorized to be used as proof of financial responsibility under 62555
this division does not do any of the following: 62556

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives; 62557
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(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond; 62560
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(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility. 62562
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(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A)(2) of this section. 62568
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(H) In order for any document described in division (G)(1)(b) of this section to be used for the demonstration of proof of financial responsibility under this section, the document shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage. 62578
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(I) For purposes of this section, "owner" does not include a licensed motor vehicle leasing dealer as defined in section 62586
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4517.01 of the Revised Code, but does include a motor vehicle 62588
renting dealer as defined in section 4549.65 of the Revised Code. 62589
Nothing in this section or in section 4509.51 of the Revised Code 62590
shall be construed to prohibit a motor vehicle renting dealer from 62591
entering into a contractual agreement with a person whereby the 62592
person renting the motor vehicle agrees to be solely responsible 62593
for maintaining proof of financial responsibility, in accordance 62594
with this section, with respect to the operation, maintenance, or 62595
use of the motor vehicle during the period of the motor vehicle's 62596
rental. 62597

(J) The purpose of this section is to require the maintenance 62598
of proof of financial responsibility with respect to the operation 62599
of motor vehicles on the highways of this state, so as to minimize 62600
those situations in which persons are not compensated for injuries 62601
and damages sustained in motor vehicle accidents. The general 62602
assembly finds that this section contains reasonable civil 62603
penalties and procedures for achieving this purpose. 62604

(K) Nothing in this section shall be construed to be subject 62605
to section 4509.78 of the Revised Code. 62606

(L)(1) The registrar may terminate any suspension imposed 62607
under this section and not require the owner to comply with 62608
divisions (A)(5)(a), (b), and (c) of this section if the registrar 62609
with or without a hearing determines that the owner of the vehicle 62610
has established by clear and convincing evidence that all of the 62611
following apply: 62612

(a) The owner customarily maintains proof of financial 62613
responsibility. 62614

(b) Proof of financial responsibility was not in effect for 62615
the vehicle on the date in question for one of the following 62616
reasons: 62617

(i) The vehicle was inoperable. 62618

(ii) The vehicle is operated only seasonally, and the date in question was outside the season of operation. 62619
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(iii) A person other than the vehicle owner or driver was at fault for the lapse of proof of financial responsibility through no fault of the owner or driver. 62621
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(iv) The lapse of proof of financial responsibility was caused by excusable neglect under circumstances that are not likely to recur and do not suggest a purpose to evade the requirements of this chapter. 62624
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(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(i) or (ii) of this section whenever the owner or driver is randomly selected to verify the existence of proof of financial responsibility for such a vehicle. However, the registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section. 62628
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(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration. 62637
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Sec. 4510.11. (A) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Revised Code, other than Chapter 4509. of the Revised Code, or under any applicable law in any other jurisdiction in which the person's license or permit was 62645
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issued shall operate any motor vehicle upon the public roads and 62650
highways or upon any public or private property used by the public 62651
for purposes of vehicular travel or parking within this state 62652
during the period of suspension unless the person is granted 62653
limited driving privileges and is operating the vehicle in 62654
accordance with the terms of the limited driving privileges. 62655

(B) No person shall operate any motor vehicle upon a highway 62656
or any public or private property used by the public for purposes 62657
of vehicular travel or parking in this state in violation of any 62658
restriction of the person's driver's or commercial driver's 62659
license or permit imposed under division (D) of section 4506.10 or 62660
under section 4507.14 of the Revised Code. 62661

(C)(1) ~~Whoever~~ (a) Except as provided in division (C)(1)(b) 62662
of this section, whoever violates division (A) of this section is 62663
guilty of driving under suspension ~~or in violation of a license~~ 62664
~~restriction~~, a misdemeanor of the first degree. The court shall 62665
impose upon the offender a class seven suspension of the 62666
offender's driver's license, commercial driver's license, 62667
temporary instruction permit, probationary license, or nonresident 62668
operating privilege from the range specified in division (A)(7) of 62669
section 4510.02 of the Revised Code. 62670

(b) If the offender's driver's or commercial driver's license 62671
or permit or nonresident operating privilege has been suspended 62672
under section 3123.58 or 4510.22 of the Revised Code, a violation 62673
of division (A) of this section is an unclassified misdemeanor. 62674
The offender may be fined up to one thousand dollars and pursuant 62675
to division (B) of section 2929.27 of the Revised Code 62676
additionally may be ordered to serve a term of community service 62677
of up to five hundred hours. If the offender previously was 62678
convicted of or pleaded guilty to two or more violations of this 62679
section or a substantially equivalent municipal ordinance within 62680

the past three years, the offense is a misdemeanor of the first degree. 62681
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(2) Whoever violates division (B) of this section is guilty of driving in violation of a license restriction, a misdemeanor of the first degree. 62683
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(3) Except as provided in division (C)~~(3)~~(4) or ~~(4)~~(5) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for thirty days in accordance with section 4503.233 of the Revised Code and the impoundment of that vehicle's license plates for thirty days. 62686
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~~(3)~~(4) If the offender previously has been convicted of or pleaded guilty to one violation of this section or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for sixty days in accordance with section 4503.233 of the Revised Code and the impoundment of that vehicle's license plates for sixty days. 62693
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~~(4)~~(5) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the state. 62701
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(D) Any order for immobilization and impoundment under this section shall be issued and enforced under section 4503.233 of the Revised Code. The court shall not release a vehicle from immobilization ordered under this section unless the court is 62708
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presented with current proof of financial responsibility with 62712
respect to that vehicle. 62713

(E) Any order of criminal forfeiture under this section shall 62714
be issued and enforced under section 4503.234 of the Revised Code. 62715
Upon receipt of the copy of the order from the court, neither the 62716
registrar of motor vehicles nor a deputy registrar shall accept 62717
any application for the registration or transfer of registration 62718
of any motor vehicle owned or leased by the person named in the 62719
declaration of forfeiture. The period of registration denial shall 62720
be five years after the date of the order, unless, during that 62721
period, the court having jurisdiction of the offense that led to 62722
the order terminates the forfeiture and notifies the registrar of 62723
the termination. The registrar then shall take necessary measures 62724
to permit the person to register a vehicle owned or leased by the 62725
person or to transfer registration of the vehicle. 62726

Sec. 4510.12. (A)(1) No person, except those expressly 62727
exempted under sections 4507.03, 4507.04, and 4507.05 of the 62728
Revised Code, shall operate any motor vehicle upon a public road 62729
or highway or any public or private property used by the public 62730
for purposes of vehicular travel or parking in this state unless 62731
the person has a valid driver's license issued under Chapter 4507. 62732
of the Revised Code or a commercial driver's license issued under 62733
Chapter 4506. of the Revised Code. 62734

(2) No person, except a person expressly exempted under 62735
sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall 62736
operate any motorcycle upon a public road or highway or any public 62737
or private property used by the public for purposes of vehicular 62738
travel or parking in this state unless the person has a valid 62739
license as a motorcycle operator that was issued upon application 62740
by the registrar of motor vehicles under Chapter 4507. of the 62741
Revised Code. The license shall be in the form of an endorsement, 62742

as determined by the registrar, upon a driver's or commercial 62743
driver's license, if the person has a valid license to operate a 62744
motor vehicle or commercial motor vehicle, or in the form of a 62745
restricted license as provided in section 4507.14 of the Revised 62746
Code, if the person does not have a valid license to operate a 62747
motor vehicle or commercial motor vehicle. 62748

(B) Whoever violates this section is guilty of operating a 62749
motor vehicle without a valid license and shall be punished as 62750
follows: 62751

(1) If the trier of fact finds that the offender never has 62752
held a valid driver's or commercial driver's license issued by 62753
this state or any other jurisdiction, the offense is a an 62754
unclassified misdemeanor ~~of the first degree. The offender may be~~ 62755
fined up to one thousand dollars and pursuant to division (B) of 62756
section 2929.27 of the Revised Code additionally may be ordered to 62757
serve a term of community service of up to five hundred hours. 62758

(2)(a) Subject to division (B)(2)(b) of this section, if the 62759
offender's driver's or commercial driver's license or permit was 62760
expired at the time of the offense ~~for no more than six months,~~ 62761
the offense is a minor misdemeanor ~~and if the offender's driver's~~ 62762
~~or commercial driver's license or permit was expired at the time~~ 62763
~~of the offense for more than six months, the offense is a~~ 62764
misdemeanor ~~of the fourth degree.~~ 62765

(b)(i) ~~If the offender previously was convicted of or pleaded~~ 62766
~~guilty to one violation of this section or a substantially~~ 62767
~~equivalent municipal ordinance within the past three years, the~~ 62768
~~offense is a misdemeanor of the third degree.~~ 62769

(ii) ~~If the offender previously was convicted of or pleaded~~ 62770
~~guilty to two violations of this section or a substantially~~ 62771
~~equivalent municipal ordinance within the past three years, the~~ 62772
~~offense is a misdemeanor of the second degree.~~ 62773

~~(iii)~~ If the offender previously was convicted of or pleaded guilty to three or more violations of this section or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the first degree.

(C) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of this section or a substantially equivalent municipal ordinance.

(D) If the offender was convicted of or pleaded guilty to one or more violations of this section or a substantially equivalent municipal ordinance within the past three years, and if the offender's license was expired for more than six months at the time of the offense, the court shall impose a class seven suspension of the offender's driver license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code.

Sec. 4510.16. (A) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Chapter 4509. of the Revised Code, shall operate any motor vehicle within this state, or knowingly permit any motor vehicle owned by the person to be operated by another person in the state, during the period of the suspension or cancellation, except as specifically authorized by Chapter 4509. of the Revised Code. No person shall operate a motor vehicle within this state, or knowingly permit any motor vehicle owned by the person to be operated by another person in the state, during the period in which the person is required by section 4509.45 of the Revised Code to file and maintain proof of financial responsibility for a violation of section 4509.101 of the Revised Code, unless proof of

financial responsibility is maintained with respect to that 62805
vehicle. 62806

(B)(1) Whoever violates this section is guilty of driving 62807
under financial responsibility law suspension or cancellation, a 62808
an unclassified misdemeanor of the first degree. The offender may 62809
be fined up to one thousand dollars and pursuant to division (B) 62810
of section 2929.27 of the Revised Code additionally may be ordered 62811
to serve a term of community service of up to five hundred hours. 62812
If the offender previously was convicted of or pleaded guilty to 62813
two or more violations of this section or a substantially 62814
equivalent municipal ordinance within the past three years, the 62815
offense is a misdemeanor of the first degree. The court shall 62816
impose a class seven suspension of the offender's driver's or 62817
commercial driver's license or permit or nonresident operating 62818
privilege for the period of time specified in division (A)(7) of 62819
section 4510.02 of the Revised Code. 62820

(2) If the vehicle is registered in the offender's name and 62821
division (B)(3) of this section does not apply, the court, in 62822
addition to or independent of any other sentence that it imposes 62823
upon the offender, may order the immobilization for no more than 62824
thirty days of the vehicle involved in the offense and the 62825
impoundment for no more than thirty days of the license plates of 62826
that vehicle. 62827

(3) If the vehicle is registered in the offender's name and 62828
if, within five years of the offense, the offender has been 62829
convicted of or pleaded guilty to one violation of this section or 62830
a substantially similar municipal ordinance, the court, in 62831
addition to or independent of any other sentence that it imposes 62832
on the offender, shall order the immobilization for sixty days of 62833
the vehicle involved in the offense and impoundment for sixty days 62834
of the license plates of that vehicle. 62835

If the vehicle is registered in the offender's name and if, 62836
within five years of the offense, the offender has been convicted 62837
of or pleaded guilty to two or more violations of this section or 62838
a substantially similar municipal ordinance, the court, in 62839
addition to or independent of any other sentence that it imposes 62840
upon the offender, shall order the criminal forfeiture to the 62841
state of the vehicle involved in the offense. If title to a motor 62842
vehicle that is subject to an order for criminal forfeiture under 62843
this division is assigned or transferred and division (B)(2) or 62844
(3) of section 4503.234 of the Revised Code applies, in addition 62845
to or independent of any other penalty established by law, the 62846
court may fine the offender the value of the vehicle as determined 62847
by publications of the national auto dealers association. The 62848
proceeds from any fine so imposed shall be distributed in 62849
accordance with division (C)(2) of that section. 62850

(C) Any order for immobilization and impoundment under this 62851
section shall be issued and enforced in accordance with sections 62852
4503.233 and 4507.02 of the Revised Code, as applicable. Any order 62853
of criminal forfeiture shall be issued and enforced in accordance 62854
with section 4503.234 of the Revised Code. The court shall not 62855
release a vehicle from immobilization orders under this section 62856
unless the court is presented with current proof of financial 62857
responsibility with respect to that vehicle. 62858

Sec. 4510.22. (A) If a person who has a current valid Ohio 62859
driver's, commercial driver's license, or temporary instruction 62860
permit is charged with a violation of any provision in sections 62861
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 62862
4549.65 of the Revised Code that is classified as a misdemeanor of 62863
the first, second, third, or fourth degree or with a violation of 62864
any substantially equivalent municipal ordinance and if the person 62865
either fails to appear in court at the required time and place to 62866
answer the charge or pleads guilty to or is found guilty of the 62867

violation and fails within the time allowed by the court to pay 62868
the fine imposed by the court, the court shall declare the 62869
forfeiture of the person's license. Thirty days after the 62870
declaration of forfeiture, the court shall inform the registrar of 62871
motor vehicles of the forfeiture by entering information relative 62872
to the of forfeiture on a form approved and furnished by the 62873
registrar and sending the form to the registrar. The court also 62874
shall forward the person's license, if it is in the possession of 62875
the court, to the registrar. 62876

The registrar shall impose a class F suspension of the 62877
person's driver's or commercial driver's license, or temporary 62878
instruction permit for the period of time specified in division 62879
(B)(6) of section 4510.02 of the Revised Code on any person who is 62880
named in a declaration received by the registrar under this 62881
section. The registrar shall send written notification of the 62882
suspension to the person at the person's last known address and, 62883
if the person is in possession of the license, order the person to 62884
surrender the person's license or permit to the registrar within 62885
forty-eight hours. 62886

No valid driver's or commercial driver's license shall be 62887
granted to the person after the suspension, unless the court 62888
having jurisdiction of the offense that led to the suspension 62889
orders that the forfeiture be terminated. The court shall order 62890
the termination of the forfeiture if the person thereafter appears 62891
to answer the charge and pays any fine imposed by the court or 62892
pays the fine originally imposed by the court. The court shall 62893
inform the registrar of the termination of the forfeiture by 62894
entering information relative to the termination on a form 62895
approved and furnished by the registrar and sending the form to 62896
the registrar. The person shall pay to the bureau of motor 62897
vehicles a ~~fifteen-dollar~~ twenty-five-dollar reinstatement fee ~~to~~ 62898
~~cover the costs of the bureau in administering this section.~~ The 62899

registrar shall deposit fifteen dollars of the fee into the state 62900
treasury to the credit of the state bureau of motor vehicles fund 62901
created by section 4501.25 of the Revised Code to cover the costs 62902
of the bureau in administering this section and shall deposit ten 62903
dollars of the fee into the state treasury to the credit of the 62904
indigent defense support fund created by section 120.08 of the 62905
Revised Code. 62906

(B) In addition to suspending the driver's or commercial 62907
driver's license or permit of the person named in a declaration of 62908
forfeiture, the registrar, upon receipt from the court of the copy 62909
of the declaration of forfeiture, shall take any measures that may 62910
be necessary to ensure that neither the registrar nor any deputy 62911
registrar accepts any application for the registration or transfer 62912
of registration of any motor vehicle owned or leased by the person 62913
named in the declaration of forfeiture. However, for a motor 62914
vehicle leased by a person named in a declaration of forfeiture, 62915
the registrar shall not implement the preceding sentence until the 62916
registrar adopts procedures for that implementation under section 62917
4503.39 of the Revised Code. The period of denial of registration 62918
or transfer shall continue until such time as the court having 62919
jurisdiction of the offense that led to the suspension orders the 62920
forfeiture be terminated. Upon receipt by the registrar of an 62921
order terminating the forfeiture, the registrar also shall take 62922
any measures that may be necessary to permit the person to 62923
register a motor vehicle owned or leased by the person or to 62924
transfer the registration of such a motor vehicle, if the person 62925
later makes application to take such action and otherwise is 62926
eligible to register the motor vehicle or to transfer its 62927
registration. 62928

The registrar shall not be required to give effect to any 62929
declaration of forfeiture or order terminating a forfeiture 62930
provided by a court under this section unless the information 62931

contained in the declaration or order is transmitted to the 62932
registrar by means of an electronic transfer system. The registrar 62933
shall not restore the person's driving or vehicle registration 62934
privileges until the person pays the reinstatement fee as provided 62935
in this section. 62936

The period of denial relating to the issuance or transfer of 62937
a certificate of registration for a motor vehicle imposed pursuant 62938
to this division remains in effect until the person pays any fine 62939
imposed by the court relative to the offense. 62940

Sec. 4511.191. (A)(1) As used in this section: 62941

(a) "Physical control" has the same meaning as in section 62942
4511.194 of the Revised Code. 62943

(b) "Alcohol monitoring device" means any device that 62944
provides for continuous alcohol monitoring, any ignition interlock 62945
device, any immobilizing or disabling device other than an 62946
ignition interlock device that is constantly available to monitor 62947
the concentration of alcohol in a person's system, or any other 62948
device that provides for the automatic testing and periodic 62949
reporting of alcohol consumption by a person and that a court 62950
orders a person to use as a sanction imposed as a result of the 62951
person's conviction of or plea of guilty to an offense. 62952

(2) Any person who operates a vehicle, streetcar, or 62953
trackless trolley upon a highway or any public or private property 62954
used by the public for vehicular travel or parking within this 62955
state or who is in physical control of a vehicle, streetcar, or 62956
trackless trolley shall be deemed to have given consent to a 62957
chemical test or tests of the person's whole blood, blood serum or 62958
plasma, breath, or urine to determine the alcohol, drug of abuse, 62959
controlled substance, metabolite of a controlled substance, or 62960
combination content of the person's whole blood, blood serum or 62961
plasma, breath, or urine if arrested for a violation of division 62962

(A) or (B) of section 4511.19 of the Revised Code, section 62963
4511.194 of the Revised Code or a substantially equivalent 62964
municipal ordinance, or a municipal OVI ordinance. 62965

(3) The chemical test or tests under division (A)(2) of this 62966
section shall be administered at the request of a law enforcement 62967
officer having reasonable grounds to believe the person was 62968
operating or in physical control of a vehicle, streetcar, or 62969
trackless trolley in violation of a division, section, or 62970
ordinance identified in division (A)(2) of this section. The law 62971
enforcement agency by which the officer is employed shall 62972
designate which of the tests shall be administered. 62973

(4) Any person who is dead or unconscious, or who otherwise 62974
is in a condition rendering the person incapable of refusal, shall 62975
be deemed to have consented as provided in division (A)(2) of this 62976
section, and the test or tests may be administered, subject to 62977
sections 313.12 to 313.16 of the Revised Code. 62978

(5)(a) If a law enforcement officer arrests a person for a 62979
violation of division (A) or (B) of section 4511.19 of the Revised 62980
Code, section 4511.194 of the Revised Code or a substantially 62981
equivalent municipal ordinance, or a municipal OVI ordinance and 62982
if the person if convicted would be required to be sentenced under 62983
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 62984
Code, the law enforcement officer shall request the person to 62985
submit, and the person shall submit, to a chemical test or tests 62986
of the person's whole blood, blood serum or plasma, breath, or 62987
urine for the purpose of determining the alcohol, drug of abuse, 62988
controlled substance, metabolite of a controlled substance, or 62989
combination content of the person's whole blood, blood serum or 62990
plasma, breath, or urine. A law enforcement officer who makes a 62991
request pursuant to this division that a person submit to a 62992
chemical test or tests is not required to advise the person of the 62993
consequences of submitting to, or refusing to submit to, the test 62994

or tests and is not required to give the person the form described 62995
in division (B) of section 4511.192 of the Revised Code, but the 62996
officer shall advise the person at the time of the arrest that if 62997
the person refuses to take a chemical test the officer may employ 62998
whatever reasonable means are necessary to ensure that the person 62999
submits to a chemical test of the person's whole blood or blood 63000
serum or plasma. The officer shall also advise the person at the 63001
time of the arrest that the person may have an independent 63002
chemical test taken at the person's own expense. Divisions (A)(3) 63003
and (4) of this section apply to the administration of a chemical 63004
test or tests pursuant to this division. 63005

63006

(b) If a person refuses to submit to a chemical test upon a 63007
request made pursuant to division (A)(5)(a) of this section, the 63008
law enforcement officer who made the request may employ whatever 63009
reasonable means are necessary to ensure that the person submits 63010
to a chemical test of the person's whole blood or blood serum or 63011
plasma. A law enforcement officer who acts pursuant to this 63012
division to ensure that a person submits to a chemical test of the 63013
person's whole blood or blood serum or plasma is immune from 63014
criminal and civil liability based upon a claim for assault and 63015
battery or any other claim for the acts, unless the officer so 63016
acted with malicious purpose, in bad faith, or in a wanton or 63017
reckless manner. 63018

(B)(1) Upon receipt of the sworn report of a law enforcement 63019
officer who arrested a person for a violation of division (A) or 63020
(B) of section 4511.19 of the Revised Code, section 4511.194 of 63021
the Revised Code or a substantially equivalent municipal 63022
ordinance, or a municipal OVI ordinance that was completed and 63023
sent to the registrar and a court pursuant to section 4511.192 of 63024
the Revised Code in regard to a person who refused to take the 63025
designated chemical test, the registrar shall enter into the 63026

registrar's records the fact that the person's driver's or 63027
commercial driver's license or permit or nonresident operating 63028
privilege was suspended by the arresting officer under this 63029
division and that section and the period of the suspension, as 63030
determined under this section. The suspension shall be subject to 63031
appeal as provided in section 4511.197 of the Revised Code. The 63032
suspension shall be for whichever of the following periods 63033
applies: 63034

(a) Except when division (B)(1)(b), (c), or (d) of this 63035
section applies and specifies a different class or length of 63036
suspension, the suspension shall be a class C suspension for the 63037
period of time specified in division (B)(3) of section 4510.02 of 63038
the Revised Code. 63039

(b) If the arrested person, within six years of the date on 63040
which the person refused the request to consent to the chemical 63041
test, had refused one previous request to consent to a chemical 63042
test or had been convicted of or pleaded guilty to one violation 63043
of division (A) or (B) of section 4511.19 of the Revised Code or 63044
one other equivalent offense, the suspension shall be a class B 63045
suspension imposed for the period of time specified in division 63046
(B)(2) of section 4510.02 of the Revised Code. 63047

(c) If the arrested person, within six years of the date on 63048
which the person refused the request to consent to the chemical 63049
test, had refused two previous requests to consent to a chemical 63050
test, had been convicted of or pleaded guilty to two violations of 63051
division (A) or (B) of section 4511.19 of the Revised Code or 63052
other equivalent offenses, or had refused one previous request to 63053
consent to a chemical test and also had been convicted of or 63054
pleaded guilty to one violation of division (A) or (B) of section 63055
4511.19 of the Revised Code or other equivalent offenses, which 63056
violation or offense arose from an incident other than the 63057
incident that led to the refusal, the suspension shall be a class 63058

A suspension imposed for the period of time specified in division 63059
(B)(1) of section 4510.02 of the Revised Code. 63060

(d) If the arrested person, within six years of the date on 63061
which the person refused the request to consent to the chemical 63062
test, had refused three or more previous requests to consent to a 63063
chemical test, had been convicted of or pleaded guilty to three or 63064
more violations of division (A) or (B) of section 4511.19 of the 63065
Revised Code or other equivalent offenses, or had refused a number 63066
of previous requests to consent to a chemical test and also had 63067
been convicted of or pleaded guilty to a number of violations of 63068
division (A) or (B) of section 4511.19 of the Revised Code or 63069
other equivalent offenses that cumulatively total three or more 63070
such refusals, convictions, and guilty pleas, the suspension shall 63071
be for five years. 63072

(2) The registrar shall terminate a suspension of the 63073
driver's or commercial driver's license or permit of a resident or 63074
of the operating privilege of a nonresident, or a denial of a 63075
driver's or commercial driver's license or permit, imposed 63076
pursuant to division (B)(1) of this section upon receipt of notice 63077
that the person has entered a plea of guilty to, or that the 63078
person has been convicted after entering a plea of no contest to, 63079
operating a vehicle in violation of section 4511.19 of the Revised 63080
Code or in violation of a municipal OVI ordinance, if the offense 63081
for which the conviction is had or the plea is entered arose from 63082
the same incident that led to the suspension or denial. 63083

The registrar shall credit against any judicial suspension of 63084
a person's driver's or commercial driver's license or permit or 63085
nonresident operating privilege imposed pursuant to section 63086
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 63087
Revised Code for a violation of a municipal OVI ordinance, any 63088
time during which the person serves a related suspension imposed 63089
pursuant to division (B)(1) of this section. 63090

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of

the Revised Code if the person has been convicted of or pleaded
guilty to, within six years of the date the test was conducted,
one violation of division (A) or (B) of section 4511.19 of the
Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted,
the person has been convicted of or pleaded guilty to two
violations of a statute or ordinance described in division
(C)(1)(b) of this section, the suspension shall be a class B
suspension imposed for the period of time specified in division
(B)(2) of section 4510.02 of the Revised Code.

(d) If, within six years of the date the test was conducted,
the person has been convicted of or pleaded guilty to more than
two violations of a statute or ordinance described in division
(C)(1)(b) of this section, the suspension shall be a class A
suspension imposed for the period of time specified in division
(B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the
driver's or commercial driver's license or permit of a resident or
of the operating privilege of a nonresident, or a denial of a
driver's or commercial driver's license or permit, imposed
pursuant to division (C)(1) of this section upon receipt of notice
that the person has entered a plea of guilty to, or that the
person has been convicted after entering a plea of no contest to,
operating a vehicle in violation of section 4511.19 of the Revised
Code or in violation of a municipal OVI ordinance, if the offense
for which the conviction is had or the plea is entered arose from
the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of
a person's driver's or commercial driver's license or permit or
nonresident operating privilege imposed pursuant to section
4511.19 of the Revised Code, or pursuant to section 4510.07 of the
Revised Code for a violation of a municipal OVI ordinance, any

time during which the person serves a related suspension imposed 63155
pursuant to division (C)(1) of this section. 63156

(D)(1) A suspension of a person's driver's or commercial 63157
driver's license or permit or nonresident operating privilege 63158
under this section for the time described in division (B) or (C) 63159
of this section is effective immediately from the time at which 63160
the arresting officer serves the notice of suspension upon the 63161
arrested person. Any subsequent finding that the person is not 63162
guilty of the charge that resulted in the person being requested 63163
to take the chemical test or tests under division (A) of this 63164
section does not affect the suspension. 63165

(2) If a person is arrested for operating a vehicle, 63166
streetcar, or trackless trolley in violation of division (A) or 63167
(B) of section 4511.19 of the Revised Code or a municipal OVI 63168
ordinance, or for being in physical control of a vehicle, 63169
streetcar, or trackless trolley in violation of section 4511.194 63170
of the Revised Code or a substantially equivalent municipal 63171
ordinance, regardless of whether the person's driver's or 63172
commercial driver's license or permit or nonresident operating 63173
privilege is or is not suspended under division (B) or (C) of this 63174
section or Chapter 4510. of the Revised Code, the person's initial 63175
appearance on the charge resulting from the arrest shall be held 63176
within five days of the person's arrest or the issuance of the 63177
citation to the person, subject to any continuance granted by the 63178
court pursuant to section 4511.197 of the Revised Code regarding 63179
the issues specified in that division. 63180

(E) When it finally has been determined under the procedures 63181
of this section and sections 4511.192 to 4511.197 of the Revised 63182
Code that a nonresident's privilege to operate a vehicle within 63183
this state has been suspended, the registrar shall give 63184
information in writing of the action taken to the motor vehicle 63185
administrator of the state of the person's residence and of any 63186

state in which the person has a license. 63187

(F) At the end of a suspension period under this section, 63188
under section 4511.194, section 4511.196, or division (G) of 63189
section 4511.19 of the Revised Code, or under section 4510.07 of 63190
the Revised Code for a violation of a municipal OVI ordinance and 63191
upon the request of the person whose driver's or commercial 63192
driver's license or permit was suspended and who is not otherwise 63193
subject to suspension, cancellation, or disqualification, the 63194
registrar shall return the driver's or commercial driver's license 63195
or permit to the person upon the occurrence of all of the 63196
conditions specified in divisions (F)(1) and (2) of this section: 63197

(1) A showing that the person has proof of financial 63198
responsibility, a policy of liability insurance in effect that 63199
meets the minimum standards set forth in section 4509.51 of the 63200
Revised Code, or proof, to the satisfaction of the registrar, that 63201
the person is able to respond in damages in an amount at least 63202
equal to the minimum amounts specified in section 4509.51 of the 63203
Revised Code. 63204

(2) Subject to the limitation contained in division (F)(3) of 63205
this section, payment by the person to the bureau of motor 63206
vehicles of a license reinstatement fee of four hundred 63207
seventy-five dollars, which fee shall be deposited in the state 63208
treasury and credited as follows: 63209

(a) One hundred twelve dollars and fifty cents shall be 63210
credited to the statewide treatment and prevention fund created by 63211
section 4301.30 of the Revised Code. The fund shall be used to pay 63212
the costs of driver treatment and intervention programs operated 63213
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 63214
director of alcohol and drug addiction services shall determine 63215
the share of the fund that is to be allocated to alcohol and drug 63216
addiction programs authorized by section 3793.02 of the Revised 63217
Code, and the share of the fund that is to be allocated to 63218

drivers' intervention programs authorized by section 3793.10 of 63219
the Revised Code. 63220

(b) Seventy-five dollars shall be credited to the reparations 63221
fund created by section 2743.191 of the Revised Code. 63222

(c) Thirty-seven dollars and fifty cents shall be credited to 63223
the indigent drivers alcohol treatment fund, which is hereby 63224
established in the state treasury. Except as otherwise provided in 63225
division (F)(2)(c) of this section, moneys in the fund shall be 63226
distributed by the department of alcohol and drug addiction 63227
services to the county indigent drivers alcohol treatment funds, 63228
the county juvenile indigent drivers alcohol treatment funds, and 63229
the municipal indigent drivers alcohol treatment funds that are 63230
required to be established by counties and municipal corporations 63231
pursuant to division (H) of this section, and shall be used only 63232
to pay the cost of an alcohol and drug addiction treatment program 63233
attended by an offender or juvenile traffic offender who is 63234
ordered to attend an alcohol and drug addiction treatment program 63235
by a county, juvenile, or municipal court judge and who is 63236
determined by the county, juvenile, or municipal court judge not 63237
to have the means to pay for the person's attendance at the 63238
program or to pay the costs specified in division (H)(4) of this 63239
section in accordance with that division. In addition, a county, 63240
juvenile, or municipal court judge may use moneys in the county 63241
indigent drivers alcohol treatment fund, county juvenile indigent 63242
drivers alcohol treatment fund, or municipal indigent drivers 63243
alcohol treatment fund to pay for the cost of the continued use of 63244
an alcohol monitoring device as described in divisions (H)(3) and 63245
(4) of this section. Moneys in the fund that are not distributed 63246
to a county indigent drivers alcohol treatment fund, a county 63247
juvenile indigent drivers alcohol treatment fund, or a municipal 63248
indigent drivers alcohol treatment fund under division (H) of this 63249
section because the director of alcohol and drug addiction 63250

services does not have the information necessary to identify the 63251
county or municipal corporation where the offender or juvenile 63252
offender was arrested may be transferred by the director of budget 63253
and management to the statewide treatment and prevention fund 63254
created by section 4301.30 of the Revised Code, upon certification 63255
of the amount by the director of alcohol and drug addiction 63256
services. 63257

(d) Seventy-five dollars shall be credited to the Ohio 63258
rehabilitation services commission established by section 3304.12 63259
of the Revised Code, to the services for rehabilitation fund, 63260
which is hereby established. The fund shall be used to match 63261
available federal matching funds where appropriate, and for any 63262
other purpose or program of the commission to rehabilitate people 63263
with disabilities to help them become employed and independent. 63264

(e) Seventy-five dollars shall be deposited into the state 63265
treasury and credited to the drug abuse resistance education 63266
programs fund, which is hereby established, to be used by the 63267
attorney general for the purposes specified in division (F)(4) of 63268
this section. 63269

(f) Thirty dollars shall be credited to the state bureau of 63270
motor vehicles fund created by section 4501.25 of the Revised 63271
Code. 63272

(g) Twenty dollars shall be credited to the trauma and 63273
emergency medical services grants fund created by section 4513.263 63274
of the Revised Code. 63275

(h) Fifty dollars shall be credited to the indigent drivers 63276
interlock and alcohol monitoring fund, which is hereby established 63277
in the state treasury. Monies in the fund shall be distributed by 63278
the department of public safety to the county indigent drivers 63279
interlock and alcohol monitoring funds, the county juvenile 63280
indigent drivers interlock and alcohol monitoring funds, and the 63281

municipal indigent drivers interlock and alcohol monitoring funds 63282
that are required to be established by counties and municipal 63283
corporations pursuant to this section, and shall be used only to 63284
pay the cost of an immobilizing or disabling device, including a 63285
certified ignition interlock device, or an alcohol monitoring 63286
device used by an offender or juvenile offender who is ordered to 63287
use the device by a county, juvenile, or municipal court judge and 63288
who is determined by the county, juvenile, or municipal court 63289
judge not to have the means to pay for the person's use of the 63290
device. 63291

(3) If a person's driver's or commercial driver's license or 63292
permit is suspended under this section, under section 4511.196 or 63293
division (G) of section 4511.19 of the Revised Code, under section 63294
4510.07 of the Revised Code for a violation of a municipal OVI 63295
ordinance or under any combination of the suspensions described in 63296
division (F)(3) of this section, and if the suspensions arise from 63297
a single incident or a single set of facts and circumstances, the 63298
person is liable for payment of, and shall be required to pay to 63299
the bureau, only one reinstatement fee of four hundred twenty-five 63300
dollars. The reinstatement fee shall be distributed by the bureau 63301
in accordance with division (F)(2) of this section. 63302

(4) The attorney general shall use amounts in the drug abuse 63303
resistance education programs fund to award grants to law 63304
enforcement agencies to establish and implement drug abuse 63305
resistance education programs in public schools. Grants awarded to 63306
a law enforcement agency under this section shall be used by the 63307
agency to pay for not more than fifty per cent of the amount of 63308
the salaries of law enforcement officers who conduct drug abuse 63309
resistance education programs in public schools. The attorney 63310
general shall not use more than six per cent of the amounts the 63311
attorney general's office receives under division (F)(2)(e) of 63312
this section to pay the costs it incurs in administering the grant 63313

program established by division (F)(2)(e) of this section and in 63314
providing training and materials relating to drug abuse resistance 63315
education programs. 63316

The attorney general shall report to the governor and the 63317
general assembly each fiscal year on the progress made in 63318
establishing and implementing drug abuse resistance education 63319
programs. These reports shall include an evaluation of the 63320
effectiveness of these programs. 63321

(G) Suspension of a commercial driver's license under 63322
division (B) or (C) of this section shall be concurrent with any 63323
period of disqualification under section 3123.611 or 4506.16 of 63324
the Revised Code or any period of suspension under section 3123.58 63325
of the Revised Code. No person who is disqualified for life from 63326
holding a commercial driver's license under section 4506.16 of the 63327
Revised Code shall be issued a driver's license under Chapter 63328
4507. of the Revised Code during the period for which the 63329
commercial driver's license was suspended under division (B) or 63330
(C) of this section. No person whose commercial driver's license 63331
is suspended under division (B) or (C) of this section shall be 63332
issued a driver's license under Chapter 4507. of the Revised Code 63333
during the period of the suspension. 63334

(H)(1) Each county shall establish an indigent drivers 63335
alcohol treatment fund, each county shall establish a juvenile 63336
indigent drivers alcohol treatment fund, and each municipal 63337
corporation in which there is a municipal court shall establish an 63338
indigent drivers alcohol treatment fund. All revenue that the 63339
general assembly appropriates to the indigent drivers alcohol 63340
treatment fund for transfer to a county indigent drivers alcohol 63341
treatment fund, a county juvenile indigent drivers alcohol 63342
treatment fund, or a municipal indigent drivers alcohol treatment 63343
fund, all portions of fees that are paid under division (F) of 63344
this section and that are credited under that division to the 63345

indigent drivers alcohol treatment fund in the state treasury for 63346
a county indigent drivers alcohol treatment fund, a county 63347
juvenile indigent drivers alcohol treatment fund, or a municipal 63348
indigent drivers alcohol treatment fund, all portions of 63349
additional costs imposed under section 2949.094 of the Revised 63350
Code that are specified for deposit into a county, county 63351
juvenile, or municipal indigent drivers alcohol treatment fund by 63352
that section, and all portions of fines that are specified for 63353
deposit into a county or municipal indigent drivers alcohol 63354
treatment fund by section 4511.193 of the Revised Code shall be 63355
deposited into that county indigent drivers alcohol treatment 63356
fund, county juvenile indigent drivers alcohol treatment fund, or 63357
municipal indigent drivers alcohol treatment fund. The portions of 63358
the fees paid under division (F) of this section that are to be so 63359
deposited shall be determined in accordance with division (H)(2) 63360
of this section. Additionally, all portions of fines that are paid 63361
for a violation of section 4511.19 of the Revised Code or of any 63362
prohibition contained in Chapter 4510. of the Revised Code, and 63363
that are required under section 4511.19 or any provision of 63364
Chapter 4510. of the Revised Code to be deposited into a county 63365
indigent drivers alcohol treatment fund or municipal indigent 63366
drivers alcohol treatment fund shall be deposited into the 63367
appropriate fund in accordance with the applicable division of the 63368
section or provision. 63369

(2) That portion of the license reinstatement fee that is 63370
paid under division (F) of this section and that is credited under 63371
that division to the indigent drivers alcohol treatment fund shall 63372
be deposited into a county indigent drivers alcohol treatment 63373
fund, a county juvenile indigent drivers alcohol treatment fund, 63374
or a municipal indigent drivers alcohol treatment fund as follows: 63375

(a) Regarding a suspension imposed under this section, that 63377

portion of the fee shall be deposited as follows: 63378

(i) If the fee is paid by a person who was charged in a 63379
county court with the violation that resulted in the suspension or 63380
in the imposition of the court costs, the portion shall be 63381
deposited into the county indigent drivers alcohol treatment fund 63382
under the control of that court; 63383

(ii) If the fee is paid by a person who was charged in a 63384
juvenile court with the violation that resulted in the suspension 63385
or in the imposition of the court costs, the portion shall be 63386
deposited into the county juvenile indigent drivers alcohol 63387
treatment fund established in the county served by the court; 63388

(iii) If the fee is paid by a person who was charged in a 63389
municipal court with the violation that resulted in the suspension 63390
or in the imposition of the court costs, the portion shall be 63391
deposited into the municipal indigent drivers alcohol treatment 63392
fund under the control of that court. 63393

(b) Regarding a suspension imposed under section 4511.19 of 63394
the Revised Code or under section 4510.07 of the Revised Code for 63395
a violation of a municipal OVI ordinance, that portion of the fee 63396
shall be deposited as follows: 63397

(i) If the fee is paid by a person whose license or permit 63398
was suspended by a county court, the portion shall be deposited 63399
into the county indigent drivers alcohol treatment fund under the 63400
control of that court; 63401

(ii) If the fee is paid by a person whose license or permit 63402
was suspended by a municipal court, the portion shall be deposited 63403
into the municipal indigent drivers alcohol treatment fund under 63404
the control of that court. 63405

(3) Expenditures from a county indigent drivers alcohol 63406
treatment fund, a county juvenile indigent drivers alcohol 63407
treatment fund, or a municipal indigent drivers alcohol treatment 63408

fund shall be made only upon the order of a county, juvenile, or 63409
municipal court judge and only for payment of the cost of an 63410
assessment or the cost of the attendance at an alcohol and drug 63411
addiction treatment program of a person who is convicted of, or 63412
found to be a juvenile traffic offender by reason of, a violation 63413
of division (A) of section 4511.19 of the Revised Code or a 63414
substantially similar municipal ordinance, who is ordered by the 63415
court to attend the alcohol and drug addiction treatment program, 63416
and who is determined by the court to be unable to pay the cost of 63417
the assessment or the cost of attendance at the treatment program 63418
or for payment of the costs specified in division (H)(4) of this 63419
section in accordance with that division. The alcohol and drug 63420
addiction services board or the board of alcohol, drug addiction, 63421
and mental health services established pursuant to section 340.02 63422
or 340.021 of the Revised Code and serving the alcohol, drug 63423
addiction, and mental health service district in which the court 63424
is located shall administer the indigent drivers alcohol treatment 63425
program of the court. When a court orders an offender or juvenile 63426
traffic offender to obtain an assessment or attend an alcohol and 63427
drug addiction treatment program, the board shall determine which 63428
program is suitable to meet the needs of the offender or juvenile 63429
traffic offender, and when a suitable program is located and space 63430
is available at the program, the offender or juvenile traffic 63431
offender shall attend the program designated by the board. A 63432
reasonable amount not to exceed five per cent of the amounts 63433
credited to and deposited into the county indigent drivers alcohol 63434
treatment fund, the county juvenile indigent drivers alcohol 63435
treatment fund, or the municipal indigent drivers alcohol 63436
treatment fund serving every court whose program is administered 63437
by that board shall be paid to the board to cover the costs it 63438
incurs in administering those indigent drivers alcohol treatment 63439
programs. 63440

In addition, upon exhaustion of moneys in the indigent 63441

drivers interlock and alcohol monitoring fund for the use of an 63442
alcohol monitoring device, a county, juvenile, or municipal court 63443
judge may use moneys in the county indigent drivers alcohol 63444
treatment fund, county juvenile indigent drivers alcohol treatment 63445
fund, or municipal indigent drivers alcohol treatment fund in the 63446
following manners: 63447

(a) If the source of the moneys was an appropriation of the 63448
general assembly, a portion of a fee that was paid under division 63449
(F) of this section, a portion of a fine that was specified for 63450
deposit into the fund by section 4511.193 of the Revised Code, or 63451
a portion of a fine that was paid for a violation of section 63452
4511.19 of the Revised Code or of a provision contained in Chapter 63453
4510. of the Revised Code that was required to be deposited into 63454
the fund, to pay for the continued use of an alcohol monitoring 63455
device by an offender or juvenile traffic offender, in conjunction 63456
with a treatment program approved by the department of alcohol and 63457
drug addiction services, when such use is determined clinically 63458
necessary by the treatment program and when the court determines 63459
that the offender or juvenile traffic offender is unable to pay 63460
all or part of the daily monitoring or cost of the device; 63461
63462

(b) If the source of the moneys was a portion of an 63463
additional court cost imposed under section 2949.094 of the 63464
Revised Code, to pay for the continued use of an alcohol 63465
monitoring device by an offender or juvenile traffic offender when 63466
the court determines that the offender or juvenile traffic 63467
offender is unable to pay all or part of the daily monitoring or 63468
cost of the device. The moneys may be used for a device as 63469
described in this division if the use of the device is in 63470
conjunction with a treatment program approved by the department of 63471
alcohol and drug addiction services, when the use of the device is 63472
determined clinically necessary by the treatment program, but the 63473

use of a device is not required to be in conjunction with a 63474
treatment program approved by the department in order for the 63475
moneys to be used for the device as described in this division. 63476

(4) If a county, juvenile, or municipal court determines, in 63477
consultation with the alcohol and drug addiction services board or 63478
the board of alcohol, drug addiction, and mental health services 63479
established pursuant to section 340.02 or 340.021 of the Revised 63480
Code and serving the alcohol, drug addiction, and mental health 63481
district in which the court is located, that the funds in the 63482
county indigent drivers alcohol treatment fund, the county 63483
juvenile indigent drivers alcohol treatment fund, or the municipal 63484
indigent drivers alcohol treatment fund under the control of the 63485
court are more than sufficient to satisfy the purpose for which 63486
the fund was established, as specified in divisions (H)(1) to (3) 63487
of this section, the court may declare a surplus in the fund. If 63488
the court declares a surplus in the fund, the court may expend the 63489
amount of the surplus in the fund for: 63490

(a) Alcohol and drug abuse assessment and treatment of 63491
persons who are charged in the court with committing a criminal 63492
offense or with being a delinquent child or juvenile traffic 63493
offender and in relation to whom both of the following apply: 63494
63495

(i) The court determines that substance abuse was a 63496
contributing factor leading to the criminal or delinquent activity 63497
or the juvenile traffic offense with which the person is charged. 63498

(ii) The court determines that the person is unable to pay 63499
the cost of the alcohol and drug abuse assessment and treatment 63500
for which the surplus money will be used. 63501

(b) All or part of the cost of purchasing alcohol monitoring 63502
devices to be used in conjunction with division (H)(3) of this 63503
section, upon exhaustion of moneys in the indigent drivers 63504

interlock and alcohol monitoring fund for the use of an alcohol 63505
monitoring device. 63506

(5) For the purpose of determining as described in division 63507
(F)(2)(c) of this section whether an offender does not have the 63508
means to pay for the offender's attendance at an alcohol and drug 63509
addiction treatment program or whether an alleged offender or 63510
delinquent child is unable to pay the costs specified in division 63511
(H)(4) of this section, the court shall use the indigent client 63512
eligibility guidelines and the standards of indigency established 63513
by the state public defender to make the determination. 63514

(6) The court shall identify and refer any alcohol and drug 63515
addiction program that is not certified under section 3793.06 of 63516
the Revised Code and that is interested in receiving amounts from 63517
the surplus in the fund declared under division (H)(4) of this 63518
section to the department of alcohol and drug addiction services 63519
in order for the program to become a certified alcohol and drug 63520
addiction program. The department shall keep a record of applicant 63521
referrals received pursuant to this division and shall submit a 63522
report on the referrals each year to the general assembly. If a 63523
program interested in becoming certified makes an application to 63524
become certified pursuant to section 3793.06 of the Revised Code, 63525
the program is eligible to receive surplus funds as long as the 63526
application is pending with the department. The department of 63527
alcohol and drug addiction services must offer technical 63528
assistance to the applicant. If the interested program withdraws 63529
the certification application, the department must notify the 63530
court, and the court shall not provide the interested program with 63531
any further surplus funds. 63532

(7)(a) Each alcohol and drug addiction services board and 63533
board of alcohol, drug addiction, and mental health services 63534
established pursuant to section 340.02 or 340.021 of the Revised 63535
Code shall submit to the department of alcohol and drug addiction 63536

services an annual report for each indigent drivers alcohol 63537
treatment fund in that board's area. 63538

(b) The report, which shall be submitted not later than sixty 63539
days after the end of the state fiscal year, shall provide the 63540
total payment that was made from the fund, including the number of 63541
indigent consumers that received treatment services and the number 63542
of indigent consumers that received an alcohol monitoring device. 63543
The report shall identify the treatment program and expenditure 63544
for an alcohol monitoring device for which that payment was made. 63545
The report shall include the fiscal year balance of each indigent 63546
drivers alcohol treatment fund located in that board's area. In 63547
the event that a surplus is declared in the fund pursuant to 63548
division (H)(4) of this section, the report also shall provide the 63549
total payment that was made from the surplus moneys and identify 63550
the treatment program and expenditure for an alcohol monitoring 63551
device for which that payment was made. The department may require 63552
additional information necessary to complete the comprehensive 63553
statewide alcohol and drug addiction services plan as required by 63554
section 3793.04 of the Revised Code. 63555

(c) If a board is unable to obtain adequate information to 63556
develop the report to submit to the department for a particular 63557
indigent drivers alcohol treatment fund, the board shall submit a 63558
report detailing the effort made in obtaining the information. 63559

(I)(1) Each county shall establish an indigent drivers 63560
interlock and alcohol monitoring fund and a juvenile indigent 63561
drivers interlock and alcohol treatment fund, and each municipal 63562
corporation in which there is a municipal court shall establish an 63563
indigent drivers interlock and alcohol monitoring fund. All 63564
revenue that the general assembly appropriates to the indigent 63565
drivers interlock and alcohol monitoring fund for transfer to a 63566
county indigent drivers interlock and alcohol monitoring fund, a 63567
county juvenile indigent drivers interlock and alcohol monitoring 63568

fund, or a municipal indigent drivers interlock and alcohol 63569
monitoring fund, all portions of license reinstatement fees that 63570
are paid under division (F)(2) of this section and that are 63571
credited under that division to the indigent drivers interlock and 63572
alcohol monitoring fund in the state treasury, and all portions of 63573
fines that are paid under division (G) of section 4511.19 of the 63574
Revised Code and that are credited by division (G)(5)(e) of that 63575
section to the indigent drivers interlock and alcohol monitoring 63576
fund in the state treasury shall be deposited in the appropriate 63577
fund in accordance with division (I)(2) of this section. 63578

(2) That portion of the license reinstatement fee that is 63579
paid under division (F) of this section and that portion of the 63580
fine paid under division (G) of section 4511.19 of the Revised 63581
Code and that is credited under either division to the indigent 63582
drivers interlock and alcohol monitoring fund shall be deposited 63583
into a county indigent drivers interlock and alcohol monitoring 63584
fund, a county juvenile indigent drivers interlock and alcohol 63585
monitoring fund, or a municipal indigent drivers interlock and 63586
alcohol monitoring fund as follows: 63587

(a) If the fee or fine is paid by a person who was charged in 63588
a county court with the violation that resulted in the suspension 63589
or fine, the portion shall be deposited into the county indigent 63590
drivers interlock and alcohol monitoring fund under the control of 63591
that court. 63592

(b) If the fee or fine is paid by a person who was charged in 63593
a juvenile court with the violation that resulted in the 63594
suspension or fine, the portion shall be deposited into the county 63595
juvenile indigent drivers interlock and alcohol monitoring fund 63596
established in the county served by the court. 63597

(c) If the fee or fine is paid by a person who was charged in 63598
a municipal court with the violation that resulted in the 63599
suspension, the portion shall be deposited into the municipal 63600

indigent drivers interlock and alcohol monitoring fund under the control of that court.

Sec. 4513.021. (A) As used in this section:

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of ten thousand pounds or less.

(4) "Manufacturer" has the same meaning as in section 4501.01 of the Revised Code.

(5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for that vehicle.

(B) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules in conformance with standards of the vehicle equipment safety commission, that shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper heights have been lowered or modified, the maximum height to the bottom of the frame rail, of any passenger car, multipurpose passenger vehicle, or truck.

(C) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this state that does not conform to the requirements of this section or to any applicable rule adopted pursuant to this section.

(D) No person shall modify any motor vehicle registered in

this state in such a manner as to cause the vehicle body or 63631
chassis to come in contact with the ground, expose the fuel tank 63632
to damage from collision, or cause the wheels to come in contact 63633
with the body under normal operation, and no person shall 63634
disconnect any part of the original suspension system of the 63635
vehicle to defeat the safe operation of that system. 63636

(E) Nothing contained in this section or in the rules adopted 63637
pursuant to this section shall be construed to prohibit either of 63638
the following: 63639

(1) The installation upon a passenger car, multipurpose 63640
passenger vehicle, or truck registered in this state of heavy duty 63641
equipment, including shock absorbers and overload springs; 63642

(2) The operation on a street or highway of a passenger car, 63643
multipurpose passenger vehicle, or truck registered in this state 63644
with normal wear to the suspension system if the normal wear does 63645
not adversely affect the control of the vehicle. 63646

(F) This section and the rules adopted pursuant to it do not 63647
apply to any specially designed or modified passenger car, 63648
multipurpose passenger vehicle, or truck when operated off a 63649
street or highway in races and similar events. 63650

(G) ~~Except as otherwise provided in this division, whoever~~ 63651
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 63652
~~the offender previously has been convicted of a violation of this~~ 63653
~~section, whoever violates this section is guilty of a misdemeanor~~ 63654
~~of the third degree.~~ 63655

Sec. 4513.03. (A) Every vehicle upon a street or highway 63656
within this state during the time from sunset to sunrise, and at 63657
any other time when there are unfavorable atmospheric conditions 63658
or when there is not sufficient natural light to render 63659
discernible persons, vehicles, and substantial objects on the 63660

highway at a distance of one thousand feet ahead, shall display 63661
lighted lights and illuminating devices as required by sections 63662
4513.04 to 4513.37 of the Revised Code, for different classes of 63663
vehicles; except that every motorized bicycle shall display at 63664
such times lighted lights meeting the rules adopted by the 63665
director of public safety under section 4511.521 of the Revised 63666
Code. No motor vehicle, during such times, shall be operated upon 63667
a street or highway within this state using only parking lights as 63668
illumination. 63669

Whenever in such sections a requirement is declared as to the 63670
distance from which certain lamps and devices shall render objects 63671
visible, or within which such lamps or devices shall be visible, 63672
such distance shall be measured upon a straight level unlighted 63673
highway under normal atmospheric conditions unless a different 63674
condition is expressly stated. 63675

Whenever in such sections a requirement is declared as to the 63676
mounted height of lights or devices, it shall mean from the center 63677
of such light or device to the level ground upon which the vehicle 63678
stands. 63679

(B) Whoever violates this section ~~shall be punished as~~ 63680
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63681
minor misdemeanor. 63682

Sec. 4513.04. (A) Every motor vehicle, other than a 63683
motorcycle, and every trackless trolley shall be equipped with at 63684
least two headlights with at least one near each side of the front 63685
of the motor vehicle or trackless trolley. 63686

Every motorcycle shall be equipped with at least one and not 63687
more than two headlights. 63688

(B) Whoever violates this section ~~shall be punished as~~ 63689
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63690

minor misdemeanor. 63691

Sec. 4513.05. (A) Every motor vehicle, trackless trolley, 63692
trailer, semitrailer, pole trailer, or vehicle which is being 63693
drawn at the end of a train of vehicles shall be equipped with at 63694
least one tail light mounted on the rear which, when lighted, 63695
shall emit a red light visible from a distance of five hundred 63696
feet to the rear, provided that in the case of a train of vehicles 63697
only the tail light on the rearmost vehicle need be visible from 63698
the distance specified. 63699

Either a tail light or a separate light shall be so 63700
constructed and placed as to illuminate with a white light the 63701
rear registration plate, when such registration plate is required, 63702
and render it legible from a distance of fifty feet to the rear. 63703
Any tail light, together with any separate light for illuminating 63704
the rear registration plate, shall be so wired as to be lighted 63705
whenever the headlights or auxiliary driving lights are lighted, 63706
except where separate lighting systems are provided for trailers 63707
for the purpose of illuminating such registration plate. 63708

(B) Whoever violates this section ~~shall be punished as~~ 63709
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 63710
minor misdemeanor. 63711

Sec. 4513.06. (A) Every new motor vehicle sold after 63712
September 6, 1941, and operated on a highway, other than a 63713
commercial tractor, to which a trailer or semitrailer is attached 63714
shall carry at the rear, either as a part of the tail lamps or 63715
separately, two red reflectors meeting the requirements of this 63716
section, except that vehicles of the type mentioned in section 63717
4513.07 of the Revised Code shall be equipped with reflectors as 63718
required by the regulations provided for in said section. 63719

Every such reflector shall be of such size and 63720

characteristics and so maintained as to be visible at night from 63721
all distances within three hundred feet to fifty feet from such 63722
vehicle. 63723

(B) Whoever violates this section ~~shall be punished as~~ 63724
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63725
minor misdemeanor. 63726

Sec. 4513.07. (A) The director of public safety shall 63727
prescribe and promulgate regulations relating to clearance lights, 63728
marker lights, reflectors, and stop lights on buses, trackless 63729
trolleys, trucks, commercial tractors, trailers, semitrailers, and 63730
pole trailers, when operated upon any highway, and such vehicles 63731
shall be equipped as required by such regulations, and such 63732
equipment shall be lighted at all times mentioned in section 63733
4513.03 of the Revised Code, except that clearance lights and side 63734
marker lights need not be lighted on any such vehicle when it is 63735
operated within a municipal corporation where there is sufficient 63736
light to reveal any person or substantial object on the highway at 63737
a distance of five hundred feet. 63738

Such equipment shall be in addition to all other lights 63739
specifically required by sections 4513.03 to 4513.16 of the 63740
Revised Code. 63741

Vehicles operated under the jurisdiction of the public 63742
utilities commission are not subject to this section. 63743

(B) Whoever violates this section ~~shall be punished as~~ 63744
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63745
minor misdemeanor. 63746

Sec. 4513.071. (A) Every motor vehicle, trailer, semitrailer, 63747
and pole trailer when operated upon a highway shall be equipped 63748
with two or more stop lights, except that passenger cars 63749
manufactured or assembled prior to January 1, 1967, motorcycles, 63750

and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under section 4513.19 of the Revised Code.

Historical motor vehicles as defined in section 4503.181 of the Revised Code, not originally manufactured with stop lights, are not subject to this section.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.09. (A) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in section 4513.03 of the Revised Code, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall

be displayed at the extreme rear end of such load a red flag or 63782
cloth not less than sixteen inches square. 63783

(B) Whoever violates this section ~~shall be punished as~~ 63784
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63785
minor misdemeanor. 63786

Sec. 4513.11. (A) All vehicles other than bicycles, including 63787
animal-drawn vehicles and vehicles referred to in division (G) of 63788
section 4513.02 of the Revised Code, not specifically required to 63789
be equipped with lamps or other lighting devices by sections 63790
4513.03 to 4513.10 of the Revised Code, shall, at the times 63791
specified in section 4513.03 of the Revised Code, be equipped with 63792
at least one lamp displaying a white light visible from a distance 63793
of not less than one thousand feet to the front of the vehicle, 63794
and also shall be equipped with two lamps displaying red light 63795
visible from a distance of not less than one thousand feet to the 63796
rear of the vehicle, or as an alternative, one lamp displaying a 63797
red light visible from a distance of not less than one thousand 63798
feet to the rear and two red reflectors visible from all distances 63799
of six hundred feet to one hundred feet to the rear when 63800
illuminated by the lawful lower beams of headlamps. 63801

Lamps and reflectors required or authorized by this section 63802
shall meet standards adopted by the director of public safety. 63803

(B) All boat trailers, farm machinery, and other machinery, 63804
including all road construction machinery, upon a street or 63805
highway, except when being used in actual construction and 63806
maintenance work in an area guarded by a flagperson, or where 63807
flares are used, or when operating or traveling within the limits 63808
of a construction area designated by the director of 63809
transportation, a city engineer, or the county engineer of the 63810
several counties, when such construction area is marked in 63811

accordance with requirements of the director and the manual of 63812
uniform traffic control devices, as set forth in section 4511.09 63813
of the Revised Code, which is designed for operation at a speed of 63814
twenty-five miles per hour or less shall be operated at a speed 63815
not exceeding twenty-five miles per hour, and shall display a 63816
triangular slow-moving vehicle emblem (SMV). The emblem shall be 63817
mounted so as to be visible from a distance of not less than five 63818
hundred feet to the rear. The director of public safety shall 63819
adopt standards and specifications for the design and position of 63820
mounting the SMV emblem. The standards and specifications for SMV 63821
emblems referred to in this section shall correlate with and, so 63822
far as possible, conform with those approved by the American 63823
society of agricultural engineers. 63824

A unit of farm machinery that is designed by its manufacturer 63825
to operate at a speed greater than twenty-five miles per hour may 63826
be operated on a street or highway at a speed greater than 63827
twenty-five miles per hour provided it is operated in accordance 63828
with this section. 63829

As used in this division, "machinery" does not include any 63830
vehicle designed to be drawn by an animal. 63831

(C) The use of the SMV emblem shall be restricted to 63832
animal-drawn vehicles, and to the slow-moving vehicles specified 63833
in division (B) of this section operating or traveling within the 63834
limits of the highway. Its use on slow-moving vehicles being 63835
transported upon other types of vehicles or on any other type of 63836
vehicle or stationary object on the highway is prohibited. 63837

(D)(1) No person shall sell, lease, rent, or operate any boat 63838
trailer, farm machinery, or other machinery defined as a 63839
slow-moving vehicle in division (B) of this section, except those 63840
units designed to be completely mounted on a primary power unit, 63841
which is manufactured or assembled on or after April 1, 1966, 63842
unless the vehicle is equipped with a slow-moving vehicle emblem 63843

mounting device as specified in division (B) of this section. 63844

(2) No person shall sell, lease, rent, or operate on a street 63845
or highway any unit of farm machinery that is designed by its 63846
manufacturer to operate at a speed greater than twenty-five miles 63847
per hour unless the unit displays a slow-moving vehicle emblem as 63848
specified in division (B) of this section and a speed 63849
identification symbol that meets the specifications contained in 63850
the American society of agricultural engineers standard ANSI/ASAE 63851
S584 JAN2005, agricultural equipment: speed identification symbol 63852
(SIS). 63853

(E) Any boat trailer, farm machinery, or other machinery 63854
defined as a slow-moving vehicle in division (B) of this section, 63855
in addition to the use of the slow-moving vehicle emblem, and any 63856
unit of farm machinery that is designed by its manufacturer to 63857
operate at a speed greater than twenty-five miles per hour, in 63858
addition to the display of a speed identification symbol, may be 63859
equipped with a red flashing light that shall be visible from a 63860
distance of not less than one thousand feet to the rear at all 63861
times specified in section 4513.03 of the Revised Code. When a 63862
double-faced light is used, it shall display amber light to the 63863
front and red light to the rear. 63864

In addition to the lights described in this division, farm 63865
machinery and motor vehicles escorting farm machinery may display 63866
a flashing, oscillating, or rotating amber light, as permitted by 63867
section 4513.17 of the Revised Code, and also may display 63868
simultaneously flashing turn signals or warning lights, as 63869
permitted by that section. 63870

(F) Every animal-drawn vehicle upon a street or highway shall 63871
at all times be equipped in one of the following ways: 63872

(1) With a slow-moving vehicle emblem complying with division 63873
(B) of this section; 63874

(2) With alternate reflective material complying with rules 63875
adopted under this division; 63876

(3) With both a slow-moving vehicle emblem and alternate 63877
reflective material as specified in this division. 63878

The director of public safety, subject to Chapter 119. of the 63879
Revised Code, shall adopt rules establishing standards and 63880
specifications for the position of mounting of the alternate 63881
reflective material authorized by this division. The rules shall 63882
permit, as a minimum, the alternate reflective material to be 63883
black, gray, or silver in color. The alternate reflective material 63884
shall be mounted on the animal-drawn vehicle so as to be visible, 63885
at all times specified in section 4513.03 of the Revised Code, 63886
from a distance of not less than five hundred feet to the rear 63887
when illuminated by the lawful lower beams of headlamps. 63888

(G) Every unit of farm machinery that is designed by its 63889
manufacturer to operate at a speed greater than twenty-five miles 63890
per hour shall display a slow-moving vehicle emblem and a speed 63891
identification symbol that meets the specifications contained in 63892
the American society of agricultural engineers standard ANSI/ASAE 63893
S584 JAN2005, agricultural equipment: speed identification symbol 63894
(SIS) when the unit is operated upon a street or highway, 63895
irrespective of the speed at which the unit is operated on the 63896
street or highway. The speed identification symbol shall indicate 63897
the maximum speed in miles per hour at which the unit of farm 63898
machinery is designed by its manufacturer to operate. The display 63899
of the speed identification symbol shall be in accordance with the 63900
standard prescribed in this division. 63901

If an agricultural tractor that is designed by its 63902
manufacturer to operate at a speed greater than twenty-five miles 63903
per hour is being operated on a street or highway at a speed 63904
greater than twenty-five miles per hour and is towing, pulling, or 63905
otherwise drawing a unit of farm machinery, the unit of farm 63906

machinery shall display a slow-moving vehicle emblem and a speed 63907
identification symbol that is the same as the speed identification 63908
symbol that is displayed on the agricultural tractor. 63909

(H) When an agricultural tractor that is designed by its 63910
manufacturer to operate at a speed greater than twenty-five miles 63911
per hour is being operated on a street or highway at a speed 63912
greater than twenty-five miles per hour, the operator shall 63913
possess some documentation published or provided by the 63914
manufacturer indicating the maximum speed in miles per hour at 63915
which the manufacturer designed the agricultural tractor to 63916
operate. 63917

(I) Whoever violates this section ~~shall be punished as~~ 63918
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63919
minor misdemeanor. 63920

(J) As used in this section, "boat trailer" means any vehicle 63921
designed and used exclusively to transport a boat between a place 63922
of storage and a marina, or in and around a marina, when drawn or 63923
towed on a street or highway for a distance of no more than ten 63924
miles and at a speed of twenty-five miles per hour or less. 63925

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 63926
whose model year was 2001 or earlier, when being operated or 63927
traveling on a street or highway at the times specified in section 63928
4513.03 of the Revised Code, at a minimum shall be equipped with 63929
and display reflectors and illuminated amber lamps so that the 63930
extreme left and right projections of the tractor are indicated by 63931
flashing lamps displaying amber light, visible to the front and 63932
the rear, by amber reflectors, all visible to the front, and by 63933
red reflectors, all visible to the rear. 63934

(2) The lamps displaying amber light need not flash 63935
simultaneously and need not flash in conjunction with any 63936
directional signals of the tractor. 63937

(3) The lamps and reflectors required by division (A)(1) of 63938
this section and their placement shall meet standards and 63939
specifications contained in rules adopted by the director of 63940
public safety in accordance with Chapter 119. of the Revised Code. 63941
The rules governing the amber lamps, amber reflectors, and red 63942
reflectors and their placement shall correlate with and, as far as 63943
possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 63944
respectively of the American society of agricultural engineers 63945
standard ANSI/ASAE S279.10 OCT98, lighting and marking of 63946
agricultural equipment on highways. 63947

(B) Every unit of farm machinery whose model year was 2002 or 63948
later, when being operated or traveling on a street or highway at 63949
the times specified in section 4513.03 of the Revised Code, shall 63950
be equipped with and display markings and illuminated lamps that 63951
meet or exceed the lighting, illumination, and marking standards 63952
and specifications that are applicable to that type of farm 63953
machinery for the unit's model year specified in the American 63954
society of agricultural engineers standard ANSI/ASAE S279.11 63955
APR01, lighting and marking of agricultural equipment on highways, 63956
or any subsequent revisions of that standard. 63957

(C) The lights and reflectors required by division (A) of 63958
this section are in addition to the slow-moving vehicle emblem and 63959
lights required or permitted by section 4513.11 or 4513.17 of the 63960
Revised Code to be displayed on farm machinery being operated or 63961
traveling on a street or highway. 63962

(D) No person shall operate any unit of farm machinery on a 63963
street or highway or cause any unit of farm machinery to travel on 63964
a street or highway in violation of division (A) or (B) of this 63965
section. 63966

(E) Whoever violates this section ~~shall be punished as~~ 63967
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63968
minor misdemeanor. 63969

Sec. 4513.12. (A) Any motor vehicle may be equipped with not 63970
more than one spotlight and every lighted spotlight shall be so 63971
aimed and used upon approaching another vehicle that no part of 63972
the high-intensity portion of the beam will be directed to the 63973
left of the prolongation of the extreme left side of the vehicle, 63974
nor more than one hundred feet ahead of the vehicle. 63975

Any motor vehicle may be equipped with not more than three 63976
auxiliary driving lights mounted on the front of the vehicle. The 63977
director of public safety shall prescribe specifications for 63978
auxiliary driving lights and regulations for their use, and any 63979
such lights which do not conform to said specifications and 63980
regulations shall not be used. 63981

(B) Whoever violates this section ~~shall be punished as~~ 63982
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63983
minor misdemeanor. 63984

Sec. 4513.13. (A) Any motor vehicle may be equipped with side 63985
cowl or fender lights which shall emit a white or amber light 63986
without glare. 63987

Any motor vehicle may be equipped with lights on each side 63988
thereof which shall emit a white or amber light without glare. 63989

Any motor vehicle may be equipped with back-up lights, either 63990
separately or in combination with another light. No back-up lights 63991
shall be continuously lighted when the motor vehicle is in forward 63992
motion. 63993

(B) Whoever violates this section ~~shall be punished as~~ 63994
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 63995
minor misdemeanor. 63996

Sec. 4513.14. (A) At all times mentioned in section 4513.03 63997
of the Revised Code at least two lighted lights shall be 63998

displayed, one near each side of the front of every motor vehicle 63999
and trackless trolley, except when such vehicle or trackless 64000
trolley is parked subject to the regulations governing lights on 64001
parked vehicles and trackless trolleys. 64002

The director of public safety shall prescribe and promulgate 64003
regulations relating to the design and use of such lights and such 64004
regulations shall be in accordance with currently recognized 64005
standards. 64006

(B) Whoever violates this section ~~shall be punished as~~ 64007
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 64008
minor misdemeanor. 64009

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 64010
on a roadway or shoulder adjacent thereto during the times 64011
specified in section 4513.03 of the Revised Code, the driver shall 64012
use a distribution of light, or composite beam, directed high 64013
enough and of sufficient intensity to reveal persons, vehicles, 64014
and substantial objects at a safe distance in advance of the 64015
vehicle, subject to the following requirements; 64016

(1) Whenever the driver of a vehicle approaches an oncoming 64017
vehicle, such driver shall use a distribution of light, or 64018
composite beam, so aimed that the glaring rays are not projected 64019
into the eyes of the oncoming driver. 64020

(2) Every new motor vehicle registered in this state, which 64021
has multiple-beam road lighting equipment shall be equipped with a 64022
beam indicator, which shall be lighted whenever the uppermost 64023
distribution of light from the headlights is in use, and shall not 64024
otherwise be lighted. Said indicator shall be so designed and 64025
located that, when lighted, it will be readily visible without 64026
glare to the driver of the vehicle. 64027

(B) Whoever violates this section ~~shall be punished as~~ 64028

~~provided in section 4513.99 of the Revised Code is guilty of a~~ 64029
~~minor misdemeanor.~~ 64030

Sec. 4513.16. (A) Any motor vehicle may be operated under the 64031
conditions specified in section 4513.03 of the Revised Code when 64032
it is equipped with two lighted lights upon the front thereof 64033
capable of revealing persons and substantial objects seventy-five 64034
feet ahead, in lieu of lights required in section 4513.14 of the 64035
Revised Code, provided that such vehicle shall not be operated at 64036
a speed in excess of twenty miles per hour. 64037

(B) Whoever violates this section ~~shall be punished as~~ 64038
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 64039
~~minor misdemeanor.~~ 64040

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 64041
headlights also is equipped with any auxiliary lights or spotlight 64042
or any other light on the front thereof projecting a beam of an 64043
intensity greater than three hundred candle power, not more than a 64044
total of five of any such lights on the front of a vehicle shall 64045
be lighted at any one time when the vehicle is upon a highway. 64046

(B) Any lighted light or illuminating device upon a motor 64047
vehicle, other than headlights, spotlights, signal lights, or 64048
auxiliary driving lights, that projects a beam of light of an 64049
intensity greater than three hundred candle power, shall be so 64050
directed that no part of the beam will strike the level of the 64051
roadway on which the vehicle stands at a distance of more than 64052
seventy-five feet from the vehicle. 64053

(C)(1) Flashing lights are prohibited on motor vehicles, 64054
except as a means for indicating a right or a left turn, or in the 64055
presence of a vehicular traffic hazard requiring unusual care in 64056
approaching, or overtaking or passing. This prohibition does not 64057
apply to emergency vehicles, road service vehicles servicing or 64058

towing a disabled vehicle, traffic line strippers, snow plows, 64059
rural mail delivery vehicles, vehicles as provided in section 64060
4513.182 of the Revised Code, department of transportation 64061
maintenance vehicles, funeral hearses, funeral escort vehicles, 64062
and similar equipment operated by the department or local 64063
authorities, which shall be equipped with and display, when used 64064
on a street or highway for the special purpose necessitating such 64065
lights, a flashing, oscillating, or rotating amber light, but 64066
shall not display a flashing, oscillating, or rotating light of 64067
any other color, nor to vehicles or machinery permitted by section 64068
4513.11 of the Revised Code to have a flashing red light. 64069

(2) When used on a street or highway, farm machinery and 64070
vehicles escorting farm machinery may be equipped with and display 64071
a flashing, oscillating, or rotating amber light, and the 64072
prohibition contained in division (C)(1) of this section does not 64073
apply to such machinery or vehicles. Farm machinery also may 64074
display the lights described in section 4513.11 of the Revised 64075
Code. 64076

(D) Except a person operating a public safety vehicle, as 64077
defined in division (E) of section 4511.01 of the Revised Code, or 64078
a school bus, no person shall operate, move, or park upon, or 64079
permit to stand within the right-of-way of any public street or 64080
highway any vehicle or equipment that is equipped with and 64081
displaying a flashing red or a flashing combination red and white 64082
light, or an oscillating or rotating red light, or a combination 64083
red and white oscillating or rotating light; and except a public 64084
law enforcement officer, or other person sworn to enforce the 64085
criminal and traffic laws of the state, operating a public safety 64086
vehicle when on duty, no person shall operate, move, or park upon, 64087
or permit to stand within the right-of-way of any street or 64088
highway any vehicle or equipment that is equipped with, or upon 64089
which is mounted, and displaying a flashing blue or a flashing 64090

combination blue and white light, or an oscillating or rotating 64091
blue light, or a combination blue and white oscillating or 64092
rotating light. 64093

(E) This section does not prohibit the use of warning lights 64094
required by law or the simultaneous flashing of turn signals on 64095
disabled vehicles or on vehicles being operated in unfavorable 64096
atmospheric conditions in order to enhance their visibility. This 64097
section also does not prohibit the simultaneous flashing of turn 64098
signals or warning lights either on farm machinery or vehicles 64099
escorting farm machinery, when used on a street or highway. 64100

(F) Whoever violates this section ~~shall be punished as~~ 64101
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 64102
minor misdemeanor. 64103

Sec. 4513.171. (A) Notwithstanding any other provision of 64104
law, a motor vehicle operated by a coroner, deputy coroner, or 64105
coroner's investigator may be equipped with a flashing, 64106
oscillating, or rotating red or blue light and a siren, whistle, 64107
or bell capable of emitting sound audible under normal conditions 64108
from a distance of not less than five hundred feet. Such a vehicle 64109
may display the flashing, oscillating, or rotating red or blue 64110
light and may give the audible signal of the siren, exhaust 64111
whistle, or bell only when responding to a fatality or a fatal 64112
motor vehicle accident on a street or highway and only at those 64113
locations where the stoppage of traffic impedes the ability of the 64114
coroner, deputy coroner, or coroner's investigator to arrive at 64115
the site of the fatality. 64116

This section does not relieve a coroner, deputy coroner, or 64117
coroner's investigator operating a motor vehicle from the duty to 64118
drive with due regard for the safety of all persons and property 64119
upon the highway. 64120

(B) Whoever violates this section ~~shall be punished as~~ 64121

~~provided in section 4513.99 of the Revised Code is guilty of a~~ 64122
~~minor misdemeanor.~~ 64123

Sec. 4513.18. (A) The director of transportation shall adopt 64124
standards and specifications applicable to headlights, clearance 64125
lights, identification, and other lights, on snow removal 64126
equipment when operated on the highways, and on vehicles operating 64127
under special permits pursuant to section 4513.34 of the Revised 64128
Code, in lieu of the lights otherwise required on motor vehicles. 64129
Such standards and specifications may permit the use of flashing 64130
lights for purposes of identification on snow removal equipment, 64131
and oversize vehicles when in service upon the highways. The 64132
standards and specifications for lights referred to in this 64133
section shall correlate with and, so far as possible, conform with 64134
those approved by the American association of state highway 64135
officials. 64136

It is unlawful to operate snow removal equipment on a highway 64137
unless the lights thereon comply with and are lighted when and as 64138
required by the standards and specifications adopted as provided 64139
in this section. 64140

(B) Whoever violates this section ~~shall be punished as~~ 64141
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 64142
~~minor misdemeanor.~~ 64143

Sec. 4513.19. (A) No person shall use any lights mentioned in 64144
sections 4513.03 to 4513.18 of the Revised Code upon any motor 64145
vehicle, trailer, or semitrailer unless said lights are equipped, 64146
mounted, and adjusted as to focus and aim in accordance with 64147
regulations which are prescribed by the director of public safety. 64148

(B) Whoever violates this section ~~shall be punished as~~ 64149
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 64150
~~minor misdemeanor.~~ 64151

Sec. 4513.21. (A) Every motor vehicle or trackless trolley 64152
when operated upon a highway shall be equipped with a horn which 64153
is in good working order and capable of emitting sound audible, 64154
under normal conditions, from a distance of not less than two 64155
hundred feet. 64156

No motor vehicle or trackless trolley shall be equipped with, 64157
nor shall any person use upon a vehicle, any siren, whistle, or 64158
bell. Any vehicle may be equipped with a theft alarm signal device 64159
which shall be so arranged that it cannot be used as an ordinary 64160
warning signal. Every emergency vehicle shall be equipped with a 64161
siren, whistle, or bell, capable of emitting sound audible under 64162
normal conditions from a distance of not less than five hundred 64163
feet and of a type approved by the director of public safety. Such 64164
equipment shall not be used except when such vehicle is operated 64165
in response to an emergency call or is in the immediate pursuit of 64166
an actual or suspected violator of the law, in which case the 64167
driver of the emergency vehicle shall sound such equipment when it 64168
is necessary to warn pedestrians and other drivers of the approach 64169
thereof. 64170

(B) Whoever violates this section ~~shall be punished as~~ 64171
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 64172
minor misdemeanor. 64173

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an 64174
internal combustion engine shall at all times be equipped with a 64175
muffler which is in good working order and in constant operation 64176
to prevent excessive or unusual noise, and no person shall use a 64177
muffler cutout, by-pass, or similar device upon a motor vehicle on 64178
a highway. Every motorcycle muffler shall be equipped with baffle 64179
plates. 64180

No person shall own, operate, or have in the person's 64181

possession any motor vehicle or motorcycle equipped with a device 64182
for producing excessive smoke or gas, or so equipped as to permit 64183
oil or any other chemical to flow into or upon the exhaust pipe or 64184
muffler of such vehicle, or equipped in any other way to produce 64185
or emit smoke or dangerous or annoying gases from any portion of 64186
such vehicle, other than the ordinary gases emitted by the exhaust 64187
of an internal combustion engine under normal operation. 64188

(B) Whoever violates this section ~~shall be punished as~~ 64189
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 64190
minor misdemeanor. 64191

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and 64192
trackless trolley shall be equipped with a mirror so located as to 64193
reflect to the operator a view of the highway to the rear of such 64194
vehicle, motorcycle, or trackless trolley. Operators of vehicles, 64195
motorcycles, streetcars, and trackless trolleys shall have a clear 64196
and unobstructed view to the front and to both sides of their 64197
vehicles, motorcycles, streetcars, or trackless trolleys and shall 64198
have a clear view to the rear of their vehicles, motorcycles, 64199
streetcars, or trackless trolleys by mirror. 64200

(B) Whoever violates this section ~~shall be punished as~~ 64201
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 64202
minor misdemeanor. 64203

Sec. 4513.24. (A) No person shall drive any motor vehicle on 64204
a street or highway in this state, other than a motorcycle or 64205
motorized bicycle, that is not equipped with a windshield. 64206

(B) No person shall drive any motor vehicle, other than a 64207
bus, with any sign, poster, or other nontransparent material upon 64208
the front windshield, sidewings, side, or rear windows of such 64209
vehicle other than a certificate or other paper required to be 64210
displayed by law, except that there may be in the lower left-hand 64211

or right-hand corner of the windshield a sign, poster, or decal 64212
not to exceed four inches in height by six inches in width. No 64213
sign, poster, or decal shall be displayed in the front windshield 64214
in such a manner as to conceal the vehicle identification number 64215
for the motor vehicle when, in accordance with federal law, that 64216
number is located inside the vehicle passenger compartment and so 64217
placed as to be readable through the vehicle glazing without 64218
moving any part of the vehicle. 64219

(C) The windshield on every motor vehicle, streetcar, and 64220
trackless trolley shall be equipped with a device for cleaning 64221
rain, snow, or other moisture from the windshield. The device 64222
shall be maintained in good working order and so constructed as to 64223
be controlled or operated by the operator of the vehicle, 64224
streetcar, or trackless trolley. 64225

(D) Whoever violates this section ~~shall be punished as~~ 64226
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 64227
minor misdemeanor. 64228

Sec. 4513.242. (A) Notwithstanding section 4513.24 and 64229
division (F) of section 4513.241 of the Revised Code or any rule 64230
adopted thereunder, a decal, whether reflectorized or not, may be 64231
displayed upon any side window or siding of a motor vehicle if 64232
all of the following are met: 64233

(1) The decal is necessary for public or private security 64234
arrangements to which the motor vehicle periodically is subjected; 64235

(2) The decal is no larger than is necessary to accomplish 64236
the security arrangements; 64237

(3) The decal does not obscure the vision of the motor 64238
vehicle operator or prevent a person looking into the motor 64239
vehicle from seeing or identifying persons or objects inside the 64240
motor vehicle. 64241

(B) Whoever violates this section ~~shall be punished as~~ 64242
~~provided in section 4513.99 of the Revised Code is guilty of a~~ 64243
~~minor misdemeanor.~~ 64244

Sec. 4513.28. (A) Whenever any motor truck, trackless 64245
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 64246
trailer is disabled upon the traveled portion of any highway or 64247
the shoulder thereof outside of any municipality, or upon any 64248
freeway, expressway, thruway and connecting, entering or exiting 64249
ramps within a municipality, at any time when lighted lamps are 64250
required on vehicles and trackless trolleys, the operator of such 64251
vehicle or trackless trolley shall display the following warning 64252
devices upon the highway during the time the vehicle or trackless 64253
trolley is so disabled on the highway except as provided in 64254
division (B) of this section: 64255

(1) A lighted fusee shall be immediately placed on the 64256
roadway at the traffic side of such vehicle or trackless trolley, 64257
unless red electric lanterns or red reflectors are displayed. 64258

(2) Within the burning period of the fusee and as promptly as 64259
possible, three lighted flares or pot torches, or three red 64260
reflectors or three red electric lanterns shall be placed on the 64261
roadway as follows: 64262

(a) One at a distance of forty paces or approximately one 64263
hundred feet in advance of the vehicle; 64264

(b) One at a distance of forty paces or approximately one 64265
hundred feet to the rear of the vehicle or trackless trolley 64266
except as provided in this section, each in the center of the lane 64267
of traffic occupied by the disabled vehicle or trackless trolley; 64268

(c) One at the traffic side of the vehicle or trackless 64269
trolley. 64270

(B) Whenever any vehicle used in transporting flammable 64271

liquids in bulk, or in transporting compressed flammable gases, is 64272
disabled upon a highway at any time or place mentioned in division 64273
(A) of this section, the driver of such vehicle shall display upon 64274
the roadway the following warning devices: 64275

(1) One red electric lantern or one red reflector shall be 64276
immediately placed on the roadway at the traffic side of the 64277
vehicle; 64278

(2) Two other red electric lanterns or two other red 64279
reflectors shall be placed to the front and rear of the vehicle in 64280
the same manner prescribed for flares in division (A) of this 64281
section. 64282

(C) When a vehicle of a type specified in division (B) of 64283
this section is disabled, the use of flares, fusees, or any signal 64284
produced by flame as warning signals is prohibited. 64285

(D) Whenever any vehicle or trackless trolley of a type 64286
referred to in this section is disabled upon the traveled portion 64287
of a highway or the shoulder thereof, outside of any municipality, 64288
or upon any freeway, expressway, thruway and connecting, entering 64289
or exiting ramps within a municipality, at any time when the 64290
display of fusees, flares, red reflectors, or electric lanterns is 64291
not required, the operator of such vehicle or trackless trolley 64292
shall display two red flags upon the roadway in the lane of 64293
traffic occupied by the disabled vehicle or trackless trolley, one 64294
at a distance of forty paces or approximately one hundred feet in 64295
advance of the vehicle or trackless trolley, and one at a distance 64296
of forty paces or approximately one hundred feet to the rear of 64297
the vehicle or trackless trolley, except as provided in this 64298
section. 64299

(E) The flares, fusees, lanterns, red reflectors, and flags 64300
to be displayed as required in this section shall conform with the 64301
requirements of section 4513.27 of the Revised Code applicable 64302

thereto. 64303

(F) In the event the vehicle or trackless trolley is disabled 64304
near a curve, crest of a hill, or other obstruction of view, the 64305
flare, flag, reflector, or lantern in that direction shall be 64306
placed as to afford ample warning to other users of the highway, 64307
but in no case shall it be placed less than forty paces or 64308
approximately one hundred feet nor more than one hundred twenty 64309
paces or approximately three hundred feet from the disabled 64310
vehicle or trackless trolley. 64311

(G) This section does not apply to the operator of any 64312
vehicle in a work area designated by protection equipment devices 64313
that are displayed and used in accordance with the manual adopted 64314
by the department of transportation under section 4511.09 of the 64315
Revised Code. 64316

(H) Whoever violates this section ~~shall be punished as~~ 64317
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 64318
minor misdemeanor. 64319

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 64320
police of a municipal corporation, township, or township police 64321
district, within the sheriff's or chief's respective territorial 64322
jurisdiction, upon complaint of any person adversely affected, may 64323
order into storage any motor vehicle, other than an abandoned junk 64324
motor vehicle as defined in section 4513.63 of the Revised Code, 64325
that has been left on private residential or private agricultural 64326
property for at least four hours without the permission of the 64327
person having the right to the possession of the property. The 64328
sheriff or chief of police, upon complaint of the owner of a 64329
repair garage or place of storage, may order into storage any 64330
motor vehicle, other than an abandoned junk motor vehicle, that 64331
has been left at the garage or place of storage for a longer 64332
period than that agreed upon. The place of storage shall be 64333

designated by the sheriff or chief of police. When ordering a 64334
motor vehicle into storage pursuant to this division, a sheriff or 64335
chief of police, whenever possible, shall arrange for the removal 64336
of the motor vehicle by a private tow truck operator or towing 64337
company. Subject to division (C) of this section, the owner of a 64338
motor vehicle that has been removed pursuant to this division may 64339
recover the vehicle only in accordance with division (E) of this 64340
section. 64341

(2) Divisions (A)(1) to (3) of this section do not apply to 64342
any private residential or private agricultural property that is 64343
established as a private tow-away zone in accordance with division 64344
(B) of this section. 64345

(3) As used in divisions (A)(1) and (2) of this section, 64346
"private residential property" means private property on which is 64347
located one or more structures that are used as a home, residence, 64348
or sleeping place by one or more persons, if no more than three 64349
separate households are maintained in the structure or structures. 64350
"Private residential property" does not include any private 64351
property on which is located one or more structures that are used 64352
as a home, residence, or sleeping place by two or more persons, if 64353
more than three separate households are maintained in the 64354
structure or structures. 64355

(B)(1) The owner of private property may establish a private 64356
tow-away zone only if all of the following conditions are 64357
satisfied: 64358

(a) The owner posts on the owner's property a sign, that is 64359
at least eighteen inches by twenty-four inches in size, that is 64360
visible from all entrances to the property, and that contains at 64361
least all of the following information: 64362

(i) A notice that the property is a private tow-away zone and 64363
that vehicles not authorized to park on the property will be towed 64364

away; 64365

(ii) The telephone number of the person from whom a 64366
towed-away vehicle can be recovered, and the address of the place 64367
to which the vehicle will be taken and the place from which it may 64368
be recovered; 64369

(iii) A statement that the vehicle may be recovered at any 64370
time during the day or night upon the submission of proof of 64371
ownership and the payment of a towing charge, in an amount not to 64372
exceed ninety dollars, and a storage charge, in an amount not to 64373
exceed twelve dollars per twenty-four-hour period; except that the 64374
charge for towing shall not exceed one hundred fifty dollars, and 64375
the storage charge shall not exceed twenty dollars per 64376
twenty-four-hour period, if the vehicle has a manufacturer's gross 64377
vehicle weight rating in excess of ten thousand pounds and is a 64378
truck, bus, or a combination of a commercial tractor and trailer 64379
or semitrailer. 64380

(b) The place to which the towed vehicle is taken and from 64381
which it may be recovered is conveniently located, is well 64382
lighted, and is on or within a reasonable distance of a regularly 64383
scheduled route of one or more modes of public transportation, if 64384
any public transportation is available in the municipal 64385
corporation or township in which the private tow-away zone is 64386
located. 64387

(2) If a vehicle is parked on private property that is 64388
established as a private tow-away zone in accordance with division 64389
(B)(1) of this section, without the consent of the owner of the 64390
property or in violation of any posted parking condition or 64391
regulation, the owner or the owner's agent may remove, or cause 64392
the removal of, the vehicle, the owner and the operator of the 64393
vehicle shall be deemed to have consented to the removal and 64394
storage of the vehicle and to the payment of the towing and 64395
storage charges specified in division (B)(1)(a)(iii) of this 64396

section, and the owner, subject to division (C) of this section, 64397
may recover a vehicle that has been so removed only in accordance 64398
with division (E) of this section. 64399

(3) If a municipal corporation requires tow trucks and tow 64400
truck operators to be licensed, no owner of private property 64401
located within the municipal corporation shall remove, or shall 64402
cause the removal and storage of, any vehicle pursuant to division 64403
(B)(2) of this section by an unlicensed tow truck or unlicensed 64404
tow truck operator. 64405

(4) Divisions (B)(1) to (3) of this section do not affect or 64406
limit the operation of division (A) of this section or sections 64407
4513.61 to 4513.65 of the Revised Code as they relate to property 64408
other than private property that is established as a private 64409
tow-away zone under division (B)(1) of this section. 64410

(C) If the owner or operator of a motor vehicle that has been 64411
ordered into storage pursuant to division (A)(1) of this section 64412
or of a vehicle that is being removed under authority of division 64413
(B)(2) of this section arrives after the motor vehicle or vehicle 64414
has been prepared for removal, but prior to its actual removal 64415
from the property, the owner or operator shall be given the 64416
opportunity to pay a fee of not more than one-half of the charge 64417
for the removal of motor vehicles under division (A)(1) of this 64418
section or of vehicles under division (B)(2) of this section, 64419
whichever is applicable, that normally is assessed by the person 64420
who has prepared the motor vehicle or vehicle for removal, in 64421
order to obtain release of the motor vehicle or vehicle. Upon 64422
payment of that fee, the motor vehicle or vehicle shall be 64423
released to the owner or operator, and upon its release, the owner 64424
or operator immediately shall move it so that: 64425

(1) If the motor vehicle was ordered into storage pursuant to 64426
division (A)(1) of this section, it is not on the private 64427
residential or private agricultural property without the 64428

permission of the person having the right to possession of the 64429
property, or is not at the garage or place of storage without the 64430
permission of the owner, whichever is applicable. 64431

(2) If the vehicle was being removed under authority of 64432
division (B)(2) of this section, it is not parked on the private 64433
property established as a private tow-away zone without the 64434
consent of the owner or in violation of any posted parking 64435
condition or regulation. 64436

(D)(1) If an owner of private property that is established as 64437
a private tow-away zone in accordance with division (B)(1) of this 64438
section or the authorized agent of such an owner removes or causes 64439
the removal of a vehicle from that property under authority of 64440
division (B)(2) of this section, the owner or agent promptly shall 64441
notify the police department of the municipal corporation, 64442
township, or township police district in which the property is 64443
located, of the removal, the vehicle's license number, make, 64444
model, and color, the location from which it was removed, the date 64445
and time of its removal, the telephone number of the person from 64446
whom it may be recovered, and the address of the place to which it 64447
has been taken and from which it may be recovered. 64448

(2) Each county sheriff and each chief of police of a 64449
municipal corporation, township, or township police district shall 64450
maintain a record of motor vehicles that the sheriff or chief 64451
orders into storage pursuant to division (A)(1) of this section 64452
and of vehicles removed from private property in the sheriff's or 64453
chief's jurisdiction that is established as a private tow-away 64454
zone of which the sheriff or chief has received notice under 64455
division (D)(1) of this section. The record shall include an entry 64456
for each such motor vehicle or vehicle that identifies the motor 64457
vehicle's or vehicle's license number, make, model, and color, the 64458
location from which it was removed, the date and time of its 64459
removal, the telephone number of the person from whom it may be 64460

recovered, and the address of the place to which it has been taken 64461
and from which it may be recovered. Any information in the record 64462
that pertains to a particular motor vehicle or vehicle shall be 64463
provided to any person who, either in person or pursuant to a 64464
telephone call, identifies self as the owner or operator of the 64465
motor vehicle or vehicle and requests information pertaining to 64466
its location. 64467

(3) Any person who registers a complaint that is the basis of 64468
a sheriff's or police chief's order for the removal and storage of 64469
a motor vehicle under division (A)(1) of this section shall 64470
provide the identity of the law enforcement agency with which the 64471
complaint was registered to any person who identifies self as the 64472
owner or operator of the motor vehicle and requests information 64473
pertaining to its location. 64474

(E) The owner of a motor vehicle that is ordered into storage 64475
pursuant to division (A)(1) of this section or of a vehicle that 64476
is removed under authority of division (B)(2) of this section may 64477
reclaim it upon payment of any expenses or charges incurred in its 64478
removal, in an amount not to exceed ninety dollars, and storage, 64479
in an amount not to exceed twelve dollars per twenty-four-hour 64480
period; except that the charge for towing shall not exceed one 64481
hundred fifty dollars, and the storage charge shall not exceed 64482
twenty dollars per twenty-four-hour period, if the vehicle has a 64483
manufacturer's gross vehicle weight rating in excess of ten 64484
thousand pounds and is a truck, bus, or a combination of a 64485
commercial tractor and trailer or semitrailer. Presentation of 64486
proof of ownership, which may be evidenced by a certificate of 64487
title to the motor vehicle or vehicle also shall be required for 64488
reclamation of the vehicle. If a motor vehicle that is ordered 64489
into storage pursuant to division (A)(1) of this section remains 64490
unclaimed by the owner for thirty days, the procedures established 64491
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 64492

(F) No person shall remove, or cause the removal of, any
vehicle from private property that is established as a private
tow-away zone under division (B)(1) of this section other than in
accordance with division (B)(2) of this section, and no person
shall remove, or cause the removal of, any motor vehicle from any
other private property other than in accordance with division
(A)(1) of this section or sections 4513.61 to 4513.65 of the
Revised Code.

(G)~~(1)~~ Whoever violates division (B)(3) or (F) of this
section is guilty of a minor misdemeanor.

~~(2) Except as otherwise provided in this division, whoever
violates division (F) of this section is guilty of a minor
misdemeanor. If the offender previously has been convicted of or
pleaded guilty to a violation of division (F) of this section,
whoever violates division (F) of this section is guilty of a
misdemeanor of the third degree.~~

Sec. 4513.65. (A) For purposes of this section, "junk motor
vehicle" means any motor vehicle meeting the requirements of
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised
Code that is left uncovered in the open on private property for
more than seventy-two hours with the permission of the person
having the right to the possession of the property, except if the
person is operating a junk yard or scrap metal processing facility
licensed under authority of sections 4737.05 to 4737.12 of the
Revised Code, or regulated under authority of a political
subdivision; or if the property on which the motor vehicle is left
is not subject to licensure or regulation by any governmental
authority, unless the person having the right to the possession of
the property can establish that the motor vehicle is part of a
bona fide commercial operation; or if the motor vehicle is a
collector's vehicle.

No political subdivision shall prevent a person from storing 64524
or keeping, or restrict a person in the method of storing or 64525
keeping, any collector's vehicle on private property with the 64526
permission of the person having the right to the possession of the 64527
property; except that a political subdivision may require a person 64528
having such permission to conceal, by means of buildings, fences, 64529
vegetation, terrain, or other suitable obstruction, any unlicensed 64530
collector's vehicle stored in the open. 64531

The sheriff of a county, or chief of police of a municipal 64532
corporation, within the sheriff's or chief's respective 64533
territorial jurisdiction, a state highway patrol trooper, a board 64534
of township trustees, the legislative authority of a municipal 64535
corporation, or the zoning authority of a township or a municipal 64536
corporation, may send notice, by certified mail with return 64537
receipt requested, to the person having the right to the 64538
possession of the property on which a junk motor vehicle is left, 64539
that within ten days of receipt of the notice, the junk motor 64540
vehicle either shall be covered by being housed in a garage or 64541
other suitable structure, or shall be removed from the property. 64542

No person shall willfully leave a junk motor vehicle 64543
uncovered in the open for more than ten days after receipt of a 64544
notice as provided in this section. The fact that a junk motor 64545
vehicle is so left is prima-facie evidence of willful failure to 64546
comply with the notice, and each subsequent period of thirty days 64547
that a junk motor vehicle continues to be so left constitutes a 64548
separate offense. 64549

(B) ~~Except as otherwise provided in this division, whoever~~ 64550
~~Whoever~~ violates this section is guilty of a minor misdemeanor ~~on~~ 64551
~~a first offense. If the offender previously has been convicted of~~ 64552
~~or pleaded guilty to one violation of this section, whoever~~ 64553
~~violates this section is guilty of a misdemeanor of the fourth~~ 64554
~~degree. If the offender previously has been convicted of or~~ 64555

~~pleaded guilty to two or more violations of this section, whoever~~ 64556
~~violates this section is guilty of a misdemeanor of the third~~ 64557
~~degree.~~ 64558

Sec. 4513.99. (A) Any violation of section ~~4513.03, 4513.04,~~ 64559
~~4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.10, 4513.11~~ 64560
~~except for division (H) of that section, 4513.111, 4513.12,~~ 64561
~~4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18,~~ 64562
~~4513.182, 4513.19, 4513.20, 4513.201, 4513.202, 4513.21, 4513.22,~~ 64563
~~4513.23, 4513.24, 4513.242, 4513.25, 4513.26, 4513.27, 4513.28,~~ 64564
4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code 64565
shall be punished under division (B) of this section. 64566

(B) Whoever violates the sections of this chapter that are 64567
specifically required to be punished under this division, or any 64568
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 64569
the Revised Code for which violation no penalty is otherwise 64570
provided, is guilty of a minor misdemeanor on a first offense; on 64571
a second offense within one year after the first offense, the 64572
person is guilty of a misdemeanor of the fourth degree; on each 64573
subsequent offense within one year after the first offense, the 64574
person is guilty of a misdemeanor of the third degree. 64575

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 64576
Revised Code: 64577

(A) "Persons" includes individuals, firms, partnerships, 64578
associations, joint stock companies, corporations, and any 64579
combinations of individuals. 64580

(B) "Motor vehicle" means motor vehicle as defined in section 64581
4501.01 of the Revised Code and also includes "all-purpose 64582
vehicle" and "off-highway motorcycle" as those terms are defined 64583
in section 4519.01 of the Revised Code ~~and manufactured and mobile~~ 64584
~~homes.~~ "Motor vehicle" does not include a snowmobile as defined in 64585

section 4519.01 of the Revised Code or manufactured and mobile 64586
homes. 64587

(C) "New motor vehicle" means a motor vehicle, the legal 64588
title to which has never been transferred by a manufacturer, 64589
remanufacturer, distributor, or dealer to an ultimate purchaser. 64590

(D) "Ultimate purchaser" means, with respect to any new motor 64591
vehicle, the first person, other than a dealer purchasing in the 64592
capacity of a dealer, who in good faith purchases such new motor 64593
vehicle for purposes other than resale. 64594

(E) "Business" includes any activities engaged in by any 64595
person for the object of gain, benefit, or advantage either direct 64596
or indirect. 64597

(F) "Engaging in business" means commencing, conducting, or 64598
continuing in business, or liquidating a business when the 64599
liquidator thereof holds self out to be conducting such business; 64600
making a casual sale or otherwise making transfers in the ordinary 64601
course of business when the transfers are made in connection with 64602
the disposition of all or substantially all of the transferor's 64603
assets is not engaging in business. 64604

(G) "Retail sale" or "sale at retail" means the act or 64605
attempted act of selling, bartering, exchanging, or otherwise 64606
disposing of a motor vehicle to an ultimate purchaser for use as a 64607
consumer. 64608

(H) "Retail installment contract" includes any contract in 64609
the form of a note, chattel mortgage, conditional sales contract, 64610
lease, agreement, or other instrument payable in one or more 64611
installments over a period of time and arising out of the retail 64612
sale of a motor vehicle. 64613

(I) "Farm machinery" means all machines and tools used in the 64614
production, harvesting, and care of farm products. 64615

(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles.

(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties.

(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it, irrespective of whether or not the motor vehicle is the subject of a later sublease, and not in the user, but does not mean a manufacturer or its affiliate leasing to its employees or to dealers.

(N) "Salesperson" means any person employed by a dealer or manufactured home broker to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other

valuable consideration, but does not mean any public officer 64648
performing official duties. 64649

(O) "Casual sale" means any transfer of a motor vehicle by a 64650
person other than a new motor vehicle dealer, used motor vehicle 64651
dealer, motor vehicle salvage dealer, as defined in division (A) 64652
of section 4738.01 of the Revised Code, salesperson, motor vehicle 64653
auction owner, manufacturer, or distributor acting in the capacity 64654
of a dealer, salesperson, auction owner, manufacturer, or 64655
distributor, to a person who purchases the motor vehicle for use 64656
as a consumer. 64657

(P) "Motor vehicle show" means a display of current models of 64658
motor vehicles whereby the primary purpose is the exhibition of 64659
competitive makes and models in order to provide the general 64660
public the opportunity to review and inspect various makes and 64661
models of motor vehicles at a single location. 64662

(Q) "Motor vehicle auction owner" means any person who is 64663
engaged wholly or in part in the business of auctioning motor 64664
vehicles. 64665

(R) "Manufacturer" means a person who manufactures, 64666
assembles, or imports motor vehicles, including motor homes, but 64667
does not mean a person who only assembles or installs a body, 64668
special equipment unit, finishing trim, or accessories on a motor 64669
vehicle chassis supplied by a manufacturer or distributor. 64670

(S) "Tent-type fold-out camping trailer" means any vehicle 64671
intended to be used, when stationary, as a temporary shelter with 64672
living and sleeping facilities, and that is subject to the 64673
following properties and limitations: 64674

(1) A minimum of twenty-five per cent of the fold-out portion 64675
of the top and sidewalls combined must be constructed of canvas, 64676
vinyl, or other fabric, and form an integral part of the shelter. 64677

(2) When folded, the unit must not exceed: 64678

(a) Fifteen feet in length, exclusive of bumper and tongue; 64679

(b) Sixty inches in height from the point of contact with the 64680
ground; 64681

(c) Eight feet in width; 64682

(d) One ton gross weight at time of sale. 64683

(T) "Distributor" means any person authorized by a motor 64684
vehicle manufacturer to distribute new motor vehicles to licensed 64685
new motor vehicle dealers, but does not mean a person who only 64686
assembles or installs a body, special equipment unit, finishing 64687
trim, or accessories on a motor vehicle chassis supplied by a 64688
manufacturer or distributor. 64689

(U) "Flea market" means a market place, other than a dealer's 64690
location licensed under this chapter, where a space or location is 64691
provided for a fee or compensation to a seller to exhibit and 64692
offer for sale or trade, motor vehicles to the general public. 64693

(V) "Franchise" means any written agreement, contract, or 64694
understanding between any motor vehicle manufacturer or 64695
remanufacturer engaged in commerce and any motor vehicle dealer 64696
that purports to fix the legal rights and liabilities of the 64697
parties to such agreement, contract, or understanding. 64698

(W) "Franchisee" means a person who receives new motor 64699
vehicles from the franchisor under a franchise agreement and who 64700
offers, sells, and provides service for such new motor vehicles to 64701
the general public. 64702

(X) "Franchisor" means a new motor vehicle manufacturer, 64703
remanufacturer, or distributor who supplies new motor vehicles 64704
under a franchise agreement to a franchisee. 64705

(Y) "Dealer organization" means a state or local trade 64706
association the membership of which is comprised predominantly of 64707
new motor vehicle dealers. 64708

(Z) "Factory representative" means a representative employed 64709
by a manufacturer, remanufacturer, or by a factory branch 64710
primarily for the purpose of promoting the sale of its motor 64711
vehicles, parts, or accessories to dealers or for supervising or 64712
contacting its dealers or prospective dealers. 64713

(AA) "Administrative or executive management" means those 64714
individuals who are not subject to federal wage and hour laws. 64715

(BB) "Good faith" means honesty in the conduct or transaction 64716
concerned and the observance of reasonable commercial standards of 64717
fair dealing in the trade as is defined in division (S) of section 64718
1301.01 of the Revised Code, including, but not limited to, the 64719
duty to act in a fair and equitable manner so as to guarantee 64720
freedom from coercion, intimidation, or threats of coercion or 64721
intimidation; provided however, that recommendation, endorsement, 64722
exposition, persuasion, urging, or argument shall not be 64723
considered to constitute a lack of good faith. 64724

(CC) "Coerce" means to compel or attempt to compel by failing 64725
to act in good faith or by threat of economic harm, breach of 64726
contract, or other adverse consequences. Coerce does not mean to 64727
argue, urge, recommend, or persuade. 64728

(DD) "Relevant market area" means any area within a radius of 64729
ten miles from the site of a potential new dealership, except that 64730
for manufactured home or recreational vehicle dealerships the 64731
radius shall be twenty-five miles. The ten-mile radius shall be 64732
measured from the dealer's established place of business that is 64733
used exclusively for the purpose of selling, displaying, offering 64734
for sale, or dealing in motor vehicles. 64735

(EE) "Wholesale" or "at wholesale" means the act or attempted 64736
act of selling, bartering, exchanging, or otherwise disposing of a 64737
motor vehicle to a transferee for the purpose of resale and not 64738
for ultimate consumption by that transferee. 64739

(FF) "Motor vehicle wholesaler" means any person licensed as a dealer under the laws of another state and engaged in the business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, ~~walls, a roof elevation, or a body extension on a manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, a mobile home as defined in division (O) and referred to in division (B) of section 4501.01 of the Revised Code, or~~ a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) A person who assembles or installs special equipment or accessories for handicapped persons, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility

vehicle. 64772

(3) For the purposes of division (GG)(1) of this section, 64773
"limousine" means a motor vehicle, designed only for the purpose 64774
of carrying nine or fewer passengers, that a person modifies by 64775
cutting the original chassis, lengthening the wheelbase by forty 64776
inches or more, and reinforcing the chassis in such a way that all 64777
modifications comply with all applicable federal motor vehicle 64778
safety standards. No person shall qualify as or be deemed to be a 64779
remanufacturer who produces limousines unless the person has a 64780
written agreement with the manufacturer of the chassis the person 64781
utilizes to produce the limousines to complete properly the 64782
remanufacture of the chassis into limousines. 64783

(4) For the purposes of division (GG)(1) of this section, 64784
"hearse" means a motor vehicle, designed only for the purpose of 64785
transporting a single casket, that is equipped with a compartment 64786
designed specifically to carry a single casket that a person 64787
modifies by cutting the original chassis, lengthening the 64788
wheelbase by ten inches or more, and reinforcing the chassis in 64789
such a way that all modifications comply with all applicable 64790
federal motor vehicle safety standards. No person shall qualify as 64791
or be deemed to be a remanufacturer who produces hearses unless 64792
the person has a written agreement with the manufacturer of the 64793
chassis the person utilizes to produce the hearses to complete 64794
properly the remanufacture of the chassis into hearses. 64795

(5) For the purposes of division (GG)(1) of this section, 64796
"mobile self-contained facility vehicle" means a mobile classroom 64797
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 64798
testing laboratory, and mobile display vehicle, each of which is 64799
designed for purposes other than for passenger transportation and 64800
other than the transportation or displacement of cargo, freight, 64801
materials, or merchandise. A vehicle is remanufactured into a 64802
mobile self-contained facility vehicle in part by the addition of 64803

insulation to the body shell, and installation of all of the 64804
following: a generator, electrical wiring, plumbing, holding 64805
tanks, doors, windows, cabinets, shelving, and heating, 64806
ventilating, and air conditioning systems. 64807

(6) For the purposes of division (GG)(1) of this section, 64808
"tow truck" means both of the following: 64809

(a) An incomplete cab and chassis that are purchased by a 64810
remanufacturer from a new motor vehicle dealer or distributor of 64811
the cab and chassis and on which the remanufacturer then installs 64812
in a permanent manner a wrecker body it purchases from a 64813
manufacturer or distributor of wrecker bodies, installs an 64814
emergency flashing light pylon and emergency lights upon the mast 64815
of the wrecker body or rooftop, and installs such other related 64816
accessories and equipment, including push bumpers, front grille 64817
guards with pads and other custom-ordered items such as painting, 64818
special lettering, and safety striping so as to create a complete 64819
motor vehicle capable of lifting and towing another motor vehicle. 64820

(b) An incomplete cab and chassis that are purchased by a 64821
remanufacturer from a new motor vehicle dealer or distributor of 64822
the cab and chassis and on which the remanufacturer then installs 64823
in a permanent manner a car carrier body it purchases from a 64824
manufacturer or distributor of car carrier bodies, installs an 64825
emergency flashing light pylon and emergency lights upon the 64826
rooftop, and installs such other related accessories and 64827
equipment, including push bumpers, front grille guards with pads 64828
and other custom-ordered items such as painting, special 64829
lettering, and safety striping. 64830

As used in division (GG)(6)(b) of this section, "car carrier 64831
body" means a mechanical or hydraulic apparatus capable of lifting 64832
and holding a motor vehicle on a flat level surface so that one or 64833
more motor vehicles can be transported, once the car carrier is 64834
permanently installed upon an incomplete cab and chassis. 64835

(HH) "Operating as a new motor vehicle dealership" means 64836
engaging in activities such as displaying, offering for sale, and 64837
selling new motor vehicles at retail, operating a service facility 64838
to perform repairs and maintenance on motor vehicles, offering for 64839
sale and selling motor vehicle parts at retail, and conducting all 64840
other acts that are usual and customary to the operation of a new 64841
motor vehicle dealership. For the purposes of this chapter only, 64842
possession of either a valid new motor vehicle dealer franchise 64843
agreement or a new motor vehicle dealers license, or both of these 64844
items, is not evidence that a person is operating as a new motor 64845
vehicle dealership. 64846

(II) ~~"Manufactured home broker" means any person acting as a 64847
selling agent on behalf of an owner of a manufactured or mobile 64848
home that is subject to taxation under section 4503.06 of the 64849
Revised Code.~~ 64850

~~(JJ)~~ "Outdoor power equipment" means garden and small utility 64851
tractors, walk-behind and riding mowers, chainsaws, and tillers. 64852

~~(KK)~~(JJ) "Remote service facility" means premises that are 64853
separate from a licensed new motor vehicle dealer's sales facility 64854
by not more than one mile and that are used by the dealer to 64855
perform repairs, warranty work, recall work, and maintenance on 64856
motor vehicles pursuant to a franchise agreement entered into with 64857
a manufacturer of motor vehicles. A remote service facility shall 64858
be deemed to be part of the franchise agreement and is subject to 64859
all the rights, duties, obligations, and requirements of Chapter 64860
4517. of the Revised Code that relate to the performance of motor 64861
vehicle repairs, warranty work, recall work, and maintenance work 64862
by new motor vehicle dealers. 64863

Sec. 4517.02. (A) Except as otherwise provided in this 64864
section, no person shall do any of the following: 64865

(1) Engage in the business of displaying or selling at retail 64866

new motor vehicles or assume to engage in that business, unless 64867
the person is licensed as a new motor vehicle dealer under 64868
sections 4517.01 to 4517.45 of the Revised Code, or is a 64869
salesperson licensed under those sections and employed by a 64870
licensed new motor vehicle dealer; 64871

(2) Engage in the business of offering for sale, displaying 64872
for sale, or selling at retail or wholesale used motor vehicles or 64873
assume to engage in that business, unless the person is licensed 64874
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 64875
or is a salesperson licensed under those sections and employed by 64876
a licensed used motor vehicle dealer or licensed new motor vehicle 64877
dealer; 64878

(3) Engage in the business of regularly making available, 64879
offering to make available, or arranging for another person to use 64880
a motor vehicle, in the manner described in division (M) of 64881
section 4517.01 of the Revised Code, unless the person is licensed 64882
as a motor vehicle leasing dealer under sections 4517.01 to 64883
4517.45 of the Revised Code; 64884

(4) Engage in the business of motor vehicle auctioning or 64885
assume to engage in that business, unless the person is licensed 64886
as a motor vehicle auction owner under sections 4517.01 to 4517.45 64887
of the Revised Code and the person uses an auctioneer who is 64888
licensed under Chapter 4707. of the Revised Code to conduct the 64889
motor vehicle auctions; 64890

(5) Engage in the business of distributing motor vehicles or 64891
assume to engage in that business, unless the person is licensed 64892
as a distributor under sections 4517.01 to 4517.45 of the Revised 64893
Code; 64894

(6) Make more than five casual sales of motor vehicles in a 64895
twelve-month period, commencing with the day of the month in which 64896
the first such sale is made, nor provide a location or space for 64897

the sale of motor vehicles at a flea market, without obtaining a license as a dealer under sections 4517.01 to 4517.45 of the Revised Code, provided that nothing in this section shall be construed to prohibit the disposition without a license of a motor vehicle originally acquired and held for purposes other than sale, rental, or lease to an employee, retiree, officer, or director of the person making the disposition, to a corporation affiliated with the person making the disposition, or to a person licensed under sections 4517.01 to 4517.45 of the Revised Code+

~~(7) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured home broker under sections 4517.01 to 4517.45 of the Revised Code.~~

(B) Nothing in this section shall be construed to require an auctioneer licensed under sections 4707.01 to 4707.19 of the Revised Code, to obtain a motor vehicle salesperson's license under sections 4517.01 to 4517.45 of the Revised Code when conducting an auction sale for a licensed motor vehicle dealer on the dealer's premises, or when conducting an auction sale for a licensed motor vehicle auction owner; nor shall such an auctioneer be required to obtain a motor vehicle auction owner's license under sections 4517.01 to 4517.45 of the Revised Code when engaged in auctioning for a licensed motor vehicle auction owner.

(C) Sections 4517.01 to 4517.45 of the Revised Code do not apply to any of the following:

(1) Persons engaging in the business of selling commercial tractors, trailers, or semitrailers incidentally to engaging primarily in business other than the selling or leasing of motor vehicles;

(2) Mortgagees selling at retail only those motor vehicles that have come into their possession by a default in the terms of a mortgage contract;

(3) The leasing, rental, and interchange of motor vehicles used directly in the rendition of a public utility service by regulated motor carriers.

(D) When a partnership licensed under sections 4517.01 to 4517.45 of the Revised Code is dissolved by death, the surviving partners may operate under the license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy.

(E) No remanufacturer shall engage in the business of selling at retail any new motor vehicle without having written authority from the manufacturer or distributor of the vehicle to sell new motor vehicles and to perform repairs under the terms of the manufacturer's or distributor's new motor vehicle warranty, unless, at the time of the sale of the vehicle, each customer is furnished with a binding agreement ensuring that the customer has the right to have the vehicle serviced or repaired by a new motor vehicle dealer who is franchised to sell and service vehicles of the same line-make as the chassis of the remanufactured vehicle purchased by the customer and whose service or repair facility is located within either twenty miles of the remanufacturer's location and place of business or twenty miles of the customer's residence or place of business. If there is no such new motor vehicle dealer located within twenty miles of the remanufacturer's location and place of business or the customer's residence or place of business, the binding agreement furnished to the customer may be with the new motor vehicle dealer who is franchised to sell and service vehicles of the same line-make as the chassis of the remanufactured vehicle purchased by the customer and whose service or repair facility is located nearest to the remanufacturer's location and place of business or the customer's residence or

place of business. Additionally, at the time of sale of any 64961
vehicle, each customer of the remanufacturer shall be furnished 64962
with a warranty issued by the remanufacturer for a term of at 64963
least one year. 64964

(F) Except as otherwise provided in this division, whoever 64965
violates this section is guilty of a minor misdemeanor and shall 64966
be subject to a mandatory fine of one hundred dollars. If the 64967
offender previously has been convicted of or pleaded guilty to a 64968
violation of this section, whoever violates this section is guilty 64969
of a misdemeanor of the first degree and shall be subject to a 64970
mandatory fine of one thousand dollars. 64971

Sec. 4517.03. (A) A place of business that is used for 64972
selling, displaying, offering for sale, or dealing in motor 64973
vehicles shall be considered as used exclusively for those 64974
purposes even though snowmobiles, farm machinery, outdoor power 64975
equipment, watercraft and related products, or products 64976
manufactured or distributed by a motor vehicle manufacturer with 64977
which the motor vehicle dealer has a franchise agreement are sold 64978
or displayed there, or if repair, accessory, gasoline and oil, 64979
storage, parts, service, or paint departments are maintained 64980
there, or such products or services are provided there, if the 64981
departments are operated or the products or services are provided 64982
for the business of selling, displaying, offering for sale, or 64983
dealing in motor vehicles. Places of business or departments in a 64984
place of business used to dismantle, salvage, or rebuild motor 64985
vehicles by means of using used parts, are not considered as being 64986
maintained for the purpose of assisting or furthering the selling, 64987
displaying, offering for sale, or dealing in motor vehicles. A 64988
place of business shall be considered as used exclusively for 64989
selling, displaying, offering for sale, or dealing in motor 64990
vehicles even though a business owned by a motor vehicle leasing 64991
dealer or a motor vehicle renting dealer is located at the place 64992

of business. 64993

(B)(1) No new motor vehicle dealer shall sell, display, offer 64994
for sale, or deal in motor vehicles at any place except an 64995
established place of business that is used exclusively for the 64996
purpose of selling, displaying, offering for sale, or dealing in 64997
motor vehicles. The place of business shall have space, under 64998
roof, for the display of at least one new motor vehicle. The 64999
established place of business or, if the dealer operates a remote 65000
service facility, the dealer's remote service facility shall have 65001
facilities and space for the inspection, servicing, and repair of 65002
at least one motor vehicle. However a new motor vehicle dealer 65003
selling manufactured or mobile homes is exempt from the 65004
requirement that a place of business have space, under roof, for 65005
the display of at least one new motor vehicle and facilities and 65006
space for the inspection, servicing, and repair of at least one 65007
motor vehicle. 65008

(2) A licensed new motor vehicle dealer may operate a remote 65009
service facility with the consent of the manufacturer and only to 65010
perform repairs, warranty work, recall work, and maintenance on 65011
motor vehicles as part of the dealer's franchised and licensed new 65012
motor vehicle dealership. The remote service facility shall be 65013
included on the new motor vehicle dealer's license and be deemed 65014
to be part of the dealer's licensed location. 65015

(3) No person shall use a remote service facility for 65016
selling, displaying, or offering for sale motor vehicles. 65017

~~(4) Nothing in Chapter 4517. of the Revised Code shall be 65018
construed as prohibiting the sale of a new or used manufactured or 65019
mobile home located in a manufactured home park by a licensed new 65020
or used motor vehicle dealer. 65021~~

(C) No used motor vehicle dealer shall sell, display, offer 65022
for sale, or deal in motor vehicles at any place except an 65023

established place of business that is used exclusively for the 65024
purpose of selling, displaying, offering for sale, or dealing in 65025
motor vehicles. 65026

(D) No motor vehicle leasing dealer shall make a motor 65027
vehicle available for use by another, in the manner described in 65028
division (M) of section 4517.01 of the Revised Code, at any place 65029
except an established place of business that is used for leasing 65030
motor vehicles; except that a motor vehicle leasing dealer who is 65031
also a new motor vehicle dealer or used motor vehicle dealer may 65032
lease motor vehicles at the same place of business at which the 65033
dealer sells, offers for sale, or deals in new or used motor 65034
vehicles. 65035

(E) No motor vehicle leasing dealer or motor vehicle renting 65036
dealer shall sell a motor vehicle within ninety days after a 65037
certificate of title to the motor vehicle is issued to the dealer, 65038
except when a salvage certificate of title is issued to replace 65039
the original certificate of title and except when a motor vehicle 65040
leasing dealer sells a motor vehicle to another motor vehicle 65041
leasing dealer at the end of a sublease pursuant to that sublease. 65042

(F) No distributor shall distribute new motor vehicles to new 65043
motor vehicle dealers at any place except an established place of 65044
business that is used exclusively for the purpose of distributing 65045
new motor vehicles to new motor vehicle dealers; except that a 65046
distributor who is also a new motor vehicle dealer may distribute 65047
new motor vehicles at the same place of business at which the 65048
distributor sells, displays, offers for sale, or deals in new 65049
motor vehicles. 65050

(G) No person, firm, or corporation that sells, displays, or 65051
offers for sale tent-type fold-out camping trailers is subject to 65052
the requirement that the person's, firm's, or corporation's place 65053
of business be used exclusively for the purpose of selling, 65054
displaying, offering for sale, or dealing in motor vehicles. No 65055

person, firm, or corporation that sells, displays, or offers for 65056
sale tent-type fold-out camping trailers, trailers, semitrailers, 65057
or park trailers is subject to the requirement that the place of 65058
business have space, under roof, for the display of at least one 65059
new motor vehicle and facilities and space for the inspection, 65060
servicing, and repair of at least one motor vehicle. 65061

~~(H) No manufactured or mobile home broker shall engage in the 65062
business of brokering manufactured or mobile homes at any place 65063
except an established place of business that is used exclusively 65064
for the purpose of brokering manufactured or mobile homes. 65065~~

~~(I)~~ Nothing in this section shall be construed to prohibit 65066
persons licensed under this chapter from making sales calls. 65067

~~(J)~~(I) Whoever violates this section is guilty of a 65068
misdemeanor of the fourth degree. 65069

~~(K)~~(J) As used in this section: 65070

(1) "Motor vehicle leasing dealer" has the same meaning as in 65071
section 4517.01 of the Revised Code. 65072

(2) "Motor vehicle renting dealer" has the same meaning as in 65073
section 4549.65 of the Revised Code. 65074

(3) "Watercraft" has the same meaning as in section 1547.01 65075
of the Revised Code. 65076

Sec. 4517.30. The motor vehicle dealers board shall consist 65077
of eleven members. The registrar of motor vehicles or the 65078
registrar's designee shall be a member of the board, and the other 65079
ten members shall be appointed by the governor with the advice and 65080
consent of the senate. Not more than five of the ten members other 65081
than the registrar shall be of any one political party, and of the 65082
ten: 65083

(A) Three shall represent the public and shall not have 65084
engaged in the business of selling motor vehicles at retail in 65085

this state; 65086

(B) Five shall have been engaged in the business of selling 65087
motor vehicles at retail in this state for at least five years and 65088
have been engaged in such business within two years prior to the 65089
date of their appointment. Of these five: 65090

(1) Three shall have been engaged in the sale of new motor 65091
vehicles; 65092

(2) One shall have been engaged in the business of selling 65093
~~manufactured homes, mobile homes, or~~ recreational vehicles at 65094
retail; 65095

(3) One shall have been engaged in the sale of used motor 65096
vehicles. 65097

(C) Two shall have been engaged in the leasing of motor 65098
vehicles. 65099

Terms of office of the ten members appointed by the governor 65100
shall be for three years, commencing on the fifth day of October 65101
and ending on the fourth day of October. Each member shall hold 65102
office from the date of the member's appointment until the end of 65103
the term for which the member was appointed. Any member appointed 65104
to fill a vacancy occurring prior to the expiration of the term 65105
for which the member's predecessor was appointed shall hold office 65106
for the remainder of such term. Any appointed member shall 65107
continue in office subsequent to the expiration date of the 65108
member's term until a successor takes office, or until a period of 65109
sixty days has elapsed, whichever occurs first. Annually the board 65110
shall organize by selecting from its members a president. Each 65111
appointed member of the board shall receive an amount fixed in 65112
accordance with division (J) of section 124.15 of the Revised 65113
Code, and shall be reimbursed for the actual and necessary 65114
expenses incurred in the discharge of the member's official 65115
duties. 65116

Sec. 4517.33. The motor vehicle dealers board shall hear 65117
appeals which may be taken from an order of the registrar of motor 65118
vehicles, refusing to issue a license. All appeals from any order 65119
of the registrar refusing to issue any license upon proper 65120
application must be taken within thirty days from the date of the 65121
order, or the order is final and conclusive. All appeals from 65122
orders of the registrar must be by petition in writing and 65123
verified under oath by the applicant whose application for license 65124
has been denied, and must set forth the reason for the appeal and 65125
the reason why, in the petitioner's opinion, the order of the 65126
registrar is not correct. In such appeals the board may make 65127
investigation to determine the correctness and legality of the 65128
order of the registrar. 65129

The board may make rules governing its actions relative to 65130
the suspension and revocation of dealers', motor vehicle leasing 65131
dealers', ~~manufactured home brokers'~~, distributors', auction 65132
owners', and salespersons' licenses, and may, upon its own motion, 65133
and shall, upon the verified complaint in writing of any person, 65134
investigate the conduct of any licensee under sections 4517.01 to 65135
4517.65 of the Revised Code. The board shall suspend or revoke or 65136
notify the registrar to refuse to renew any dealer's, motor 65137
vehicle leasing dealer's, ~~manufactured home broker's,~~ 65138
distributor's, auction owner's, or salesperson's license, if any 65139
ground existed upon which the license might have been refused, or 65140
if a ground exists that would be cause for refusal to issue a 65141
license. 65142

The board may suspend or revoke any license if the licensee 65143
has in any manner violated the rules issued pursuant to sections 65144
4517.01 to 4517.65 of the Revised Code, or has violated section 65145
4501.02 of the Revised Code, or has been convicted of committing a 65146
felony or violating any law that in any way relates to the 65147
selling, taxing, licensing, or regulation of sales of motor 65148

vehicles. 65149

Sec. 4517.43. (A) The applications for licenses and the 65150
copies of contracts required by sections 4517.04, 4517.05, 65151
4517.051, ~~4517.052~~, 4517.06, 4517.07, 4517.08, and 4517.09 of the 65152
Revised Code are not part of the public records but are 65153
confidential information for the use of the registrar of motor 65154
vehicles and the motor vehicle dealers board. No person shall 65155
divulge any information contained in such applications and 65156
acquired by the person in the person's capacity as an official or 65157
employee of the bureau of motor vehicles or of the board, except 65158
in a report to the registrar, to the board, or when called upon to 65159
testify in any court or proceeding. 65160

(B) Whoever violates this section is guilty of a minor 65161
misdemeanor. 65162

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 65163
and (D) of this section, no person shall operate any snowmobile, 65164
off-highway motorcycle, or all-purpose vehicle within this state 65165
unless the snowmobile, off-highway motorcycle, or all-purpose 65166
vehicle is registered and numbered in accordance with sections 65167
4519.03 and 4519.04 of the Revised Code. 65168

(B)(1) No registration is required for a snowmobile or 65169
off-highway motorcycle that is operated exclusively upon lands 65170
owned by the owner of the snowmobile or off-highway motorcycle, or 65171
on lands to which the owner of the snowmobile or off-highway 65172
motorcycle has a contractual right. 65173

(2) No registration is required for an all-purpose vehicle 65174
that is used primarily ~~on a farm as a farm implement for~~ 65175
agricultural purposes when the owner qualifies for the current 65176
agricultural use valuation tax credit, unless it is to be used on 65177
any public land, trail, or right-of-way. 65178

(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate section 4519.41 of the Revised Code.

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to this chapter and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to this chapter shall comply with section 4519.09 of the Revised Code.

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft.

(F) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars.

Sec. 4519.04. (A) Upon the filing of an application for registration of a snowmobile, off-highway motorcycle, or all-purpose vehicle and the payment of the tax therefor, the registrar of motor vehicles or a deputy registrar shall assign to

the snowmobile, off-highway motorcycle, or all-purpose vehicle a 65210
distinctive number and issue and deliver to the owner in such 65211
manner as the registrar may select, a certificate of registration, 65212
in such form as the registrar shall prescribe. Any number so 65213
assigned to a snowmobile, off-highway motorcycle, or all-purpose 65214
vehicle shall be a permanent number, and shall not be issued to 65215
any other snowmobile, off-highway motorcycle, or all-purpose 65216
vehicle. 65217

(B)(1) In addition to the certificate of registration, the 65218
registrar or deputy registrar also shall issue to the owner of a 65219
snowmobile or off-highway motorcycle a two decal registration 65220
~~sticker~~ stickers. The registrar shall prescribe the color and size 65221
of the ~~sticker~~, stickers and the combination of numerals and 65222
letters displayed on ~~it~~, and them. ~~The~~ placement of the ~~sticker~~ 65223
decal stickers shall be one on ~~the snowmobile or off-highway~~ 65224
~~motorcycle.~~ 65225

~~Upon receipt of a certificate of registration for a~~ 65226
~~snowmobile, the owner shall paint or otherwise attach upon each~~ 65227
either side of the forward cowling ~~of the snowmobile the~~ 65228
~~identifying registration number, in block characters of not less~~ 65229
~~than two inches in height and of such color as to be distinctly~~ 65230
~~visible and legible~~ or fuel tank. 65231

(2) The registrar or deputy registrar also shall issue to the 65232
owner of an all-purpose vehicle, in addition to the certificate of 65233
registration, one license plate and a validation sticker, or a 65234
validation sticker alone when applicable upon a registration 65235
renewal. The license plate and validation sticker shall be 65236
displayed on the all-purpose vehicle so that they are distinctly 65237
visible, in accordance with such rules as the registrar adopts. 65238
The validation sticker shall indicate the expiration date of the 65239
registration period of the all-purpose vehicle. During each 65240
succeeding registration period following the issuance of the 65241

license plate and validation sticker, upon the filing of an 65242
application for registration and payment of the fee specified in 65243
division (C) of this section, a validation sticker alone shall be 65244
issued. 65245

(C) Unless previously canceled, each certificate of 65246
registration issued for a snowmobile, off-highway motorcycle, or 65247
all-purpose vehicle expires upon the thirty-first day of December 65248
in the third year after the date it is issued. Application for 65249
renewal of a certificate may be made not earlier than ninety days 65250
preceding the expiration date, and shall be accompanied by a fee 65251
of thirty-one dollars and twenty-five cents. 65252

Notwithstanding section 4519.11 of the Revised Code, of each 65253
thirty-one dollar and twenty-five-cent fee collected for the 65254
registration of ~~an~~ a snowmobile, off-highway motorcycle, or 65255
all-purpose vehicle, the registrar shall retain not more than ~~five~~ 65256
six dollars to pay for the licensing and registration costs the 65257
bureau of motor vehicles incurs in registering the snowmobile, 65258
off-highway motorcycle, or all-purpose vehicle. The remainder of 65259
the fee shall be deposited into the state treasury to the credit 65260
of the state recreational vehicle fund created by section 4519.11 65261
of the Revised Code. 65262

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 65263
shall charge and retain fees as follows: 65264

(a) Fifteen dollars for each certificate of title or 65265
duplicate certificate of title including the issuance of a 65266
memorandum certificate of title, authorization to print a 65267
non-negotiable evidence of ownership described in division (D) of 65268
section 4519.58 of the Revised Code, non-negotiable evidence of 65269
ownership printed by the clerk under division (E) of that section, 65270
and notation of any lien on a certificate of title that is applied 65271
for at the same time as the certificate of title. The clerk shall 65272

retain eleven dollars and fifty cents of that fee for each 65273
certificate of title when there is a notation of a lien or 65274
security interest on the certificate of title, twelve dollars and 65275
twenty-five cents when there is no lien or security interest noted 65276
on the certificate of title, and eleven dollars and fifty cents 65277
for each duplicate certificate of title. 65278

(b) Five dollars for each certificate of title with no 65279
security interest noted that is issued to a licensed motor vehicle 65280
dealer for resale purposes. The clerk shall retain two dollars and 65281
twenty-five cents of that fee. 65282

(c) Five dollars for each memorandum certificate of title or 65283
non-negotiable evidence of ownership that is applied for 65284
separately. The clerk shall retain that entire fee. 65285

(2) The fees that are not retained by the clerk shall be paid 65286
to the registrar of motor vehicles by monthly returns, which shall 65287
be forwarded to the registrar not later than the fifth day of the 65288
month next succeeding that in which the certificate is forwarded 65289
or that in which the registrar is notified of a lien or 65290
cancellation of a lien. 65291

(B)(1) The registrar shall pay twenty-five cents of the 65292
amount received for each certificate of title that is issued to a 65293
motor vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 65294
certificates of title issued with a lien or security interest 65295
noted on the certificate of title, and twenty-five cents for each 65296
certificate of title with no lien or security interest noted on 65297
the certificate of title into the state bureau of motor vehicles 65298
fund established in section 4501.25 of the Revised Code. 65299

(2) Fifty cents of the amount received for each certificate 65300
of title shall be paid by the registrar as follows: 65301

(a) Four cents shall be paid into the state treasury to the 65302
credit of the motor vehicle dealers board fund created in section 65303

4505.09 of the Revised Code, for use as described in division 65304
(B)(2)(a) of that section. 65305

(b) Twenty-one cents shall be paid into the highway operating 65306
fund. 65307

(c) Twenty-five cents shall be paid into the state treasury 65308
to the credit of the motor vehicle sales audit fund created in 65309
section 4505.09 of the Revised Code, for use as described in 65310
division (B)(2)(c) of that section. 65311

(3) Two dollars of the amount received by the registrar for 65312
each certificate of title shall be paid into the state treasury to 65313
the credit of the automated title processing fund created in 65314
section 4505.09 of the Revised Code, for use as described in 65315
divisions (B)(3)(a) and (c) of that section. 65316

Sec. 4549.10. (A) No person shall operate or cause to be 65317
operated upon a public road or highway a motor vehicle of a 65318
manufacturer or dealer unless the vehicle carries and displays two 65319
placards, except as provided in section 4503.21 of the Revised 65320
Code, issued by the director of public safety that bear the 65321
registration number of its manufacturer or dealer. 65322

(B) Whoever violates division (A) of this section is guilty 65323
of illegal operation of a manufacturer's or dealer's motor 65324
vehicle, a minor misdemeanor ~~on a first offense and a misdemeanor~~ 65325
~~of the fourth degree on each subsequent offense.~~ 65326

Sec. 4549.12. (A) No person who is the owner of a motor 65327
vehicle and a resident of this state shall operate or drive the 65328
motor vehicle upon the highways of this state, while it displays a 65329
distinctive number or identification mark issued by or under the 65330
authority of another state, without complying with the laws of 65331
this state relating to the registration and identification of 65332
motor vehicles. 65333

(B) Whoever violates division (A) of this section is guilty 65334
of illegal operation by a resident of this state of a motor 65335
vehicle bearing the distinctive number or identification mark 65336
issued by a foreign jurisdiction, a minor misdemeanor ~~on a first~~ 65337
~~offense and a misdemeanor of the fourth degree on each subsequent~~ 65338
~~offense.~~ 65339

Sec. 4582.71. (A) As used in this section: 65340

(1) "Bond proceedings" means, with respect to obligations 65341
authorized under this section, the resolutions, certifications and 65342
agreements, including without limitation a venture capital 65343
agreement, the loan documents and any trust agreements, and any 65344
authorized credit enhancement facilities or swaps or other hedging 65345
instruments, and amendments or supplements thereto, or to any one 65346
or more or combination of them, authorizing, awarding, or 65347
providing for the terms and conditions applicable to or providing 65348
for the security or liquidity of, the particular obligations, and 65349
the provisions contained in those obligations. 65350

(2) "Issuing authority" means a port authority that, pursuant 65351
to a venture capital agreement, issues or issued obligations to 65352
fund one or more loans to the program fund. 65353

(3) "Loan" means an extension of credit to or in aid of the 65354
program fund in any form, including loans to lenders or the 65355
purchase of loans, including the purchase for cancellation of any 65356
loan, and evidenced in any manner including, without limitation, 65357
by a loan agreement, a promissory note, a bond, note, certificate 65358
of participation or other security, a letter of credit and 65359
reimbursement agreement or other credit facility, or a standby 65360
bond or note purchase agreement, line of credit or other liquidity 65361
facility, and including, in any event, any related swap or other 65362
hedging instrument. 65363

(4) "Obligations" means, as applicable to the issuing 65364

authority, bonds, notes, or other forms or evidences of obligation 65365
constituting revenue bonds as that term is used in division (A)(4) 65366
of section 4582.06 of the Revised Code, or port authority revenue 65367
bonds as that term is used in section 4582.48 and division (A)(8) 65368
of section 4582.31 of the Revised Code, which obligations are 65369
issued by the issuing authority pursuant to the bond proceedings 65370
and this section. 65371

(5) "Port authority" means a port authority organized and 65372
existing under Chapter 4582. of the Revised Code. 65373

(6) "Research and development costs" means costs of or in 65374
support of or related to the implementation of research and 65375
development purposes including, without limitation, capital 65376
formation, direct operating costs, costs of research and 65377
facilities, including interests in real property therefor, and 65378
other support, and costs of making grants, loans, including loans 65379
to lenders or the purchase of loans, subsidies, contributions, 65380
advances or guarantees, or direct investments in, or payment, or 65381
reimbursement from available moneys for, implementing research and 65382
development purposes consistent with Section 2p of Article VIII, 65383
Ohio Constitution, and the investment policy adopted by the 65384
venture capital authority pursuant to section 150.03 of the 65385
Revised Code, and includes financing charges, amounts necessary to 65386
establish the reserves required pursuant to the bond proceedings, 65387
interest on loans including loans purchased for cancellation, 65388
interest on the obligations from their date until the time 65389
determined in the bond proceedings when interest is to be paid 65390
from sources other than the proceeds of obligations, legal 65391
expenses and other costs of or related to the issuance of 65392
obligations, estimates of costs and revenues or other expenses 65393
necessary or incident to determining the feasibility or 65394
practicability of the financing of any research and development 65395
costs with proceeds of obligations or other sources, 65396

administrative expenses related to obligations, and the 65397
application of the proceeds of obligations, including fees of the 65398
issuing authority, any trustee, and any other costs and expenses 65399
reasonably necessary or incident thereto or to the financing of 65400
research and development costs, and costs described in this 65401
division incurred prior to the issuance of obligations and paid, 65402
advanced, or borrowed by an issuing authority, the venture capital 65403
authority, the program fund or other public or private person or 65404
entity, which costs may be reimbursed from the proceeds of such 65405
obligations. "Research and development costs" does not include any 65406
otherwise qualifying costs that are in support of the purposes 65407
provided for in Section 15 of Article VIII, Ohio Constitution. 65408

(7) "Tax credits" means the refundable tax credits authorized 65409
by section 150.07 of the Revised Code and to be issued by the 65410
venture capital authority to any lender. 65411

(8) "Venture capital agreement" means an agreement between 65412
the venture capital authority and an issuing authority entered 65413
into under division (E) of section 150.02 of the Revised Code. 65414

(9) "Venture capital authority" means the Ohio venture 65415
capital authority established under section 150.02 of the Revised 65416
Code. 65417

(10) "Lender," "program fund," and "research and development 65418
purposes" have the same meanings as in section 150.01 of the 65419
Revised Code. 65420

(B) In addition to other authorized purposes of a port 65421
authority, activities authorized by Section 2p of Article VIII, 65422
Ohio Constitution, shall be authorized purposes of port 65423
authorities. 65424

(C) An issuing authority may issue obligations pursuant to 65425
this section and Section 2p of Article VIII, Ohio Constitution, to 65426
make loans to the program fund to provide for research and 65427

development costs. The proceeds of the obligations shall be used 65428
to make loans to provide for research and development costs and 65429
all such proceeds shall be so used in accordance with the bond 65430
proceedings. 65431

(D) Except to any extent inconsistent with this section, all 65432
terms, provisions, and authorizations in Chapter 4582. of the 65433
Revised Code as applicable to the issuing authority, and the 65434
terms, provisions, and authorizations of sections 9.96, 9.98, 65435
9.981, 9.982, and 9.983 of the Revised Code apply to the 65436
obligations and the bond proceedings except as otherwise provided 65437
or provided for in those obligations and bond proceedings. The 65438
obligations shall be secured by a trust agreement between the 65439
issuing authority and a trustee, and such trust agreement, and the 65440
establishment, deposit, investment and application of special 65441
funds, and the safeguarding of moneys shall be governed by the 65442
bond proceedings and by Chapter 4582. of the Revised Code, as 65443
applicable to the issuing authority. Pursuant to the trust 65444
agreement and other bond proceedings, there shall be established, 65445
in addition to any other special funds in the custody of the 65446
trustee, one or more funds into which shall be deposited the 65447
proceeds of the obligations and the revenues pledged to the 65448
payment of the obligations, including a reserve fund in an amount 65449
established in, and to be funded as provided in, the bond 65450
proceedings. 65451

(E) The issuing authority, the trustee, or both shall be 65452
authorized under the venture capital agreement to receive and 65453
claim tax credits in accordance with division (E) of section 65454
150.07 of the Revised Code, and the holders of the obligations, or 65455
any book-entry interests therein, shall have no rights with 65456
respect to the tax credits except any right established under the 65457
applicable trust agreement to direct the trustee to take, or 65458
require the issuing authority to take, the actions necessary to 65459

receive and claim any available tax credits. Upon receipt of any 65460
tax credits issued by the venture capital authority, the issuing 65461
authority or the trustee shall, within the times required by law, 65462
file an appropriate tax return to claim the applicable tax credits 65463
and, upon receipt of the proceeds of any such tax credits, an 65464
issuing authority shall promptly deliver to the trustee for 65465
deposit, and the trustee shall upon receipt deposit, such proceeds 65466
into the funds established in accordance with division (D) of this 65467
section. 65468

(F) The venture capital authority, the director of 65469
development, or the tax commissioner may covenant in the bond 65470
proceedings, and such covenants shall be controlling 65471
notwithstanding any other provision of law, that the state and 65472
applicable officers and state agencies, including the general 65473
assembly, so long as any obligations issued under this section are 65474
outstanding, shall maintain statutory authority for and shall 65475
authorize, issue, and deliver fully refundable tax credits in such 65476
amounts and for such periods, subject to the limitation in section 65477
150.07 of the Revised Code on the date of such covenant, so that 65478
the tax credits will be sufficient, subject to such limits, in 65479
time and amount to meet debt service on the obligations and for 65480
the establishment and maintenance of any reserves and other 65481
requirements provided for in the bond proceedings. The general 65482
assembly may from time to time repeal any of the taxes against 65483
which the tax credits may be claimed, and may authorize the tax 65484
credits to be claimed with respect to any new tax to meet any such 65485
covenant made in the bond proceedings, provided that, so long as 65486
any obligations issued under this section are outstanding, nothing 65487
in this division authorizes any impairment of a covenant to 65488
maintain statutory authority for and to authorize, issue, and 65489
deliver fully refundable tax credits sufficient, subject to 65490
applicable limits, to meet the commitments made in any such 65491
covenant. 65492

(G) The obligations do not constitute a debt, or a pledge of the faith and credit, of the state, the issuing authority or any political subdivision of the state, and the holders or owners of the obligations have no right to have taxes levied by the general assembly or the taxing authority of the issuing authority or any political subdivision of the state for the payment of the principal of or interest on the obligations, but the obligations are payable solely from the revenues and funds pledged for their payment as authorized in or pursuant to this section and the bond proceedings, and the obligations shall contain on the face thereof a statement to the effect that the obligations, as to both principal and interest, are not debts of the state, the issuing authority, or any political subdivision of the state, but are payable solely from the revenues and funds pledged for their payment.

(H) This section is intended to implement Section 2p of Article VIII, Ohio Constitution, including provision for procedures for incurring and issuing obligations of local public entities and agencies authorized by that section, and shall be liberally construed to effect the purposes of that section. The powers and authorizations granted in this section may be exercised jointly or separately by one or more issuing authorities and are in addition to and supplemental to the powers and authorizations otherwise granted to port authorities under applicable provisions of Chapter 4582. of the Revised Code and shall not be construed as a limitation on any such powers or authorizations.

Sec. 4713.63. A practicing license, managing license, or instructor license that has not been renewed for any reason other than because it has been revoked, suspended, or classified inactive, or because the license holder has been given a waiver or extension under section 4713.60 of the Revised Code, is expired. An expired license may be restored if the person who held the

license meets all of the following applicable conditions: 65525

(A) Pays to the state board of cosmetology the restoration 65526
fee, the current renewal fee, and any applicable late fees; 65527

(B) Pays ~~all~~ a lapsed renewal fees fee of forty-five dollars 65528
per license renewal period that has elapsed since the license was 65529
last issued or renewed; 65530

(C) ~~Submits proof satisfactory to the state board of~~ 65531
~~cosmetology that the person has completed all applicable~~ 65532
~~continuing education requirements;~~ 65533

~~(D)~~ In the case of a practicing license or managing license 65534
that has been expired for more than two ~~years, retakes and passes~~ 65535
~~an examination conducted under section 4713.24 of the Revised Code~~ 65536
~~for the branch of cosmetology that the person seeks to practice or~~ 65537
~~type of salon the person seeks to manage~~ consecutive license 65538
renewal periods, completes eight hours of continuing education for 65539
each license renewal period that has elapsed since the license was 65540
last issued or renewed, up to a maximum of twenty-four hours. At 65541
least four of those hours shall include a course pertaining to 65542
sanitation and safety methods. 65543

The board shall deposit all fees it receives under division 65544
(B) of this section into the general revenue fund. 65545

Sec. 4713.64. (A) In accordance with Chapter 119. of the 65546
Revised Code, the state board of cosmetology may deny, revoke, or 65547
suspend a license or permit issued by the board or impose a fine 65548
for any of the following: 65549

(1) Failure to comply with the requirements of this chapter 65550
or rules adopted under it; 65551

(2) Continued practice by a person knowingly having an 65552
infectious or contagious disease; 65553

(3) Habitual drunkenness or addiction to any habit-forming drug; 65554
65555

(4) Willful false and fraudulent or deceptive advertising; 65556

(5) Falsification of any record or application required to be filed with the board; 65557
65558

(6) Failure to pay a fine or abide by a suspension order issued by the board. 65559
65560

(B) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of a fine shall be not more than ~~one~~ five hundred dollars if the violator has not previously been fined for that offense. The fine shall be not more than ~~five hundred~~ one thousand dollars if the violator has been fined for the same offense once before. The fine shall be not more than one thousand five hundred dollars if the violator has been fined for the same offense two or more times before. 65561
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(C) If a person fails to request a hearing within thirty days of the date the board, in accordance with section 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the person without holding an adjudication hearing. 65569
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(D) The board, after a hearing in accordance with Chapter 119. of the Revised Code, may suspend a tanning facility permit if the owner or operator fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection of the tanning facility. If a violation has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any person using the tanning facility, the inspector may suspend the permit without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held and 65575
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the board either upholds the suspension or reinstates the permit. 65585

Sec. 4717.31. (A) Only a funeral director licensed pursuant 65586
to this chapter may sell a preneed funeral contract that includes 65587
funeral services. Sections 4717.31 to 4717.38 of the Revised Code 65588
do not prohibit a person who is not a licensed funeral director 65589
from selling funeral goods pursuant to a preneed funeral contract; 65590
however, when a seller sells funeral goods pursuant to a preneed 65591
funeral contract, that seller shall comply with those sections 65592
unless the seller is specifically exempt from compliance under 65593
section 4717.38 of the Revised Code. 65594

(B) An insurance agent licensed pursuant to Chapter 3905. of 65595
the Revised Code may sell, solicit, or negotiate the sale of an 65596
insurance policy or annuity that will be used to fund a preneed 65597
funeral contract, but in so doing the insurance agent may not 65598
offer advice or make recommendations about funeral services and 65599
may not discuss the advantages or disadvantages of any funeral 65600
service. In selling, soliciting, or negotiating the sale of an 65601
insurance policy or annuity that will be used to fund a preneed 65602
funeral contract, the insurance agent may do any of the following: 65603

(1) Provide the person purchasing the insurance policy or 65604
annuity with price lists from one or more funeral homes and other 65605
materials that may assist the person in determining the cost of 65606
funeral goods and services; 65607

(2) Discuss the cost of funeral goods and services with the 65608
person in order to assist the person in selecting the appropriate 65609
amount of life insurance or annuity coverage; 65610

(3) Complete a worksheet or other record to calculate the 65611
estimated cost of a funeral. 65612

(C) Activities conducted pursuant to division (B) of this 65613
section by an insurance agent licensed pursuant to Chapter 3905. 65614

of the Revised Code do not constitute funeral directing, funeral 65615
arranging, the business of directing and supervising funerals for 65616
profit, or the sale of a preneed funeral contract. 65617

(D) No seller shall fail to comply with the requirements and 65618
duties specified in this section and sections 4717.32 to 4717.38 65619
of the Revised Code. 65620

(E) No trustee of a preneed funeral contract trust shall fail 65621
to comply with sections 4717.33, 4717.34, 4717.36, and 4717.37 of 65622
the Revised Code. 65623

(F) No insurance agent or insurance company that sells or 65624
offers life insurance policies or annuities used to fund a preneed 65625
funeral contract shall fail to comply with this section and 65626
sections 4717.33, 4717.34, 4717.35, and 4717.37 of the Revised 65627
Code. To the extent this section and sections 4717.33, 4717.34, 65628
4717.35, and 4717.37 of the Revised Code apply to insurance 65629
companies or insurance agents, those sections constitute laws of 65630
this state relating to insurance for purposes of sections 3901.03 65631
and 3901.04 of the Revised Code and the superintendent of 65632
insurance shall enforce those sections with respect to insurance 65633
companies and insurance agents. The superintendent may adopt rules 65634
in accordance with Chapter 119. of the Revised Code for purposes 65635
of administering and enforcing this section and sections 4717.33, 65636
4717.34, 4717.35, and 4717.37 of the Revised Code as those 65637
sections apply to insurance companies or insurance agents. 65638
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(G) A preneed funeral contract may be funded by the purchase 65640
or assignment of an insurance policy or annuity in accordance with 65641
section 3905.45 of the Revised Code. A preneed funeral contract 65642
that is funded by the purchase or assignment of an insurance 65643
policy or annuity in accordance with section 3905.45 of the 65644
Revised Code is not subject to section 4717.36 of the Revised 65645
Code. 65646

(H) The board of embalmers and funeral directors shall 65647
administer and enforce the provisions of sections 4717.31 to 65648
4717.38 of the Revised Code concerning the requirements for and 65649
sale of preneed funeral contracts. The superintendent of insurance 65650
shall enforce sections 4717.31, 4717.33, 4717.34, 4717.35, and 65651
4717.37 of the Revised Code to the extent those sections apply to 65652
insurance companies and insurance agents. Payments from a trust, 65653
insurance policy, or annuity, including any fraudulent activities 65654
in which a person engages to obtain payments from a trust, 65655
insurance policy, or annuity, shall be regulated in accordance 65656
with Chapter 1111. or Title XXXIX of the Revised Code, as 65657
applicable. 65658

(I) A Except as provided in division (K) of this section, a 65659
seller of a preneed funeral contract that is funded by insurance 65660
or otherwise annually shall submit to the board the reports the 65661
board requires pursuant to division (J) of this section. 65662

(J) The Except as provided in division (K) of this section, 65663
the board shall adopt rules specifying the procedures and 65664
requirements for annual reporting of the sales of all preneed 65665
funeral contracts sold by every seller who is subject to sections 65666
4717.31 to 4717.38 of the Revised Code. 65667

(K) A cemetery company or cemetery association that sells 65668
merchandise or services pursuant to a preneed cemetery merchandise 65669
and services contract and that also sells funeral goods pursuant 65670
to a preneed funeral contract shall be deemed to have met the 65671
requirements in divisions (I) and (J) of this section by 65672
submitting the annual preneed funeral contract report to the 65673
division of real estate of the department of commerce along with 65674
or as part of the annual cemetery merchandise and services 65675
contract affidavit required under division (F)(1) of section 65676
1721.211 of the Revised Code. 65677

Sec. 4729.99. (A) Whoever violates section 4729.16, division 65678
(A) or (B) of section 4729.38, or section 4729.57 of the Revised 65679
Code is guilty of a minor misdemeanor. Each day's violation 65680
constitutes a separate offense. 65681

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 65682
the Revised Code is guilty of a misdemeanor of the third degree. 65683
Each day's violation constitutes a separate offense. If the 65684
offender previously has been convicted of or pleaded guilty to a 65685
violation of this chapter, that person is guilty of a misdemeanor 65686
of the second degree. 65687

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of 65688
the Revised Code is guilty of a misdemeanor. 65689

(D) Whoever violates division (A), (B), (D), or (E) of 65690
section 4729.51 of the Revised Code is guilty of a misdemeanor of 65691
the first degree. 65692

(E)(1) Whoever violates section 4729.37, division (C)(2) of 65693
section 4729.51, division (J) of section 4729.54, or section 65694
4729.61 of the Revised Code is guilty of a felony of the fifth 65695
degree. If the offender previously has been convicted of or 65696
pleaded guilty to a violation of this chapter or a violation of 65697
Chapter 2925. or 3719. of the Revised Code, that person is guilty 65698
of a felony of the fourth degree. 65699

(2) If an offender is convicted of or pleads guilty to a 65700
violation of section 4729.37, division (C) of section 4729.51, 65701
division (J) of section 4729.54, or section 4729.61 of the Revised 65702
Code, if the violation involves the sale, offer to sell, or 65703
possession of a schedule I or II controlled substance, with the 65704
exception of marihuana, and if the court imposing sentence upon 65705
the offender finds that the offender as a result of the violation 65706
is a major drug offender, as defined in section 2929.01 of the 65707
Revised Code, and is guilty of a specification of the type 65708

described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (E)(1) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (D)(3)(a) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division and may impose an additional prison term under division (D)(3)(b) of that section.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay any fine imposed for a violation of section 4729.37, division (C) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(F) Whoever violates section 4729.531 of the Revised Code or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree.

(G) Whoever violates division (C)(1) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree.

(H) Whoever violates division (C)(3) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of

the fifth degree. 65741

(I)(1) Whoever violates division (B) of section 4729.42 of 65742
the Revised Code is guilty of unauthorized pharmacy-related drug 65743
conduct. Except as otherwise provided in this section, 65744
unauthorized pharmacy-related drug conduct is a misdemeanor of the 65745
second degree. If the offender previously has been convicted of or 65746
pleaded guilty to a violation of division (B), (C), (D), or (E) of 65747
that section, unauthorized pharmacy-related drug conduct is a 65748
misdemeanor of the first degree on a second offense and a felony 65749
of the fifth degree on a third or subsequent offense. 65750

(2) Whoever violates division (C) or (D) of section 4729.42 65751
of the Revised Code is guilty of permitting unauthorized 65752
pharmacy-related drug conduct. Except as otherwise provided in 65753
this section, permitting unauthorized pharmacy-related drug 65754
conduct is a misdemeanor of the second degree. If the offender 65755
previously has been convicted of or pleaded guilty to a violation 65756
of division (B), (C), (D), or (E) of that section, permitting 65757
unauthorized pharmacy-related drug conduct is a misdemeanor of the 65758
first degree on a second offense and a felony of the fifth degree 65759
on a third or subsequent offense. 65760

(3) Whoever violates division (E) of section ~~4749.02~~ 4729.42 65761
of the Revised Code is guilty of the offense of falsification 65762
under section 2921.13 of the Revised Code. In addition to any 65763
other sanction imposed for the violation, the offender is forever 65764
disqualified from engaging in any activity specified in division 65765
(B)(1), (2), or (3) of section ~~4749.02~~ 4729.42 of the Revised Code 65766
and from performing any function as a health care professional or 65767
health care worker. As used in this division, "health care 65768
professional" and "health care worker" have the same meanings as 65769
in section 2305.234 of the Revised Code. 65770

(4) Notwithstanding any contrary provision of section 3719.21 65771
of the Revised Code or any other provision of law that governs the 65772

distribution of fines, the clerk of the court shall pay any fine 65773
imposed pursuant to division (I)(1), (2), or (3) of this section 65774
to the state board of pharmacy if the board has adopted a written 65775
internal control policy under division (F)(2) of section 2925.03 65776
of the Revised Code that addresses fine moneys that it receives 65777
under Chapter 2925. of the Revised Code and if the policy also 65778
addresses fine moneys paid under this division. The state board of 65779
pharmacy shall use the fines so paid in accordance with the 65780
written internal control policy to subsidize the board's law 65781
enforcement efforts that pertain to drug offenses. 65782
65783

Sec. 4731.10. Upon the request of a person licensed who holds 65784
a certificate to practice in this state pursuant to Chapter 4731. 65785
of the Revised Code and is seeking licensure in another state, the 65786
state medical board shall ~~certify an application for licensure in~~ 65787
~~another~~ provide verification of the person's certificate to 65788
practice in this state. The fee for such ~~certification~~ 65789
verification shall be fifty dollars. 65790

Sec. 4731.26. Upon application by the holder of a certificate 65791
to practice or certificate of registration issued under this 65792
chapter, the state medical board shall issue a duplicate 65793
certificate to replace one missing or damaged, to reflect a name 65794
change, or for any other reasonable cause. The fee for ~~such a~~ 65795
duplicate certificate to practice or duplicate certificate of 65796
registration shall be thirty-five dollars. 65797

Sec. 4731.38. All vouchers of the state medical board shall 65798
be approved by the ~~board~~ board's president or, the board's 65799
executive ~~secretary~~ director, or ~~both, as~~ another person 65800
authorized by the board. 65801

Sec. 4733.10. The state board of registration for 65802
professional engineers and surveyors shall prepare annually a 65803
listing of all registered professional engineers, registered 65804
professional surveyors, and firms that possess a certificate of 65805
authorization. The board shall provide a copy of this listing upon 65806
request to registrants of the board and to firms possessing a 65807
certificate of authorization without charge and to the public upon 65808
request and payment of copy costs. 65809

Additionally, the board shall issue an official verification 65810
of the status of any person registered as a professional engineer 65811
or professional surveyor in this state upon receipt of a 65812
verification form and the payment of a fee established by the 65813
board. 65814

Sec. 4734.25. A license to practice chiropractic from the 65815
state chiropractic board expires ~~annually on the first day of~~ 65816
January biennially in accordance with the schedule established in 65817
rules adopted under this section and may be renewed. The renewal 65818
process shall be conducted in accordance with the standard renewal 65819
procedures of Chapter 4745. of the Revised Code, except that the 65820
board's executive director shall notify each license holder of the 65821
license renewal requirements of this section not later than sixty 65822
days prior to the license's expiration date. When an application 65823
for renewal is submitted, the applicant shall provide the 65824
information necessary to process the application and pay a renewal 65825
fee ~~of two hundred fifty dollars~~ in an amount the board specifies 65826
in rules adopted under this section. 65827

Before a renewal of license is issued by the board, the 65828
licensee shall furnish the board with satisfactory evidence that 65829
the licensee has completed during the current licensing period not 65830
less than the number of hours of continuing education that the 65831
board requires in rules adopted under this section. For an 65832

activity to be applied toward the continuing education 65833
requirement, the activity must meet the board's approval as a 65834
continuing education activity, as specified in rules adopted under 65835
this section. Any exception from the continuing education 65836
requirement must be approved by the board. 65837

Failure of a licensee to comply with this section, ~~including~~ 65838
~~failure to pay the renewal fee on or before the first day of~~ 65839
~~January of each year,~~ shall operate as an automatic forfeiture of 65840
the right of the licensee to practice chiropractic in this state. 65841
A forfeited license may be reinstated by the board upon payment of 65842
all fees due and a penalty fee ~~of one hundred fifty dollars in an~~ 65843
amount the board specifies in rules adopted under this section for 65844
reinstatement, in addition to satisfying the board of having 65845
complied with the continuing education requirements of this 65846
section. If an individual's license has been forfeited for two or 65847
more years, the board may also require as a condition of 65848
reinstatement that the individual complete training or testing as 65849
specified by the board. 65850

The board shall adopt any rules it considers necessary to 65851
implement this section, including standards for approval of 65852
continuing education in the practice of chiropractic. All rules 65853
adopted under this section shall be adopted in accordance with 65854
Chapter 119. of the Revised Code. 65855

Sec. 4735.06. (A) Application for a license as a real estate 65856
broker shall be made to the superintendent of real estate on forms 65857
furnished by the superintendent and filed with the superintendent 65858
and shall be signed by the applicant or its members or officers. 65859
Each application shall state the name of the person applying and 65860
the location of the place of business for which the license is 65861
desired, and give such other information as the superintendent 65862
requires in the form of application prescribed by the 65863

superintendent. 65864

If the applicant is a partnership, limited liability company, 65865
limited liability partnership, or association, the names of all 65866
the members also shall be stated, and, if the applicant is a 65867
corporation, the names of its president and of each of its 65868
officers also shall be stated. The superintendent has the right to 65869
reject the application of any partnership, association, limited 65870
liability company, limited liability partnership, or corporation 65871
if the name proposed to be used by such partnership, association, 65872
limited liability company, limited liability partnership, or 65873
corporation is likely to mislead the public or if the name is not 65874
such as to distinguish it from the name of any existing 65875
partnership, association, limited liability company, limited 65876
liability partnership, or corporation licensed under this chapter, 65877
unless there is filed with the application the written consent of 65878
such existing partnership, association, limited liability company, 65879
limited liability partnership, or corporation, executed by a duly 65880
authorized representative of it, permitting the use of the name of 65881
such existing partnership, association, limited liability company, 65882
limited liability partnership, or corporation. 65883

(B) A fee of ~~sixty-nine~~ one hundred dollars shall accompany 65884
the application for a real estate broker's license, which fee 65885
includes the fee for the initial year of the licensing period, if 65886
a license is issued. The application fee shall be retained by the 65887
superintendent if the applicant is admitted to the examination for 65888
the license or the examination requirement is waived, but, if an 65889
applicant is not so admitted and a waiver is not involved, 65890
one-half of the fee shall be retained by the superintendent to 65891
cover the expenses of processing the application and the other 65892
one-half shall be returned to the applicant. A fee of ~~sixty-nine~~ 65893
one hundred dollars shall be charged by the superintendent for 65894
each successive application made by an applicant. In the case of 65895

issuance of a three-year license, upon passing the examination, or 65896
upon waiver of the examination requirement, if the superintendent 65897
determines it is necessary, the applicant shall submit an 65898
additional fee determined by the superintendent based upon the 65899
number of years remaining in a real estate salesperson's licensing 65900
period. 65901

(C) ~~Four dollars~~ One dollar of each application fee for a 65902
real estate broker's license shall be credited to the real estate 65903
education and research fund, which is hereby created in the state 65904
treasury. The Ohio real estate commission may use the fund in 65905
discharging the duties prescribed in divisions (E), (F), (G), and 65906
(H) of section 4735.03 of the Revised Code and shall use it in the 65907
advancement of education and research in real estate at any 65908
institution of higher education in the state, or in contracting 65909
with any such institution or a trade organization for a particular 65910
research or educational project in the field of real estate, or in 65911
advancing loans, not exceeding eight hundred dollars, to 65912
applicants for salesperson licenses, to defray the costs of 65913
satisfying the educational requirements of division (F) of section 65914
4735.09 of the Revised Code. Such loans shall be made according to 65915
rules established by the commission under the procedures of 65916
Chapter 119. of the Revised Code, and they shall be repaid to the 65917
fund within three years of the time they are made. No more than 65918
ten thousand dollars shall be lent from the fund in any one year. 65919

The governor may appoint a representative from the executive 65920
branch to be a member ex officio of the commission for the purpose 65921
of advising on research requests or educational projects. The 65922
commission shall report to the general assembly on the third 65923
Tuesday after the third Monday in January of each year setting 65924
forth the total amount contained in the fund and the amount of 65925
each research grant that it has authorized and the amount of each 65926
research grant requested. A copy of all research reports shall be 65927

submitted to the state library of Ohio and the library of the 65928
legislative service commission. 65929

(D) If the superintendent, with the consent of the 65930
commission, enters into an agreement with a national testing 65931
service to administer the real estate broker's examination, 65932
pursuant to division (A) of section 4735.07 of the Revised Code, 65933
the superintendent may require an applicant to pay the testing 65934
service's examination fee directly to the testing service. If the 65935
superintendent requires the payment of the examination fee 65936
directly to the testing service, each applicant shall submit to 65937
the superintendent a processing fee in an amount determined by the 65938
Ohio real estate commission pursuant to division (A)(2) of section 65939
4735.10 of the Revised Code. 65940

Sec. 4735.09. (A) Application for a license as a real estate 65941
salesperson shall be made to the superintendent of real estate on 65942
forms furnished by the superintendent and signed by the applicant. 65943
The application shall be in the form prescribed by the 65944
superintendent and shall contain such information as is required 65945
by this chapter and the rules of the Ohio real estate commission. 65946
The application shall be accompanied by the recommendation of the 65947
real estate broker with whom the applicant is associated or with 65948
whom the applicant intends to be associated, certifying that the 65949
applicant is honest, truthful, and of good reputation, has not 65950
been convicted of a felony or a crime involving moral turpitude, 65951
and has not been finally adjudged by a court to have violated any 65952
municipal, state, or federal civil rights laws relevant to the 65953
protection of purchasers or sellers of real estate, which 65954
conviction or adjudication the applicant has not disclosed to the 65955
superintendent, and recommending that the applicant be admitted to 65956
the real estate salesperson examination. 65957

(B) A fee of ~~forty-nine~~ sixty dollars shall accompany the 65958

application, which fee includes the fee for the initial year of 65959
the licensing period, if a license is issued. The application fee 65960
shall be retained by the superintendent if the applicant is 65961
admitted to the examination for the license or the examination 65962
requirement is waived, but, if an applicant is not so admitted and 65963
a waiver is not involved, one-half of the fee shall be retained by 65964
the superintendent to cover the expenses of processing the 65965
application and the other one-half shall be returned to the 65966
applicant. A fee of ~~forty-nine~~ sixty dollars shall be charged by 65967
the superintendent for each successive application made by the 65968
applicant. ~~Four dollars~~ One dollar of each application fee shall 65969
be credited to the real estate education and research fund. 65970

(C) There shall be no limit placed on the number of times an 65971
applicant may retake the examination. 65972

(D) The superintendent, with the consent of the commission, 65973
may enter into an agreement with a recognized national testing 65974
service to administer the real estate salesperson's examination 65975
under the superintendent's supervision and control, consistent 65976
with the requirements of this chapter as to the contents of the 65977
examination. 65978

If the superintendent, with the consent of the commission, 65979
enters into an agreement with a national testing service to 65980
administer the real estate salesperson's examination, the 65981
superintendent may require an applicant to pay the testing 65982
service's examination fee directly to the testing service. If the 65983
superintendent requires the payment of the examination fee 65984
directly to the testing service, each applicant shall submit to 65985
the superintendent a processing fee in an amount determined by the 65986
Ohio real estate commission pursuant to division (A)(1) of section 65987
4735.10 of the Revised Code. 65988

(E) The superintendent shall issue a real estate 65989
salesperson's license when satisfied that the applicant has 65990

received a passing score on each portion of the salesperson's 65991
examination as determined by rule by the real estate commission, 65992
except that the superintendent may waive one or more of the 65993
requirements of this section in the case of an applicant who is a 65994
licensed real estate salesperson in another state pursuant to a 65995
reciprocity agreement with the licensing authority of the state 65996
from which the applicant holds a valid real estate salesperson's 65997
license. 65998

(F) No applicant for a salesperson's license shall take the 65999
salesperson's examination who has not established to the 66000
satisfaction of the superintendent that the applicant: 66001

(1) Is honest, truthful, and of good reputation; 66002

(2)(a) Has not been convicted of a felony or crime of moral 66003
turpitude or, if the applicant has been so convicted, the 66004
superintendent has disregarded the conviction because the 66005
applicant has proven to the superintendent, by a preponderance of 66006
the evidence, that the applicant's activities and employment 66007
record since the conviction show that the applicant is honest, 66008
truthful, and of good reputation, and there is no basis in fact 66009
for believing that the applicant again will violate the laws 66010
involved; 66011

(b) Has not been finally adjudged by a court to have violated 66012
any municipal, state, or federal civil rights laws relevant to the 66013
protection of purchasers or sellers of real estate or, if the 66014
applicant has been so adjudged, at least two years have passed 66015
since the court decision and the superintendent has disregarded 66016
the adjudication because the applicant has proven, by a 66017
preponderance of the evidence, that the applicant is honest, 66018
truthful, and of good reputation, and there is no basis in fact 66019
for believing that the applicant again will violate the laws 66020
involved. 66021

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or its equivalent as recognized by the state department of education;

(6)(a) If beginning instruction prior to August 1, 2001, has successfully completed at an institution of higher education all of the following:

(i) Thirty hours of classroom instruction in real estate practice;

(ii) Thirty hours of classroom instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of classroom instruction in real estate appraisal;

(iv) Thirty hours of classroom instruction in real estate

finance. 66053

(b) Any person who has not been licensed as a real estate 66054
salesperson or broker within a four-year period immediately 66055
preceding the person's current application for the salesperson's 66056
examination shall have successfully completed the classroom 66057
instruction required by division (F)(6)(a) of this section within 66058
a ten-year period immediately preceding the person's current 66059
application for the salesperson's examination. 66060

(7) If beginning instruction, as determined by the 66061
superintendent, on or after August 1, 2001, has successfully 66062
completed at an institution of higher education all of the 66063
following: 66064

(a) Forty hours of classroom instruction in real estate 66065
practice; 66066

(b) Forty hours of classroom instruction that includes the 66067
subjects of Ohio real estate law, municipal, state, and federal 66068
civil rights law, new case law on housing discrimination, 66069
desegregation issues, and methods of eliminating the effects of 66070
prior discrimination. If feasible, the classroom instruction in 66071
Ohio real estate law shall be taught by a member of the faculty of 66072
an accredited law school. If feasible, the classroom instruction 66073
in municipal, state, and federal civil rights law, new case law on 66074
housing discrimination, desegregation issues, and methods of 66075
eliminating the effects of prior discrimination shall be taught by 66076
a staff member of the Ohio civil rights commission who is 66077
knowledgeable with respect to those subjects. The requirements of 66078
this division do not apply to an applicant who is admitted to 66079
practice before the supreme court. 66080

(c) Twenty hours of classroom instruction in real estate 66081
appraisal; 66082

(d) Twenty hours of classroom instruction in real estate 66083

finance. 66084

(G) No later than twelve months after the date of issue of a 66085
real estate salesperson license to a licensee, the licensee shall 66086
submit proof satisfactory to the superintendent, on forms made 66087
available by the superintendent, of completion, at an institution 66088
of higher education or any other institution approved by the 66089
commission, of ten hours of classroom instruction in real estate 66090
courses that cover current issues regarding consumers, real estate 66091
practice, ethics, and real estate law. 66092

If proof of completion of the required instruction is not 66093
submitted within twelve months of the date a license is issued 66094
under this section, the licensee's license is suspended 66095
automatically without the taking of any action by the 66096
superintendent. The superintendent immediately shall notify the 66097
broker with whom such salesperson is associated of the suspension 66098
of the salesperson's license. A salesperson whose license has been 66099
suspended under this division shall have twelve months after the 66100
date of the suspension of the salesperson's license to submit 66101
proof of successful completion of the instruction required under 66102
this division. No such license shall be reactivated by the 66103
superintendent until it is established, to the satisfaction of the 66104
superintendent, that the requirements of this division have been 66105
met and that the licensee is in compliance with this chapter. A 66106
licensee's license is revoked automatically without the taking of 66107
any action by the superintendent when the licensee fails to submit 66108
the required proof of completion of the education requirements 66109
under division (G) of this section within twelve months of the 66110
date the license is suspended. 66111

(H) Examinations shall be administered with reasonable 66112
accommodations in accordance with the requirements of the 66113
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 66114
U.S.C. 12101. The contents of an examination shall be consistent 66115

with the classroom instructional requirements of division (F)(6) 66116
or (7) of this section. An applicant who has completed the 66117
classroom instructional requirements of division (F)(6) or (7) of 66118
this section at the time of application shall be examined no later 66119
than twelve months after the applicant is notified of the 66120
applicant's admission to the examination. 66121

Sec. 4735.12. (A) The real estate recovery fund is hereby 66122
created in the state treasury, to be administered by the 66123
superintendent of real estate. Amounts collected by the 66124
superintendent as prescribed in this section and interest earned 66125
on the assets of the fund shall be credited by the treasurer of 66126
state to the fund. The amount of money in the fund shall be 66127
ascertained by the superintendent as of the first day of July of 66128
each year. 66129

The commission, in accordance with rules adopted under 66130
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 66131
impose a special assessment not to exceed ten dollars per year for 66132
each year of a licensing period on each licensee filing a notice 66133
of renewal under section 4735.14 of the Revised Code if the amount 66134
available in the fund is less than ~~one million~~ five hundred 66135
thousand dollars on the first day of July preceding that filing. 66136
The commission may impose a special assessment not to exceed five 66137
dollars per year for each year of a licensing period if the amount 66138
available in the fund is greater than one million dollars, but 66139
less than two million dollars on the first day of July preceding 66140
that filing. The commission shall not impose a special assessment 66141
if the amount available in the fund exceeds two million dollars on 66142
the first day of July preceding that filing. 66143

(B)(1) Any person who obtains a final judgment in any court 66144
of competent jurisdiction against any broker or salesperson 66145
licensed under this chapter, on the grounds of conduct that is in 66146

violation of this chapter or the rules adopted under it, and that 66147
is associated with an act or transaction that only a licensed real 66148
estate broker or licensed real estate salesperson is authorized to 66149
perform as specified in division (A) or (C) of section 4735.01 of 66150
the Revised Code, may file a verified application, as described in 66151
division (B)(3) of this section, in ~~any~~ the court of common pleas 66152
of Franklin county for an order directing payment out of the real 66153
estate recovery fund of the portion of the judgment that remains 66154
unpaid and that represents the actual and direct loss sustained by 66155
the applicant. 66156

(2) Punitive damages, attorney's fees, and interest on a 66157
judgment are not recoverable from the fund. In the discretion of 66158
the superintendent of real estate, court costs may be recovered 66159
from the fund, and, if the superintendent authorizes the recovery 66160
of court costs, the order of the court of common pleas then may 66161
direct their payment from the fund. 66162

(3) The application shall specify the nature of the act or 66163
transaction upon which the underlying judgment was based, the 66164
activities of the applicant in pursuit of remedies available under 66165
law for the collection of judgments, and the actual and direct 66166
losses, attorney's fees, and the court costs sustained or incurred 66167
by the applicant. The applicant shall attach to the application a 66168
copy of each pleading and order in the underlying court action. 66169

(4) The court shall order the superintendent to make such 66170
payments out of the fund when the person seeking the order has 66171
shown all of the following: 66172

(a) The person has obtained a judgment, as provided in this 66173
division; 66174

(b) All appeals from the judgment have been exhausted and the 66175
person has given notice to the superintendent, as required by 66176
division (C) of this section; 66177

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse; 66178
66179

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund; 66180
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66183

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 66184
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 66187
66188

(a) Actions arising from property management accounts maintained in the name of the property owner; 66189
66190

(b) A bonding company when it is not a principal in a real estate transaction; 66191
66192

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 66193
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 66197
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(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed 66199
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salesperson is permitted to perform. The superintendent may move 66208
the court at any time to dismiss the application when it appears 66209
there are no triable issues and the application is without merit. 66210
The motion may be supported by affidavit of any person having 66211
knowledge of the facts and may be made on the basis that the 66212
application, including the judgment referred to in it, does not 66213
form the basis for a meritorious recovery claim; provided, that 66214
the superintendent shall give written notice to the applicant at 66215
least ten days before such motion. The superintendent may, subject 66216
to court approval, compromise a claim based upon the application 66217
of an aggrieved party. The superintendent shall not be bound by 66218
any prior compromise or stipulation of the judgment debtor. 66219

(D) Notwithstanding any other provision of this section, the 66220
liability of the fund shall not exceed forty thousand dollars for 66221
any one licensee. If a licensee's license is reactivated as 66222
provided in division (E) of this section, the liability of the 66223
fund for the licensee under this section shall again be forty 66224
thousand dollars, but only for transactions that occur subsequent 66225
to the time of reactivation. 66226

If the forty-thousand-dollar liability of the fund is 66227
insufficient to pay in full the valid claims of all aggrieved 66228
persons by whom claims have been filed against any one licensee, 66229
the forty thousand dollars shall be distributed among them in the 66230
ratio that their respective claims bear to the aggregate of valid 66231
claims or in such other manner as the court finds equitable. 66232
Distribution of moneys shall be among the persons entitled to 66233
share in it, without regard to the order of priority in which 66234
their respective judgments may have been obtained or their claims 66235
have been filed. Upon petition of the superintendent, the court 66236
may require all claimants and prospective claimants against one 66237
licensee to be joined in one action, to the end that the 66238
respective rights of all such claimants to the fund may be 66239

equitably adjudicated and settled. 66240

(E) If the superintendent pays from the fund any amount in 66241
settlement of a claim or toward satisfaction of a judgment against 66242
a licensed broker or salesperson, the license of the broker or 66243
salesperson shall be automatically suspended upon the date of 66244
payment from the fund. The superintendent shall not reactivate the 66245
suspended license of that broker or salesperson until the broker 66246
or salesperson has repaid in full, plus interest per annum at the 66247
rate specified in division (A) of section 1343.03 of the Revised 66248
Code, the amount paid from the fund on the broker's or 66249
salesperson's account. A discharge in bankruptcy does not relieve 66250
a person from the suspension and requirements for reactivation 66251
provided in this section unless the underlying judgment has been 66252
included in the discharge and has not been reaffirmed by the 66253
debtor. 66254

(F) If, at any time, the money deposited in the fund is 66255
insufficient to satisfy any duly authorized claim or portion of a 66256
claim, the superintendent shall, when sufficient money has been 66257
deposited in the fund, satisfy such unpaid claims or portions, in 66258
the order that such claims or portions were originally filed, plus 66259
accumulated interest per annum at the rate specified in division 66260
(A) of section 1343.03 of the Revised Code. 66261

(G) When, upon the order of the court, the superintendent has 66262
paid from the fund any sum to the judgment creditor, the 66263
superintendent shall be subrogated to all of the rights of the 66264
judgment creditor to the extent of the amount so paid, and the 66265
judgment creditor shall assign all the judgment creditor's right, 66266
title, and interest in the judgment to the superintendent to the 66267
extent of the amount so paid. Any amount and interest so recovered 66268
by the superintendent on the judgment shall be deposited in the 66269
fund. 66270

(H) Nothing contained in this section shall limit the 66271

authority of the superintendent to take disciplinary action 66272
against any licensee under other provisions of this chapter; nor 66273
shall the repayment in full of all obligations to the fund by any 66274
licensee nullify or modify the effect of any other disciplinary 66275
proceeding brought pursuant to this chapter. 66276

(I) The superintendent shall collect from the fund a service 66277
fee in an amount equivalent to the interest rate specified in 66278
division (A) of section 1343.03 of the Revised Code multiplied by 66279
the annual interest earned on the assets of the fund, to defray 66280
the expenses incurred in the administration of the fund. 66281

Sec. 4735.13. (A) The license of a real estate broker shall 66282
be prominently displayed in the office or place of business of the 66283
broker, and no license shall authorize the licensee to do business 66284
except from the location specified in it. If the broker maintains 66285
more than one place of business within the state, the broker shall 66286
apply for and procure a duplicate license for each branch office 66287
maintained by the broker. Each branch office shall be in the 66288
charge of a licensed broker or salesperson. The branch office 66289
license shall be prominently displayed at the branch office 66290
location. 66291

(B) The license of each real estate salesperson shall be 66292
mailed to and remain in the possession of the licensed broker with 66293
whom the salesperson is or is to be associated until the licensee 66294
places the license on inactive, voluntary hold, or resigned status 66295
or until the salesperson leaves the brokerage or is terminated. 66296
The broker shall keep each salesperson's license in a way that it 66297
can, and shall on request, be made immediately available for 66298
public inspection at the office or place of business of the 66299
broker. Except as provided in divisions (G) and (H) of this 66300
section, immediately upon the salesperson's leaving the 66301
association or termination of the association of a real estate 66302

salesperson with the broker, the broker shall return the 66303
salesperson's license to the superintendent of real estate. 66304

The failure of a broker to return the license of a real 66305
estate salesperson or broker who leaves or who is terminated, via 66306
certified mail return receipt requested, within three business 66307
days of the receipt of a written request from the superintendent 66308
for the return of the license, is prima-facie evidence of 66309
misconduct under division (A)(6) of section 4735.18 of the Revised 66310
Code. 66311

(C) Any licensee who is convicted of a felony or a crime 66312
involving moral turpitude or of violating any federal, state, or 66313
municipal civil rights law pertaining to discrimination in 66314
housing, or any court that issues a finding of an unlawful 66315
discriminatory practice pertaining to housing accommodations 66316
described in division (H) of section 4112.02 of the Revised Code 66317
or that convicts a licensee of a violation of any municipal civil 66318
rights law pertaining to housing discrimination, shall notify the 66319
superintendent of the conviction or finding within fifteen days. 66320
If a licensee fails to notify the superintendent within the 66321
required time, the superintendent immediately may revoke the 66322
license of the licensee. 66323

Any court that convicts a licensee of a violation of any 66324
municipal civil rights law pertaining to housing discrimination 66325
also shall notify the Ohio civil rights commission within fifteen 66326
days of the conviction. 66327

(D) In case of any change of business location, a broker 66328
shall give notice in writing to the superintendent, whereupon the 66329
superintendent shall issue new licenses for the unexpired period 66330
without charge. If a broker changes a business location without 66331
giving the required notice and without receiving new licenses that 66332
action is prima-facie evidence of misconduct under division (A)(6) 66333
of section 4735.18 of the Revised Code. 66334

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of twenty-five dollars for the real estate salesperson's license. ~~Four dollars~~ One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest, truthful, and of good reputation, has not been convicted of a felony or a crime involving moral turpitude, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the superintendent to all salespersons associated with the broker when applying to place the broker's license on deposit.

(F) If a real estate broker desires to become a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is or intends to become a licensed real estate broker, the broker shall notify the superintendent of the broker's intentions. The notice of intention shall be on a form prescribed by the superintendent and shall be accompanied by a fee of twenty-five dollars. ~~Four dollars~~

One dollar of the fee shall be credited to the real estate education and research fund.

No real estate broker who is a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is a licensed real estate broker shall perform any acts as a real estate broker other than as the agent of the partnership, association, limited liability company, limited liability partnership, or corporation, and such broker shall not have any real estate salespersons associated with the broker.

(G) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter. Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's discharge. The commission shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is

returned to the superintendent. 66400

Sec. 4735.15. (A) The fees for reactivation or transfer of a 66401
license shall be as follows: 66402

(1) Reactivation or transfer of a broker's license into or 66403
out of a partnership, association, limited liability company, 66404
limited liability partnership, or corporation or from one 66405
partnership, association, limited liability company, limited 66406
liability partnership, or corporation to another partnership, 66407
association, limited liability company, limited liability 66408
partnership, or corporation, twenty-five dollars. An application 66409
for such transfer shall be made to the superintendent of real 66410
estate on forms provided by the superintendent. 66411

(2) Reactivation or transfer of a license by a real estate 66412
salesperson, ~~twenty~~ twenty-five dollars. 66413

(B) Except as may otherwise be specified pursuant to division 66414
(F) of this section, the nonrefundable fees for a branch office 66415
license, license renewal, late filing, and foreign real estate 66416
dealer and salesperson license are as follows per year for each 66417
year of a licensing period: 66418

(1) Branch office license, ~~eight~~ fifteen dollars; 66419

(2) Renewal of a real estate broker's license, ~~forty-nine~~ 66420
sixty dollars. If the licensee is a partnership, association, 66421
limited liability company, limited liability partnership, or 66422
corporation, the full broker's renewal fee shall be required for 66423
each member of such partnership, association, limited liability 66424
company, limited liability partnership, or corporation that is a 66425
real estate broker. If the real estate broker has not less than 66426
eleven nor more than twenty real estate salespersons associated 66427
with the broker, an additional fee of sixty-four dollars shall be 66428
assessed to the brokerage. For every additional ten real estate 66429

salespersons or fraction of that number, the brokerage assessment fee shall be increased in the amount of thirty-seven dollars. 66430
66431

(3) Renewal of a real estate salesperson's license, 66432
~~thirty-nine~~ forty-five dollars; 66433

(4) Renewal of a real estate broker's or salesperson's 66434
license filed within twelve months after the licensee's renewal 66435
date, an additional late filing penalty of fifty per cent of the 66436
required fee; 66437

(5) Foreign real estate dealer's license and each renewal of 66438
the license, thirty dollars per salesperson employed by the 66439
dealer, but not less than one hundred fifty dollars; 66440

(6) Foreign real estate salesperson's license and each 66441
renewal of the license, fifty dollars. 66442

(C) All fees collected under this section shall be paid to 66443
the treasurer of state. ~~Four dollars~~ One dollar of each such fee 66444
shall be credited to the real estate education and research fund, 66445
except that for fees that are assessed only once every three 66446
years, ~~twelve~~ three dollars of each triennial fee shall be 66447
credited to the real estate education and research fund. 66448

(D) In all cases, the fee and any penalty shall accompany the 66449
application for the license, license transfer, or license 66450
reactivation or shall accompany the filing of the renewal. 66451

(E) The commission may establish by rule reasonable fees for 66452
services not otherwise established by this chapter. 66453

(F) The commission may adopt rules that provide for a 66454
reduction in the fees established in divisions (B)(2) and (3) of 66455
this section. 66456

Sec. 4736.01. As used in this chapter: 66457

(A) "Environmental health science" means the aspect of public 66458

health science that includes, but is not limited to, the following 66459
bodies of knowledge: air quality, food quality and protection, 66460
hazardous and toxic substances, consumer product safety, housing, 66461
institutional health and safety, community noise control, 66462
radiation protection, recreational facilities, solid and liquid 66463
waste management, vector control, drinking water quality, milk 66464
sanitation, and rabies control. 66465

(B) "Sanitarian" means a person who performs for compensation 66466
educational, investigational, technical, or administrative duties 66467
requiring specialized knowledge and skills in the field of 66468
environmental health science. 66469

(C) "Registered sanitarian" means a person who is registered 66470
as a sanitarian in accordance with this chapter. 66471

(D) "Sanitarian-in-training" means a person who is registered 66472
as a sanitarian-in-training in accordance with this chapter. 66473

(E) "Practice of environmental health" means consultation, 66474
instruction, investigation, inspection, or evaluation by an 66475
employee of a city health district, a general health district, the 66476
environmental protection agency, the department of health, or the 66477
department of agriculture requiring specialized knowledge, 66478
training, and experience in the field of environmental health 66479
science, with the primary purpose of improving or conducting 66480
administration or enforcement under any of the following: 66481

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 66482
3733. of the Revised Code; 66483

(2) Chapter 3734. of the Revised Code as it pertains to solid 66484
waste; 66485

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 66486
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 66487

(4) Rules adopted under section 3701.34 of the Revised Code 66488

pertaining to rabies control or swimming pools; 66489

~~(5) Rules adopted under section 3701.935 of the Revised Code 66490
for school health and safety network inspections and rules adopted 66491
under section 3707.26 of the Revised Code for sanitary 66492
inspections. 66493~~

"Practice of environmental health" does not include sampling, 66494
testing, controlling of vectors, reporting of observations, or 66495
other duties that do not require application of specialized 66496
knowledge and skills in environmental health science performed 66497
under the supervision of a registered sanitarian. 66498

The state board of sanitarian registration may further define 66499
environmental health science in relation to specific functions in 66500
the practice of environmental health through rules adopted by the 66501
board under Chapter 119. of the Revised Code. 66502

Sec. 4740.14. (A) There is hereby created within the 66503
department of commerce the residential construction advisory 66504
committee consisting of nine persons ~~the director of commerce 66505
appoints. Of the advisory committee's members, three appointed in 66506
accordance with division (B) of this section. The advisory 66507
committee shall consist of the following members:~~ 66508

(1) Three shall be general contractors who have recognized 66509
ability and experience in the construction of residential 66510
buildings, ~~two;~~ 66511

(2) Two shall be building officials who have experience 66512
administering and enforcing a residential building code, ~~one, 66513
chosen from a list of three names the Ohio fire chief's 66514
association submits,;~~ 66515

(3) One shall be from the fire service certified as a fire 66516
safety inspector who has at least ten years of experience 66517
enforcing fire or building codes, ~~one;~~ 66518

(4) One shall be a residential contractor who has recognized ability and experience in the remodeling and construction of residential buildings, ~~one;~~

(5) One shall be an architect registered pursuant to Chapter 4703. of the Revised Code, with recognized ability and experience in the architecture of residential buildings, ~~and one, chosen from a list of three names the Ohio municipal league submits to the director;~~

(6) One shall be a mayor of a municipal corporation in which the Ohio residential building code is being enforced in the municipal corporation by a certified building department.

(B) ~~The director shall make appointments to the advisory committee within ninety days after May 27, 2005. The speaker of the house of representatives shall appoint two of the members described in division (A)(1) of this section. The president of the senate shall appoint one of the members described in division (A)(1) and the member described in division (A)(4) of this section. The director of commerce shall appoint the members described in division (A)(2) of this section, chosen from a list of five names the Ohio building officials association submits to the director; the member described in division (A)(3) of this section, chosen from a list of three names the Ohio fire chief's association submits to the director; the member described in division (A)(5) of this section, chosen from a list of three names the Ohio society of the American institute of architects submits to the director; and the member described in division (A)(6) of this section, chosen from a list of three names the Ohio municipal league submits to the director.~~

(C) Terms of office shall be for three years, with each term ending on the date three years after the date of appointment. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. ~~The director~~

~~shall fill a~~ A vacancy shall be filled in the manner provided for 66551
initial appointments. Any member appointed to fill a vacancy in an 66552
unexpired term shall hold office for the remainder of that term. 66553

66554

~~(C)~~(D) The advisory committee shall do all of the following: 66555

(1) Recommend to the board of building standards a building 66556
code for residential buildings. The committee shall recommend a 66557
code that it ~~models~~ may model on a residential building code a 66558
national model code organization issues, with adaptations 66559
necessary to implement the code in this state. If the board of 66560
building standards decides not to adopt a code the committee 66561
recommends, the committee shall revise the code and resubmit it 66562
until the board adopts a code the committee recommends as the 66563
state residential building code; 66564

(2) Provide the board with any rule the committee recommends 66565
to update or amend the state residential building code or to 66566
update or amend rules that the board adopts pursuant to division 66567
(E) of section 3781.10 of the Revised Code that relate to the 66568
certification of entities that enforce the state residential 66569
building code; 66570

(3) Advise the board regarding the establishment of standards 66571
for certification of building officials who enforce the state 66572
residential building code; 66573

~~(3)~~(4) Assist the board in providing information and guidance 66574
to residential contractors and building officials who enforce the 66575
state residential building code; 66576

~~(4)~~(5) Advise the board regarding the interpretation of the 66577
state residential building code; 66578

~~(5)~~(6) Provide other assistance the committee considers 66579
necessary; 66580

(7) Provide the board with a written report of the committee's findings for each consideration required by division (E) of this section; 66581
66582
66583

(8) Provide the board with any rule the committee recommends regarding the state residential building code or relating to the certification of entities that enforce the state residential building code after receiving a petition as described in division (A)(2) of section 3781.12 of the Revised Code. 66584
66585
66586
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66588

~~(D) In making~~ (E) The committee shall not make its 66589
recommendation to the board pursuant to ~~division (C) divisions~~ 66590
(D)(1), (2), (3), (5), and (8) of this section, until the advisory 66591
committee ~~shall consider~~ has considered all of the following: 66592
66593

(1) The impact that the state residential building code may 66594
have upon the health, safety, and welfare of the public; 66595

(2) The economic reasonableness of the residential building 66596
code; 66597

(3) The technical feasibility of the residential building 66598
code; 66599

(4) The financial impact that the residential building code 66600
may have on the public's ability to purchase affordable housing. 66601

~~(E)(F)~~ (F) Members of the advisory committee shall receive no 66602
salary for the performance of their duties as members, but shall 66603
receive their actual and necessary expenses incurred in the 66604
performance of their duties as members of the advisory committee 66605
and shall receive a per diem for each day in attendance at an 66606
official meeting of the committee, to be paid from the industrial 66607
compliance operating fund in the state treasury, using fees 66608
collected in connection with residential buildings pursuant to 66609
division (F)(2) of section 3781.102 of the Revised Code and 66610
deposited in that fund. 66611

~~(F)~~(G) The advisory committee is not subject to divisions (A) 66612
and (B) of section 101.84 of the Revised Code. 66613

Sec. 4741.41. There is hereby created the veterinarian loan 66614
repayment program. Under the program, the ~~Ohio board of regents~~ 66615
~~state veterinary medical licensing board~~, by means of a contract 66616
entered into under section 4741.44 of the Revised Code, may agree 66617
to repay all or part of the principal and interest of a government 66618
or other educational loan taken out by a veterinarian for the 66619
following expenses if the expenses were incurred while the 66620
veterinarian was enrolled, for a maximum of four years, in a 66621
veterinary college in the United States that, during the time of 66622
enrollment, was approved by the ~~state veterinary medical licensing~~ 66623
board or accredited by the American veterinary medical 66624
association: 66625

(A) Tuition; 66626

(B) Other educational expenses, such as fees, books, and 66627
laboratory expenses, for specific purposes and in amounts 66628
determined to be reasonable by the ~~state veterinary medical~~ 66629
~~licensing~~ board; 66630

(C) Room and board, in an amount determined to be reasonable 66631
by the ~~state veterinary medical licensing~~ board. 66632

No repayment shall exceed twenty thousand dollars in any 66633
year. If, however, a repayment results in an increase in the 66634
veterinarian's federal, state, or local income tax liability, the 66635
~~Ohio board of regents board~~, at the veterinarian's request ~~and~~ 66636
~~with the approval of the state veterinary medical licensing board~~, 66637
may reimburse the veterinarian for the increased tax liability 66638
regardless of the amount of the repayment made to the veterinarian 66639
in that year. 66640

Sec. 4741.44. (A) A veterinarian who has signed a letter of 66641

intent under section 4741.43 of the Revised Code, and the state 66642
veterinary medical licensing board, ~~and the Ohio board of regents~~ 66643
may enter into a contract for the veterinarian's participation in 66644
the veterinarian loan repayment program. A lending institution 66645
also may be a party to the contract. 66646

(B) The contract shall include all of the following 66647
obligations: 66648

(1) The veterinarian agrees to provide large animal 66649
veterinary services or to provide veterinary services necessary to 66650
implement or enforce the law or to protect public health, as 66651
applicable, in a veterinary resource shortage area identified in 66652
the letter of intent for at least two years or one year per ten 66653
thousand dollars of repayment agreed to under division (B)(3) of 66654
this section, whichever is greater. 66655

(2) When providing veterinary services in the veterinary 66656
resource shortage area, the veterinarian agrees to do both of the 66657
following: 66658

(a) Provide veterinary services for a minimum of forty hours 66659
per week; 66660

(b) Devote not less than sixty per cent of total monthly 66661
veterinary services to large animal veterinary services or 66662
veterinary services necessary to implement or enforce the law or 66663
to protect public health, as applicable. 66664

(3) The ~~Ohio board of regents~~ state veterinary medical 66665
licensing board agrees, as provided in section 4741.41 of the 66666
Revised Code, to repay, so long as the veterinarian performs the 66667
service obligation agreed to under division (B)(1) of this 66668
section, all or part of the principal and interest of a government 66669
or other educational loan taken by the veterinarian for expenses 66670
described in section 4741.41 of the Revised Code. 66671

(4) The veterinarian agrees to pay the ~~Ohio board of regents~~ 66672
state veterinary medical licensing board the following as damages 66673
if the veterinarian fails to complete the service obligation 66674
agreed to under division (B)(1) of this section: 66675

(a) If the failure occurs during the first two years of the 66676
service obligation, two times the total amount the board has 66677
agreed to pay under division (B)(3) of this section; 66678

(b) If the failure occurs after the first two years of the 66679
service obligation, two times the total amount the board is still 66680
obligated to repay under division (B)(3) of this section. 66681

(C) The contract may include any other terms agreed upon by 66682
the parties, including an assignment to the ~~Ohio board of regents~~ 66683
state veterinary medical licensing board of the veterinarian's 66684
duty to pay the principal and interest of a government or other 66685
educational loan taken by the veterinarian for expenses described 66686
in section 4741.41 of the Revised Code. If the ~~Ohio board of~~ 66687
~~regents~~ state veterinary medical licensing board assumes the 66688
veterinarian's duty to pay a loan, the contract shall set forth 66689
the total amount of principal and interest to be paid, an 66690
amortization schedule, and the amount of each payment to be made 66691
under the schedule. 66692

(D) Not later than the thirty-first day of January each year, 66693
the ~~Ohio board of regents~~ board shall mail to each veterinarian to 66694
whom or on whose behalf repayment is made under section 4741.41 of 66695
the Revised Code a statement showing the amount of principal and 66696
interest repaid by the ~~Ohio board of regents~~ board in the 66697
preceding year pursuant to the contract. The statement shall be 66698
sent by ordinary mail with address correction and forwarding 66699
requested in the manner prescribed by the United States postal 66700
service. 66701

Sec. 4741.45. The state veterinary medical licensing board, 66702

in accordance with Chapter 119. of the Revised Code, shall adopt 66703
rules that do all of the following: 66704

(A) Define "large animal veterinary services," "veterinary 66705
services necessary to implement or enforce the law," and 66706
"veterinary services necessary to protect public health"; 66707

(B) Designate veterinary resource shortage areas comprised of 66708
areas in this state that have limited access to each of the 66709
following: 66710

(1) Large animal veterinary services; 66711

(2) Veterinary services necessary to implement or enforce the 66712
law; 66713

(3) Veterinary services necessary to protect public health. 66714

The designations may apply to a geographic area, one or more 66715
facilities within a particular area, or a population group of 66716
animals within a particular area. 66717

(C) Establish priorities among veterinary resource shortage 66718
areas for use in recruiting veterinarians under the veterinarian 66719
loan repayment program; 66720

(D) Establish priorities for use in determining eligibility 66721
among applicants for participation in the veterinarian loan 66722
repayment program; 66723

(E) Establish any other requirement or procedure that is 66724
necessary to implement and administer sections 4741.40 to 4741.47 66725
of the Revised Code. 66726

In adopting the rules, the board shall consult with the state 66727
veterinarian ~~and the Ohio board of regents.~~ 66728

Sec. 4741.46. (A) The state veterinary medical licensing 66729
board may accept gifts of money from any source for the 66730

implementation and administration of sections 4741.40 to 4741.45 66731
of the Revised Code. The board shall deposit all gifts so accepted 66732
into the state treasury to the credit of the veterinary resource 66733
shortage area fund, which is hereby created. The board shall use 66734
the fund for the implementation and administration of sections 66735
4741.40 to 4741.45 of the Revised Code. 66736

(B) The ~~Ohio board of regents board~~ board may accept gifts of money 66737
from any source for the ~~implementation and administration of~~ 66738
~~sections~~ purposes of providing loans under the veterinarian loan 66739
repayment program created in section 4741.41 and 4741.44 of the 66740
Revised Code. The board shall deposit all gifts so accepted 66741
together with all damages collected under division (B)(4) of 66742
section 4741.44 of the Revised Code into the state treasury to the 66743
credit of the veterinarian loan repayment fund, which is hereby 66744
created. The fund also shall consist of the portion of biennial 66745
renewal fees that is credited to the fund under section 4741.17 of 66746
the Revised Code. The board shall use the fund for the 66747
implementation and administration of the veterinarian loan 66748
repayment program ~~created in section 4741.41 of the Revised Code.~~ 66749

Sec. 4753.02. No person shall practice, offer to practice, or 66750
aid and abet the practice of the profession of speech-language 66751
pathology or audiology, or use in connection with the person's 66752
name, or otherwise assume, use, or advertise any title or 66753
description tending to convey the impression that the person is a 66754
speech-language pathologist or audiologist unless the person is 66755
licensed ~~or permitted~~ under this chapter or section 3319.227 of 66756
the Revised Code. 66757

Sec. 4753.05. (A) The board of speech-language pathology and 66758
audiology may make reasonable rules necessary for the 66759
administration of this chapter. The board shall adopt rules to 66760

ensure ethical standards of practice by speech-language 66761
pathologists and audiologists licensed ~~or permitted~~ pursuant to 66762
this chapter or section 3319.227 of the Revised Code. All rules 66763
adopted under this chapter shall be adopted in accordance with 66764
Chapter 119. of the Revised Code. 66765

(B) The board shall determine the nature and scope of 66766
examinations to be administered to applicants for licensure 66767
pursuant to this chapter in the practices of speech-language 66768
pathology and audiology, and shall evaluate the qualifications of 66769
all applicants. Written examinations may be supplemented by such 66770
practical and oral examinations as the board shall determine by 66771
rule. The board shall determine by rule the minimum examination 66772
score for licensure. Licensure shall be granted independently in 66773
speech-language pathology and audiology. The board shall maintain 66774
a current public record of all persons licensed, to be made 66775
available upon request. 66776

(C) The board shall publish and make available, upon request, 66777
the licensure ~~and permit~~ standards prescribed by this chapter or 66778
section 3319.227 of the Revised Code and rules adopted pursuant 66779
thereto. 66780

(D) The board shall submit to the governor each year a report 66781
of all its official actions during the preceding year together 66782
with any recommendations and findings with regard to the 66783
improvement of the professions of audiology and speech-language 66784
pathology. 66785

(E) The board shall investigate all alleged irregularities in 66786
the practices of speech-language pathology and audiology by 66787
persons licensed ~~or permitted~~ pursuant to this chapter or section 66788
3319.227 of the Revised Code, and shall investigate any violations 66789
of this chapter or rules adopted by the board or violations of 66790
section 3319.227 of the Revised Code or rules adopted under that 66791
section. The board shall not investigate the practice of any 66792

person specifically exempted from licensure under this chapter by 66793
section 4753.12 of the Revised Code, as long as the person is 66794
practicing within the scope of the person's license or is carrying 66795
out responsibilities as described in division (G) or (H) of 66796
section 4753.12 of the Revised Code and does not claim to be a 66797
speech-language pathologist or audiologist. 66798

In conducting investigations under this division, the board 66799
may administer oaths, order the taking of depositions, issue 66800
subpoenas, and compel the attendance of witnesses and the 66801
production of books, accounts, papers, records, documents, and 66802
testimony. In any case of disobedience or neglect of any subpoena 66803
served on any person or the refusal of any witness to testify to 66804
any matter regarding which the witness may lawfully be 66805
interrogated, the court of common pleas of any county where such 66806
disobedience, neglect, or refusal occurs or any judge thereof, on 66807
application by the board, shall compel obedience by attachment 66808
proceedings for contempt, as in the case of disobedience of the 66809
requirements of a subpoena issued from such court, or a refusal to 66810
testify therein. 66811

(F) The board shall conduct such hearings and keep such 66812
records and minutes as are necessary to carry out this chapter. 66813

(G) The board shall adopt a seal by which it shall 66814
authenticate its proceedings. Copies of the proceedings, records, 66815
and acts signed by the chairperson or executive director and 66816
authenticated by such seal shall be prima-facie evidence thereof 66817
in all courts of this state. 66818

Sec. 4753.11. (A) For all types of licenses ~~and permits,~~ 66819
issued by the board of speech-language pathology and audiology, 66820
the board shall charge a nonrefundable licensure ~~or permit~~ fee, to 66821
be determined by board rule, which shall be paid at the time the 66822
application is filed with the board. 66823

(B) On or before the thirty-first day of January of every other year, the board shall charge a biennial licensure renewal fee which shall be determined by board rule and used to defray costs of the board.

(C) The board may, by rule, provide for the waiver of all or part of such fees when the license is issued less than one hundred days before the date on which it will expire.

(D) After the last day of the month designated by the board for renewal, the board shall charge a late fee to be determined by board rule in addition to the biennial licensure renewal fee.

(E) No municipal corporation shall levy an occupational or similar excise tax on any person licensed under this chapter.

(F) All fees collected under this section and section 4753.09 of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund.

Sec. 4755.06. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may make reasonable rules in accordance with Chapter 119. of the Revised Code relating to, but not limited to, the following:

(A) The form and manner for filing applications for licensure under sections 4755.04 to 4755.13 of the Revised Code;

(B) The issuance, suspension, and revocation of the licenses and the conducting of investigations and hearings;

(C) Standards for approval of courses of study relative to the practice of occupational therapy;

(D) The time and form of examination for the licensure;

(E) Standards of ethical conduct in the practice of occupational therapy;

(F) The form and manner for filing applications for renewal

and a schedule of deadlines for renewal; 66853

(G) ~~Late fees and the~~ The conditions under which a license of 66854
a licensee who files a late application for renewal will be 66855
reinstated; 66856

(H) Placing an existing license in escrow; 66857

(I) The amount, scope, and nature of continuing education 66858
activities required for license renewal, including waivers ~~and the~~ 66859
~~establishment of appropriate fees to be charged for the~~ 66860
~~administrative costs associated with the review of~~ the continuing 66861
education ~~activities~~ requirements; 66862

(J) ~~Limited permit guidelines~~ Guidelines for limited permits; 66863

(K) Requirements for criminal records checks of applicants 66864
under section 4776.03 of the Revised Code; 66865

(L) Subject to section 4755.061 of the Revised Code, the 66866
amount for each fee specified in section 4755.12 of the Revised 66867
Code that the section charges. 66868

The section may hear testimony in matters relating to the 66869
duties imposed upon it, and the chairperson and secretary of the 66870
section may administer oaths. The section may require proof, 66871
beyond the evidence found in the application, of the honesty, 66872
truthfulness, and good reputation of any person named in an 66873
application for ~~such~~ licensure, before admitting the applicant to 66874
an examination or issuing a license. 66875

Sec. 4755.061. If the occupational therapy section of the 66876
Ohio occupational therapy, physical therapy, and athletic trainers 66877
board adopts rules pursuant to section 4755.06 of the Revised Code 66878
relating to the amounts of the fees that the section may charge 66879
for the late renewal of licenses and the review of continuing 66880
education activities, as provided in divisions (A)(5) and (A)(6) 66881
of section 4755.12 of the Revised Code, the section shall not 66882

establish fee amounts for those services that exceed the actual 66883
costs the section incurs in providing the services to a licensee. 66884

Sec. 4755.12. (A) The occupational therapy section of the 66885
Ohio occupational therapy, physical therapy, and athletic trainers 66886
board ~~shall~~ may charge a any or all of the following fees: 66887

(1) ~~A nonrefundable examination fee, established pursuant to~~ 66888
~~section 4755.03 of the Revised Code,~~ which is to be paid at the 66889
time of application for licensure. 66890

~~The section shall charge a;~~ 66891

(2) An application fee for an initial license; 66892

(3) An initial licensure fee, ~~established pursuant to section~~ 66893
~~4755.03 of the Revised Code.~~ 66894

~~The section shall charge a;~~ 66895

(4) A fee for biennial renewal fee and shall charge a of a 66896
license; 66897

(5) A fee for late renewal of a license; 66898

(6) A fee for the review of continuing education activities; 66899

(7) A fee for a limited permit, ~~established pursuant to~~ 66900
~~section 4755.03 of the Revised Code;~~ 66901

(8) A fee for verification of a license. 66902

(B) Any person who is qualified to practice occupational 66903
therapy as certified by the section, but who is not in the active 66904
practice, as defined by section rule, may register with the 66905
section as a nonactive licensee at a biennial fee, ~~established~~ 66906
~~pursuant to section 4755.03 of the Revised Code.~~ 66907

(C) The section may, by rule, provide for the waiver of all 66908
or part of a fee when the license is issued less than one hundred 66909
days before the date on which it will expire. 66910

(D) Except when all or part of a fee is waived under division 66911
(C) of this section, the amount charged by the occupational 66912
therapy section for each of its fees shall be the applicable 66913
amount established in rules adopted under section 4755.06 of the 66914
Revised Code. 66915

Sec. 4757.10. The counselor, social worker, and marriage and 66916
family therapist board may adopt any rules necessary to carry out 66917
this chapter. 66918

The board shall adopt rules that do all of the following: 66919

(A) Concern intervention for and treatment of any impaired 66920
person holding a license or certificate of registration issued 66921
under this chapter; 66922

(B) Establish standards for training and experience of 66923
supervisors described in division (C) of section 4757.30 of the 66924
Revised Code; 66925

(C) Define the requirement that an applicant be of good moral 66926
character in order to be licensed or registered under this 66927
chapter; 66928

(D) Establish requirements for criminal records checks of 66929
applicants under section 4776.03 of the Revised Code; 66930

(E) Establish a graduated system of fines based on the scope 66931
and severity of violations and the history of compliance, not to 66932
exceed five hundred dollars per incident, that any professional 66933
standards committee of the board may charge for a disciplinary 66934
violation described in section 4757.36 of the Revised Code. 66935

All rules adopted under this section shall be adopted in 66936
accordance with Chapter 119. of the Revised Code. When it adopts 66937
rules under this section or any other section of this chapter, the 66938
board may consider standards established by any national 66939
association or other organization representing the interests of 66940

those involved in professional counseling, social work, or 66941
marriage and family therapy. 66942

Sec. 4757.31. (A) Subject to division (B) of this section, 66943
the counselor, social worker, and marriage and family therapist 66944
board shall establish, and may from time to time adjust, fees to 66945
be charged for the following: 66946

(1) Examination for licensure as a professional clinical 66947
counselor, professional counselor, marriage and family therapist, 66948
independent marriage and family therapist, social worker, or 66949
independent social worker; 66950

(2) Initial licenses of professional clinical counselors, 66951
professional counselors, marriage and family therapists, 66952
independent marriage and family therapists, social workers, and 66953
independent social workers, except that the board shall charge 66954
only one fee to a person who fulfills all requirements for more 66955
than one of the following initial licenses: an initial license as 66956
a social worker or independent social worker, an initial license 66957
as a professional counselor or professional clinical counselor, 66958
and an initial license as a marriage and family therapist or 66959
independent marriage and family therapist; 66960

(3) Initial certificates of registration of social work 66961
assistants; 66962

(4) Renewal and late renewal of licenses of professional 66963
clinical counselors, professional counselors, marriage and family 66964
therapists, independent marriage and family therapists, social 66965
workers, and independent social workers and renewal and late 66966
renewal of certificates of registration of social work assistants; 66967

(5) Verification, to another jurisdiction, of a license or 66968
registration issued by the board; 66969

(6) Continuing education programs offered by the board to 66970

licensees or registrants. 66971

(B) The fees charged under division (A)(1) of this section 66972
shall be established in amounts sufficient to cover the direct 66973
expenses incurred in examining applicants for licensure. The fees 66974
charged under divisions (A)(2), ~~(3), and (4)~~ to (6) of this 66975
section shall be nonrefundable and shall be established in amounts 66976
sufficient to cover the necessary expenses in administering this 66977
chapter and rules adopted under it that are not covered by fees 66978
charged under division (A)(1) or (C) of this section. The renewal 66979
fee for a license or certificate of registration shall not be less 66980
than the initial fee for that license or certificate. The fees 66981
charged for licensure and registration and the renewal of 66982
licensure and registration may differ for the various types of 66983
licensure and registration, but shall not exceed one hundred 66984
twenty-five dollars each, unless the board determines that amounts 66985
in excess of one hundred twenty-five dollars are needed to cover 66986
its necessary expenses in administering this chapter and rules 66987
adopted under it and the amounts in excess of one hundred 66988
twenty-five dollars are approved by the controlling board. 66989

(C) All receipts of the board shall be deposited in the state 66990
treasury to the credit of the occupational licensing and 66991
regulatory fund. All vouchers of the board shall be approved by 66992
the chairperson or executive director of the board, or both, as 66993
authorized by the board. 66994

Sec. 4757.36. (A) The appropriate professional standards 66995
~~committees~~ committee of the counselor, social worker, and marriage 66996
and family therapist board may, in accordance with Chapter 119. of 66997
the Revised Code, ~~may refuse to issue a license or certificate of~~ 66998
~~registration applied for under this chapter; refuse to renew a~~ 66999
~~license or certificate of registration issued under this chapter;~~ 67000
~~suspend, revoke, or otherwise restrict a license or certificate of~~ 67001

~~registration issued under this chapter; or reprimand a person~~ 67002
~~holding a license or certificate of registration issued under this~~ 67003
~~chapter. Such actions may be taken by the appropriate committee if~~ 67004
~~the applicant for a license or certificate of registration or the~~ 67005
~~person holding a license or certificate of registration has take~~ 67006
~~any action specified in division (B) of this section against an~~ 67007
~~individual who has applied for or holds a license to practice as a~~ 67008
~~professional clinical counselor, professional counselor,~~ 67009
~~independent marriage and family therapist, marriage and family~~ 67010
~~therapist, social worker, or independent social worker, or a~~ 67011
~~certificate of registration to practice as a social work~~ 67012
~~assistant, for any reason described in division (C) of this~~ 67013
~~section.~~ 67014

(B) In its imposition of sanctions against an individual, the 67015
board may do any of the following: 67016

(1) Refuse to issue or refuse to renew a license or 67017
certificate of registration; 67018

(2) Suspend, revoke, or otherwise restrict a license or 67019
certificate of registration; 67020

(3) Reprimand an individual holding a license or certificate 67021
of registration; 67022

(4) Impose a fine in accordance with the graduated system of 67023
finest established by the board in rules adopted under section 67024
4757.10 of the Revised Code. 67025

(C) The appropriate professional standards committee of the 67026
board may take an action specified in division (B) of this section 67027
for any of the following reasons: 67028

~~(1) Committed a violation of~~ Commission of an act that 67029
violates any provision of this chapter or rules adopted under it; 67030

(2) Knowingly ~~made~~ making a false statement on an application 67031

for licensure or registration, or for renewal of a license or certificate of registration; 67032
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(3) ~~Accepted~~ Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy; 67034
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(4) ~~Failed~~ A failure to comply with section 4757.12 of the Revised Code; 67041
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(5) ~~Been convicted~~ A conviction in this or any other state of ~~any~~ a crime that is a felony in this state; 67043
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(6) ~~Had the ability~~ A failure to perform properly as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker ~~impaired~~ due to the use of alcohol or other drugs or any other physical or mental condition; 67045
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(7) ~~Been convicted~~ A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a professional clinical counselor, professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker; 67051
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(8) ~~Practiced~~ Practicing outside the scope of practice applicable to that person; 67057
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(9) ~~Practiced without complying with~~ Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (F) of section 4757.30, of the Revised Code; 67059
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(10) ~~Violated~~ A violation of the person's code of ethical 67063
practice adopted by rule of the board pursuant to section 4757.11 67064
of the Revised Code; 67065

(11) ~~Had~~ Revocation or suspension of a license or certificate 67066
of registration ~~revoked or suspended~~, or ~~voluntarily surrendered~~ 67067
the voluntary surrender of a license or certificate of 67068
registration in another state or jurisdiction for an offense that 67069
would be a violation of this chapter. 67070

~~(B)~~(D) One year or more after the date of suspension or 67071
revocation of a license or certificate of registration under this 67072
section, application may be made to the appropriate professional 67073
standards committee for reinstatement. The committee may accept or 67074
refuse an application for reinstatement. If a license has been 67075
suspended or revoked, the committee may require an examination for 67076
reinstatement. 67077

(E) On request of the board, the attorney general shall bring 67078
and prosecute to judgment a civil action to collect any fine 67079
imposed under division (B)(4) of this section that remains unpaid. 67080

(F) All fines collected under division (B)(4) of this section 67081
shall be deposited into the state treasury to the credit of the 67082
occupational licensing and regulatory fund. 67083

Sec. 4763.01. As used in this chapter: 67084

(A) "Real estate appraisal" or "appraisal" means an analysis, 67085
opinion, or conclusion relating to the nature, quality, value, or 67086
utility of specified interests in, or aspects of identified real 67087
estate that is classified as either a valuation or an analysis. 67088

(B) "Valuation" means an estimate of the value of real 67089
estate. 67090

(C) "Analysis" means a study of real estate for purposes 67091
other than valuation. 67092

(D) "Appraisal report" means a written communication of a real estate appraisal, appraisal review, or appraisal consulting service or an oral communication of a real estate appraisal accompanied, appraisal review, or appraisal consulting service that is documented by a writing that supports the oral communication.

(E) "Appraisal assignment" means an engagement for which a person licensed or certified under this chapter is employed ~~or~~ retained, or engaged to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased real estate appraisal.

(F) "Specialized services" means all appraisal services, other than appraisal assignments, including, but not limited to, valuation and analysis given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling, and real estate tax counseling, and specialized marketing, financing, and feasibility studies.

(G) "Real estate" has the same meaning as in section 4735.01 of the Revised Code.

(H) "Appraisal foundation" means a nonprofit corporation incorporated under the laws of the state of Illinois on November 30, 1987, for the purposes of establishing and improving uniform appraisal standards by defining, issuing, and promoting those standards; establishing appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing, and promoting the qualification criteria and disseminating the qualification criteria to others; and developing or assisting in development of appropriate examinations for qualified appraisers.

(I) "Prepare" means to develop and communicate, whether through a personal physical inspection or through the act or process of critically studying a report prepared by another who

made the physical inspection, an appraisal, analysis, or opinion, 67124
or specialized service and to report the results. If the person 67125
who develops and communicates the appraisal or specialized service 67126
does not make the personal inspection, the name of the person who 67127
does make the personal inspection shall be identified on the 67128
appraisal or specialized service reported. 67129

(J) "Report" means any communication, written, oral, or by 67130
any other means of transmission of information, of a real estate 67131
appraisal, appraisal review, appraisal consulting service, or 67132
specialized service that is transmitted to a client or employer 67133
upon completion of the appraisal or service. 67134

(K) "State-certified general real estate appraiser" means any 67135
person who satisfies the certification requirements of this 67136
chapter relating to the appraisal of all types of real property 67137
and who holds a current and valid certificate or renewal 67138
certificate issued to the person pursuant to this chapter. 67139

(L) "State-certified residential real estate appraiser" means 67140
any person who satisfies the certification requirements only 67141
relating to the appraisal of one to four units of single-family 67142
residential real estate without regard to transaction value or 67143
complexity and who holds a current and valid certificate or 67144
renewal certificate issued to the person pursuant to this chapter. 67145

(M) "State-licensed residential real estate appraiser" means 67146
any person who satisfies the licensure requirements of this 67147
chapter relating to the appraisal of noncomplex one-to-four unit 67148
single-family residential real estate having a transaction value 67149
of less than one million dollars and complex one-to-four unit 67150
single-family residential real estate having a transaction value 67151
of less than two hundred fifty thousand dollars and who holds a 67152
current and valid license or renewal license issued to the person 67153
pursuant to this chapter. 67154

(N) "Certified or licensed real estate appraisal" means an appraisal prepared and reported by a certificate holder or licensee under this chapter acting within the scope of certification or licensure and as a disinterested third party.

(O) "State-registered real estate appraiser assistant" means any person, other than a state-certified general real estate appraiser, state-certified residential real estate appraiser, or a state-licensed residential real estate appraiser, who satisfies the registration requirements of this chapter for participating in the development and preparation of real estate appraisals and who holds a current and valid registration or renewal registration issued to the person pursuant to this chapter.

(P) "Institution of higher education" means a state university or college, a private college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association recognized by the Ohio board of regents.

(Q) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(R) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(S) "Appraisal review" means the act or process of developing

and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal consulting assignment. 67186
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(T) "Appraisal consulting" means the act or process of developing an analysis, recommendation, or opinion to solve a problem related to real estate. 67189
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(U) "Work file" means documentation used during the preparation of an appraisal report or necessary to support an appraiser's analyses, opinions, or conclusions. 67192
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Sec. 4763.03. (A) In addition to any other duties imposed on the real estate appraiser board under this chapter, the board shall: 67195
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(1) Adopt rules, in accordance with Chapter 119. of the Revised Code, in furtherance of this chapter, including, but not limited to, all of the following: 67198
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(a) Defining, with respect to state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers, the type of educational experience, appraisal experience, and other equivalent experience that satisfy the requirements of this chapter. The rules shall require that all appraisal experience performed after January 1, 1996, meet the uniform standards of professional practice established by the appraisal foundation. 67201
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(b) Establishing the examination specifications for state-certified general real estate appraisers, state-certified residential real estate appraisers, and state-licensed residential real estate appraisers; 67209
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(c) Relating to disciplinary proceedings conducted in accordance with section 4763.11 of the Revised Code, including rules governing the reinstatement of certificates, registrations, 67213
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and licenses that have been suspended pursuant to those proceedings; 67216
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(d) Identifying any additional information to be included on the forms specified in division (C) of section 4763.12 of the Revised Code, provided that the rules shall not require any less information than is required in that division; 67218
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(e) Establishing the fees set forth in section 4763.09 of the Revised Code; 67222
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(f) Establishing the amount of the assessment required by division (A)(2) of section 4763.05 of the Revised Code. The board annually shall determine the amount due from each applicant for an initial certificate, registration, and license in an amount that will maintain the real estate appraiser recovery fund at the level specified in division (A) of section 4763.16 of the Revised Code. The board may, if the fund falls below that amount, require current certificate holders, registrants, and licensees to pay an additional assessment. 67224
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(g) Defining the educational requirements pursuant to division (C) of section 4763.05 of the Revised Code; 67233
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(h) Establishing a real estate appraiser assistant program for the registration of real estate appraiser assistants. 67235
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(2) Prescribe by rule the requirements for the examinations required by division (D) of section 4763.05 of the Revised Code; 67237
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(3) Periodically review the standards for ~~preparation and reporting of real estate appraisals~~ the development and reporting of appraisal reports provided in this chapter and adopt rules explaining and interpreting those standards; 67239
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(4) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders the superintendent of real estate issues pursuant to this chapter; 67243
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(5) Request the initiation by the superintendent of investigations of violations of this chapter or the rules adopted pursuant thereto, as the board determines appropriate;	67246 67247 67248
(6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code.	67249 67250 67251 67252
(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	67253 67254 67255
(1) Prescribe the form and content of all applications required by this chapter;	67256 67257
(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;	67258 67259 67260 67261
(3) Retain records and all application materials submitted to the superintendent;	67262 67263
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	67264 67265 67266
(5) Issue certificates, registrations, and licenses and maintain a register of the names and addresses of all persons issued a certificate, registration, or license under this chapter;	67267 67268 67269
(6) Perform any other functions and duties, including the employment of staff, necessary to administer this chapter;	67270 67271
(7) Administer this chapter;	67272
(8) Issue all orders necessary to implement this chapter;	67273
(9) Investigate complaints, upon the superintendent's own motion or upon receipt of a complaint or upon a request of the	67274 67275

board, concerning any violation of this chapter or the rules 67276
adopted pursuant thereto or the conduct of any person holding a 67277
certificate, registration, or license issued pursuant to this 67278
chapter; 67279

(10) Establish and maintain an investigation and audit 67280
section to investigate complaints and conduct inspections, audits, 67281
and other inquiries as in the judgment of the superintendent are 67282
appropriate to enforce this chapter. The investigators and 67283
auditors have the right to review and audit the business records 67284
of certificate holders, registrants, and licensees during normal 67285
business hours. The superintendent may utilize the investigators 67286
and auditors employed pursuant to division (B)(4) of section 67287
4735.05 of the Revised Code or currently licensed certificate 67288
holders or licensees to assist in performing the duties of this 67289
division. 67290

(11) Appoint a referee or examiner for any proceeding 67291
involving the ~~revocation or suspension of a certificate,~~ 67292
~~registration, or license under section 3123.47 or disciplinary~~ 67293
action of a certificate holder, licensee, or registrant under 67294
section 4763.11 of the Revised Code; 67295

(12) Administer the real estate appraiser recovery fund; 67296

(13) Conduct the examinations required by division (D) of 67297
section 4763.05 of the Revised Code at least four times per year. 67298

(C) The superintendent may do all of the following: 67299

(1) In connection with investigations and audits under 67300
division (B) of this section, subpoena witnesses as provided in 67301
section 4763.04 of the Revised Code; 67302

(2) Apply to the appropriate court to enjoin any violation of 67303
this chapter. Upon a showing by the superintendent that any person 67304
has violated or is about to violate this chapter, the court shall 67305
grant an injunction, restraining order, or other appropriate 67306

relief, or any combination thereof. 67307

(D) All information that is obtained by investigators and 67308
auditors performing investigations or conducting inspections, 67309
audits, and other inquiries pursuant to division (B)(10) of this 67310
section, from certificate holders, registrants, licensees, 67311
complainants, or other persons, and all reports, documents, and 67312
other work products that arise from that information and that are 67313
prepared by the investigators, auditors, or other personnel of the 67314
department of commerce, shall be held in confidence by the 67315
superintendent, the investigators and auditors, and other 67316
personnel of the department. 67317

(E) This section does not prevent the division of real estate 67318
and professional licensing from releasing information relating to 67319
certificate holders, registrants, and licensees to the 67320
superintendent of financial institutions for purposes relating to 67321
the administration of sections 1322.01 to 1322.12 of the Revised 67322
Code, to the superintendent of insurance for purposes relating to 67323
the administration of Chapter 3953. of the Revised Code, to the 67324
attorney general, or to local law enforcement agencies and local 67325
prosecutors. Information released by the division pursuant to this 67326
section remains confidential. 67327

(F) Any rule the board adopts shall not exceed the 67328
requirements specified in federal law or regulations. 67329

Sec. 4763.04. The real estate appraiser board or the 67330
superintendent ~~or~~ of real estate may compel, by order or subpoena, 67331
the attendance of witnesses to testify in relation to any matter 67332
over which the board or the superintendent has jurisdiction and 67333
which is the subject of the inquiry and investigation by the board 67334
or superintendent, and require the production of any book, paper, 67335
or document pertaining to such matter. For such purpose, the board 67336
or the superintendent has the same power as judges of county 67337

courts to administer oaths, compel the attendance of witnesses, 67338
and punish witnesses for refusal to testify. ~~Sheriffs and service~~ 67339
of the subpoena may be made by constables or by certified mail, 67340
return receipt requested, and the subpoena shall be deemed served 67341
on the date delivery is made or the date the person refuses to 67342
accept delivery. Sheriffs or constables shall ~~serve and~~ return 67343
such process and shall receive the same fees for doing so as are 67344
allowed for like service if service of the subpoena is made by 67345
sheriffs or constables. Witnesses shall receive, after their 67346
appearance before the board or the superintendent, the fees and 67347
mileage provided for under section 119.094 of the Revised Code. If 67348
two or more witnesses travel together in the same vehicle, the 67349
mileage fee shall be paid to only one of those witnesses, but the 67350
witnesses may agree to divide the fee among themselves in any 67351
manner. 67352

In addition to the powers and duties granted to the board and 67353
the superintendent under this section, in case any person fails to 67354
file any statement or report, obey any subpoena, give testimony, 67355
answer questions, or produce books, records, or papers as required 67356
by the board or the superintendent under this chapter, the court 67357
of common pleas of any county in the state, upon application made 67358
to it by the board or the superintendent setting forth the 67359
failure, may make an order awarding process of subpoena or 67360
subpoena duces tecum for the person to appear and testify before 67361
the board or the superintendent, and may order any person to give 67362
testimony and answer questions, and to produce books, records, or 67363
papers, as required by the board or the superintendent. Upon the 67364
filing of such order in the office of the clerk of the court of 67365
common pleas, the clerk, under the seal of the court, shall issue 67366
process or subpoena, and each day thereafter until the examination 67367
of the person is completed. The subpoena may contain a direction 67368
that the witness bring with the witness to the examination any 67369
books, records, or papers mentioned in the subpoena. The clerk 67370

also shall issue, under the seal of the court, such other orders, 67371
in reference to the examination, appearance, and production of 67372
books, records, or papers, as the court directs. If any person 67373
summoned by subpoena fails to obey the subpoena, to give 67374
testimony, to answer questions as required, or to obey an order of 67375
the court, the court, on motion supported by proof, may order an 67376
attachment for contempt to be issued against the person charged 67377
with disobedience of any order or injunction issued by the court 67378
under this chapter. If the person is brought before the court by 67379
virtue of the attachment, and if upon a hearing the disobedience 67380
appears, the court may order the offender to be committed and kept 67381
in close custody. 67382

Sec. 4763.05. (A)(1)(a) A person shall make application for 67383
an initial state-certified general real estate appraiser 67384
certificate, an initial state-certified residential real estate 67385
appraiser certificate, an initial state-licensed residential real 67386
estate appraiser license, or an initial state-registered real 67387
estate appraiser assistant registration in writing to the 67388
superintendent of real estate on a form the superintendent 67389
prescribes. The application shall include the address of the 67390
applicant's principal place of business and all other addresses at 67391
which the applicant currently engages in the business of preparing 67392
real estate appraisals and the address of the applicant's current 67393
residence. The superintendent shall retain the applicant's current 67394
residence address in a separate record which shall not constitute 67395
a public record for purposes of section 149.03 of the Revised 67396
Code. The application shall indicate whether the applicant seeks 67397
certification as a general real estate appraiser or as a 67398
residential real estate appraiser, licensure as a residential real 67399
estate appraiser, or registration as a real estate appraiser 67400
assistant and be accompanied by the prescribed examination and 67401
certification, registration, or licensure fees set forth in 67402

section 4763.09 of the Revised Code. The application also shall 67403
include ~~a fingerprint of the applicant~~; a pledge, signed by the 67404
applicant, that the applicant will comply with the standards set 67405
forth in this chapter; and a statement that the applicant 67406
understands the types of misconduct for which disciplinary 67407
proceedings may be initiated against the applicant pursuant to 67408
this chapter. 67409

(b) Upon the filing of an application and payment of any 67410
examination and certification, registration, or licensure fees, 67411
the superintendent of real estate shall request the superintendent 67412
of the bureau of criminal identification and investigation, or a 67413
vendor approved by the bureau, to conduct a criminal records check 67414
based on the applicant's fingerprints in accordance with division 67415
(A)(11) of section 109.572 of the Revised Code. Notwithstanding 67416
division (K) of section 121.08 of the Revised Code, the 67417
superintendent of real estate shall request that criminal record 67418
information from the federal bureau of investigation be obtained 67419
as part of the criminal records check. Any fee required under 67420
division (C)(3) of section 109.572 of the Revised Code shall be 67421
paid by the applicant. 67422

(2) For purposes of providing funding for the real estate 67423
appraiser recovery fund established by section 4763.16 of the 67424
Revised Code, the real estate appraiser board shall levy an 67425
assessment against each person issued an initial certificate, 67426
registration, or license and against current licensees, 67427
registrants, and certificate holders, as required by board rule. 67428
The assessment is in addition to the application and examination 67429
fees for initial applicants required by division (A)(1) of this 67430
section and the renewal fees required for current certificate 67431
holders, registrants, and licensees. The superintendent of real 67432
estate shall deposit the assessment into the state treasury to the 67433
credit of the real estate appraiser recovery fund. The assessment 67434

for initial certificate holders, registrants, and licensees shall 67435
be paid prior to the issuance of a certificate, registration, or 67436
license, and for current certificate holders, registrants, and 67437
licensees, at the time of renewal. 67438

(B) An applicant for an initial general real estate appraiser 67439
certificate, residential real estate appraiser certificate, or 67440
residential real estate appraiser license shall possess experience 67441
in real estate appraisal as the board prescribes by rule. In 67442
addition to any other information required by the board, the 67443
applicant shall furnish, under oath, a detailed listing of the 67444
appraisal reports or file memoranda for each year for which 67445
experience is claimed and, upon request of the superintendent or 67446
the board, shall make available for examination a sample of the 67447
appraisal reports prepared by the applicant in the course of the 67448
applicant's practice. 67449

(C) An applicant for an initial certificate, registration, or 67450
license shall be at least eighteen years of age, honest, truthful, 67451
and of good reputation and shall present satisfactory evidence to 67452
the superintendent that the applicant has successfully completed 67453
any education requirements the board prescribes by rule. 67454

(D) An applicant for an initial general real estate appraiser 67455
or residential real estate appraiser certificate or residential 67456
real estate appraiser license shall take and successfully complete 67457
a written examination in order to qualify for the certificate or 67458
license. 67459

The board shall prescribe the examination requirements by 67460
rule. 67461

(E)(1) A nonresident, natural person of this state who has 67462
complied with this section may obtain a certificate, registration, 67463
or license. The board shall adopt rules relating to the 67464
certification, registration, and licensure of a nonresident 67465

applicant whose state of residence the board determines to have 67466
certification, registration, or licensure requirements that are 67467
substantially similar to those set forth in this chapter and the 67468
rules adopted thereunder. 67469

(2) The board shall recognize on a temporary basis a 67470
certification or license issued in another state and shall 67471
register on a temporary basis an appraiser who is certified or 67472
licensed in another state if all of the following apply: 67473

(a) The temporary registration is to perform an appraisal 67474
assignment that is part of a federally related transaction. 67475

(b) The appraiser's business in this state is of a temporary 67476
nature. 67477

(c) The appraiser registers with the board pursuant to this 67478
division. 67479

An appraiser who is certified or licensed in another state 67480
shall register with the board for temporary practice before 67481
performing an appraisal assignment in this state in connection 67482
with a federally related transaction. 67483

The board shall adopt rules relating to registration for the 67484
temporary recognition of certification and licensure of appraisers 67485
from another state. The registration for temporary recognition of 67486
certified or licensed appraisers from another state shall not 67487
authorize completion of more than one appraisal assignment in this 67488
state. The board shall not issue more than two registrations for 67489
temporary practice to any one applicant in any calendar year. 67490

(3) In addition to any other information required to be 67491
submitted with the nonresident applicant's or appraiser's 67492
application for a certificate, registration, license, or temporary 67493
recognition of a certificate or license, each nonresident 67494
applicant or appraiser shall submit a statement consenting to the 67495
service of process upon the nonresident applicant or appraiser by 67496

means of delivering that process to the secretary of state if, in 67497
an action against the applicant, certificate holder, registrant, 67498
or licensee arising from the applicant's, certificate holder's, 67499
registrant's, or licensee's activities as a certificate holder, 67500
registrant, or licensee, the plaintiff, in the exercise of due 67501
diligence, cannot effect personal service upon the applicant, 67502
certificate holder, registrant, or licensee. 67503

(F) The superintendent shall not issue a certificate, 67504
registration, or license to, or recognize on a temporary basis an 67505
appraiser from another state that is a corporation, partnership, 67506
or association. This prohibition shall not be construed to prevent 67507
a certificate holder or licensee from signing an appraisal report 67508
on behalf of a corporation, partnership, or association. 67509

(G) Every person licensed, registered, or certified under 67510
this chapter shall notify the superintendent, on a form provided 67511
by the superintendent, of a change in the address of the 67512
licensee's, registrant's, or certificate holder's principal place 67513
of business or residence within thirty days of the change. If a 67514
licensee's, registrant's, or certificate holder's license, 67515
registration, or certificate is revoked or not renewed, the 67516
licensee, registrant, or certificate holder immediately shall 67517
return the annual and any renewal certificate, registration, or 67518
license to the superintendent. 67519

(H)(1) The superintendent shall not issue a certificate, 67520
registration, or license to any person, or recognize on a 67521
temporary basis an appraiser from another state, who does not meet 67522
applicable minimum criteria for state certification, registration, 67523
or licensure prescribed by federal law or rule. 67524

(2) The superintendent shall not issue a general real estate 67525
appraiser certificate, residential real estate appraiser 67526
certificate, residential real estate appraiser license, or real 67527
estate appraiser assistant registration to any person who has been 67528

convicted of or pleaded guilty to any criminal offense involving 67529
theft, receiving stolen property, embezzlement, forgery, fraud, 67530
passing bad checks, money laundering, or drug trafficking, or any 67531
criminal offense involving money or securities, including a 67532
violation of an existing or former law of this state, any other 67533
state, or the United States that substantially is equivalent to 67534
such an offense. However, if the applicant has pleaded guilty to 67535
or been convicted of such an offense, the superintendent shall not 67536
consider the offense if the applicant has proven to the 67537
superintendent, by a preponderance of the evidence, that the 67538
applicant's activities and employment record since the conviction 67539
show that the applicant is honest, truthful, and of good 67540
reputation, and there is no basis in fact for believing that the 67541
applicant will commit such an offense again. 67542

Sec. 4763.06. (A) A person licensed, registered, or certified 67543
under this chapter may obtain a renewal certificate, registration, 67544
or license by filing a renewal application with and paying the 67545
renewal fee set forth in section 4763.09 of the Revised Code and 67546
any amount assessed pursuant to division (A)(2) of section 4763.05 67547
of the Revised Code to the superintendent of real estate. The 67548
renewal application shall include a statement, signed by the 67549
certificate holder, registrant, or licensee, that the certificate 67550
holder, registrant, or licensee has not, during the immediately 67551
preceding twelve-month period, been convicted of or pleaded guilty 67552
to any criminal offense described in division (H)(2) of section 67553
4763.05 of the Revised Code. The certificate holder, registrant, 67554
or licensee shall file the renewal application at least thirty 67555
days, but no earlier than one hundred twenty days, prior to 67556
expiration of the certificate holder's, registrant's, or 67557
licensee's current certificate, registration, or license. 67558

(B) A certificate holder, registrant, or licensee who fails 67559
to renew a certificate, registration, or license prior to its 67560

expiration is ineligible to obtain a renewal certificate, 67561
registration, or license and shall comply with section 4763.05 of 67562
the Revised Code in order to regain certification or licensure, 67563
except that a certificate holder, registrant, or licensee may, 67564
within ~~three~~ twelve months after the expiration of the certificate 67565
holder's, registrant's, or licensee's certificate, registration, 67566
or license, renew the certificate, registration, or license 67567
without having to comply with section 4763.05 of the Revised Code 67568
by payment of all fees for renewal and payment of the late filing 67569
fee set forth in section 4763.09 of the Revised Code. A 67570
certificate holder, registrant, or licensee who applies for late 67571
renewal of the certificate holder's, registrant's, or licensee's 67572
certificate, registration, or license may not engage in all any 67573
activities permitted by the certification, registration, or 67574
license being renewed ~~for~~ during the ~~three-month~~ twelve-month 67575
period following the certificate's, registration's, or license's 67576
normal expiration date until all renewal fees and the late filing 67577
fee have been paid. 67578

Sec. 4763.07. (A) Every state-certified general real estate 67579
appraiser, state-certified residential real estate appraiser, and 67580
state-licensed residential real estate appraiser, ~~and~~ 67581
~~state-registered real estate appraiser assistant~~ shall submit 67582
proof of successfully completing a minimum of fourteen classroom 67583
hours of continuing education instruction in courses or seminars 67584
approved by the real estate appraiser board. The certificate 67585
holder and licensee shall have satisfied the fourteen-hour 67586
continuing education requirements within the one-year period 67587
immediately following the issuance of the initial certificate or 67588
license and shall satisfy those requirements annually thereafter. 67589
A state-registered real estate appraiser assistant who remains in 67590
this classification for more than two years shall satisfy in the 67591
third and successive years this section's requirements. If the 67592

certificate holder ~~or~~, licensee, or registrant fails to submit 67593
proof to the superintendent of meeting these requirements, the 67594
certificate holder's, registrant's, or licensee's certificate ~~or~~, 67595
license, or registration automatically is suspended. The 67596
superintendent shall notify the certificate holder ~~or~~, licensee, 67597
or registrant of the suspension and if the certificate holder ~~or~~, 67598
licensee, or registrant fails to submit proof to the 67599
superintendent of meeting those requirements within three months 67600
from the date of suspension, the superintendent shall revoke the 67601
certificate ~~or~~, license, or registration. If a certificate holder 67602
~~or~~, licensee, or registrant whose certificate ~~or~~, license, or 67603
registration has been revoked under this division desires to be 67604
certified ~~or~~, licensed, or registered under this chapter the 67605
certificate holder ~~or~~, licensee, or registrant shall apply for an 67606
initial certificate ~~or~~, license, or registration and shall meet 67607
all of the requirements of section 4763.05 of the Revised Code for 67608
the issuance of a certificate ~~or~~, license, or registration. 67609

A certificate holder ~~and~~, licensee, or registrant may satisfy 67610
all or a portion of the required hours of classroom instruction in 67611
the following manner: 67612

(1) Completion of an educational program of study determined 67613
by the board to be equivalent, for continuing education purposes, 67614
to courses or seminars approved by the board; 67615

(2) Participation, other than as a student, in educational 67616
processes or programs approved by the board that relate to real 67617
estate appraisal theory, practices, or techniques. 67618

A certificate holder and a licensee shall present to the 67619
superintendent of real estate evidence of the manner in which the 67620
certificate holder and licensee satisfied the requirements of 67621
division (A) of this section. 67622

(B) The board shall adopt rules for implementing a continuing 67623

education program for state-certified general real estate appraisers, state-certified residential real estate appraisers, state-licensed residential real estate appraisers, and state-registered real estate appraiser assistants for the purpose of assuring that certificate holders and, licensees, and registrants have current knowledge of real estate appraisal theories, practices, and techniques that will provide a high degree of service and protection to members of the public. In addition to any other provisions the board considers appropriate, the rules adopted by the board shall prescribe the following:

(1) Policies and procedures for obtaining board approval of courses of instruction and seminars;

(2) Standards, policies, and procedures to be applied in evaluating the alternative methods of complying with continuing education requirements set forth in divisions (A)(1) and (2) of this section;

(3) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to approval of courses for continuing education credit.

(C) No amendment or rescission of a rule the board adopts pursuant to division (B) of this section shall operate to deprive a certificate holder or licensee of credit toward renewal of certification or licensure for any course of instruction completed by the certificate holder or licensee prior to the effective date of the amendment or rescission that would have qualified for credit under the rule as it existed prior to amendment or rescission.

(D) The superintendent of real estate shall not issue a renewal certificate, registration, or license to any person who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

Sec. 4763.09. (A) The real estate appraiser board shall adopt 67655
rules, in accordance with Chapter 119. of the Revised Code, for 67656
the establishment of the following fees: 67657

(1) The examination fee required under division (A) of 67658
section 4763.05 of the Revised Code, up to a maximum of one 67659
hundred fifty dollars, which fee shall be nonrefundable; 67660

(2) The initial state-certified general real estate appraiser 67661
and state-certified residential real estate appraiser 67662
certification and state-licensed residential real estate appraiser 67663
license fees, and the annual renewal thereof, up to a maximum of 67664
one hundred ~~twenty-five~~ seventy-five dollars each; 67665

(3) The initial real estate appraiser assistant registration 67666
fee, and the annual renewal thereof, up to a maximum of ~~fifty one~~ 67667
hundred dollars; 67668

(4) The late filing fee for renewal of a certification, 67669
registration, or license, which shall be one-half of the 67670
certification, registration, and licensure fees established 67671
pursuant to divisions (A)(2) and (3) of this section; 67672

(5) The amount to be charged to cover the cost of the 67673
issuance of a temporary certificate or license under division 67674
(E)(2) of section 4763.05 of the Revised Code; 67675

(6) Other reasonable fees as needed, including any annual 67676
pass-through charges imposed by the federal government. 67677

(B) An applicant for certification or licensure under this 67678
chapter shall pay the examination fee directly to a testing 67679
service if so prescribed and in such amount as the superintendent 67680
of real estate prescribes. The balance, if any, of the examination 67681
fee shall accompany the application. 67682

Sec. 4763.11. (A) Within ~~five~~ ten business days after a 67683

person files a ~~signed~~ written complaint against a person 67684
certified, registered, or licensed under this chapter with the 67685
division of real estate, the superintendent of real estate shall 67686
acknowledge receipt of the complaint ~~or request and send a~~ by 67687
sending notice to the certificate holder, registrant, or licensee 67688
~~describing the acts of which there is a~~ that includes a copy of 67689
the complaint. The acknowledgement to the complainant and the 67690
notice to the certificate holder, registrant, or licensee ~~shall~~ 67691
may state that an informal mediation meeting will be held with the 67692
complainant, the certificate holder, registrant, or licensee, and 67693
an investigator from the investigation and audit section of the 67694
division, if the complainant and certificate holder, registrant, 67695
or licensee both file a request for such a meeting within ~~ten~~ 67696
~~business~~ twenty calendar days ~~thereafter on a form the~~ 67697
~~superintendent provides~~ after the acknowledgment and notice are 67698
mailed. 67699

(B) If the complainant and certificate holder, registrant, or 67700
licensee both file with the division requests for an informal 67701
mediation meeting, the superintendent shall notify the complainant 67702
and certificate holder, registrant, or licensee of the date of the 67703
meeting, ~~which shall be within twenty business days thereafter,~~ 67704
~~except that the complainant, certificate holder, registrant, or~~ 67705
~~licensee may request an extension of up to fifteen business days~~ 67706
~~for good cause shown~~ by regular mail. If the complainant and 67707
certificate holder, registrant, or licensee reach an accommodation 67708
at an informal mediation meeting, the investigator shall ~~so~~ report 67709
the accommodation to the superintendent ~~and to,~~ the complainant, 67710
and the certificate holder, registrant, or licensee and the 67711
complaint file shall be closed, ~~unless, based upon the~~ 67712
~~investigator's report, the superintendent finds evidence that the~~ 67713
~~certificate holder, registrant, or licensee has violated division~~ 67714
~~(C) of this section~~ upon the superintendent receiving satisfactory 67715
notice that the accommodation has been fulfilled. 67716

(C) If the complainant and certificate holder, registrant, or licensee fail to agree to an informal mediation meeting or fail to reach an accommodation, ~~or if the superintendent finds evidence of a violation of division (G) of this section pursuant to an investigation conducted pursuant to division (B)(9) of section 4763.03 of the Revised Code~~ agreement, or fail to fulfill an accommodation agreement, the superintendent shall, ~~within five business days of such determination, notify the complainant and certificate holder, registrant, or licensee and investigate~~ assign the complaint to an investigator for an investigation into the conduct of the certificate holder, registrant, or licensee against whom the complaint is filed.

(D) ~~Within sixty business days after receipt of the complaint, or, if an informal meeting is held, within sixty days after such meeting~~ Upon the conclusion of the investigation, the investigator shall file a written report of the results of the investigation with the superintendent. ~~Within ten business days thereafter, the~~ The superintendent shall review the report and determine whether there exists reasonable and substantial evidence of a violation of division (G) of this section by the certificate holder, registrant, or licensee. If the superintendent finds such evidence exists, ~~within five business days of that determination,~~ the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the determination. The certificate holder, registrant, or licensee may request a hearing pursuant to Chapter 119. of the Revised Code. If a formal hearing is conducted, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the board, the complainant and the certificate holder, licensee, or registrant after the conclusion of the formal hearing. Within ten calendar days of receipt of the copy of the hearing examiner's finding of fact and conclusions of law, the certificate holder, licensee, or registrant or the division may file with the board

written objections to the hearing examiner's report, which shall 67750
be considered by the board before approving, modifying, or 67751
rejecting the hearing examiner's report. If the superintendent 67752
finds that such evidence does not exist, ~~within five business days~~ 67753
~~thereafter~~, the superintendent shall notify the complainant and 67754
certificate holder, registrant, or licensee of that determination 67755
and the basis for the determination. Within fifteen business days 67756
after the superintendent notifies the complainant and certificate 67757
holder, registrant, or licensee that such evidence does not exist, 67758
the complainant may file with the division a request that the real 67759
estate appraiser board review the determination. If the 67760
complainant files such request, the board shall review the 67761
determination at the next regularly scheduled meeting held at 67762
least fifteen business days after the request is filed but no 67763
longer than six months after the request is filed. The board may 67764
hear the testimony of the complainant, certificate holder, 67765
registrant, or licensee at the meeting upon the request of that 67766
party. If the board affirms the determination of the 67767
superintendent, the superintendent shall notify the complainant 67768
and the certificate holder, registrant, or licensee within five 67769
business days thereafter. If the board reverses the determination 67770
of the superintendent, a hearing before a hearing examiner shall 67771
be held and the complainant and certificate holder, registrant, or 67772
licensee notified as provided in this division. 67773

(E) The board shall review the referee's or hearing 67774
examiner's report and the evidence at the next regularly scheduled 67775
board meeting held at least fifteen business days after receipt of 67776
the referee's or examiner's report. The board may hear the 67777
testimony of the complainant, certificate holder, registrant, or 67778
licensee upon request. If the complainant is the Ohio civil rights 67779
commission, the board shall review the complaint 67780

(F) If the board determines that a licensee, registrant, or 67781

certificate holder has violated this chapter for which 67782
disciplinary action may be taken under division (G) of this 67783
section, after review of the referee's or examiner's report and 67784
the evidence as provided in division (E) of this section, the 67785
board shall order the disciplinary action the board considers 67786
appropriate, which may include, but is not limited to, any of the 67787
following: 67788

(1) Reprimand of the certificate holder, registrant, or 67789
licensee; 67790

(2) Imposition of a fine, not exceeding, two thousand five 67791
hundred dollars per violation; 67792

(3) Requirement of the completion of additional education 67793
courses. Any course work imposed pursuant to this section shall 67794
not count toward continuing education requirements or prelicense 67795
or precertification requirements set forth in section 4763.05 of 67796
the Revised Code. 67797

(4) Suspension of the certificate, registration, or license 67798
for a specific period of time; 67799

~~(3) Suspension of the certificate, registration, or license 67800
until the certificate holder, registrant, or licensee complies 67801
with conditions the board sets, including but not limited to, 67802
successful completion of the real estate appraiser examination 67803
described in division (D) of section 4763.05 of the Revised Code 67804
or completion of a specific number of hours of continuing 67805
education instruction in courses or seminars approved by the 67806
board;~~ 67807

~~(4)~~(5) Revocation of the certificate, registration, or 67808
license. 67809

The decision and order of the board is final, subject to 67810
review in the manner provided for in Chapter 119. of the Revised 67811
Code and appeal to any court of common pleas. 67812

(G) The board shall take any disciplinary action authorized 67813
by this section against a certificate holder, registrant, or 67814
licensee who is found to have committed any of the following acts, 67815
omissions, or violations during the appraiser's certification, 67816
registration, or licensure: 67817

(1) Procuring or attempting to procure a certificate, 67818
registration, or license pursuant to this chapter by knowingly 67819
making a false statement, submitting false information, refusing 67820
to provide complete information in response to a question in an 67821
application for certification, registration, or licensure, or by 67822
any means of fraud or misrepresentation; 67823

(2) Paying, or attempting to pay, anything of value, other 67824
than the fees or assessments required by this chapter, to any 67825
member or employee of the board for the purpose of procuring a 67826
certificate, registration, or license; 67827

(3) Being convicted in a criminal proceeding for a felony or 67828
a crime involving moral turpitude; 67829

(4) Dishonesty, fraud, or misrepresentation, with the intent 67830
to either benefit the certificate holder, registrant, or licensee 67831
or another person or injure another person; 67832

(5) Violation of any of the standards for the development ~~or~~ 67833
preparation, communication, or reporting of ~~real estate appraisals~~ 67834
an appraisal report set forth in this chapter and rules of the 67835
board; 67836

(6) Failure or refusal to exercise reasonable diligence in 67837
developing ~~an appraisal~~, preparing, or communicating an appraisal 67838
report, ~~or communicating an appraisal~~; 67839

(7) Negligence or incompetence in developing ~~an appraisal~~, in 67840
preparing, communicating, or reporting an appraisal report, ~~or in~~ 67841
~~communicating an appraisal~~; 67842

- (8) ~~Willfully~~ Violating or willfully disregarding ~~or~~ 67843
~~violating this~~ chapter or the rules adopted thereunder; 67844
- (9) Accepting an appraisal assignment where the employment is 67845
contingent upon the appraiser preparing or reporting a 67846
predetermined estimate, analysis, or opinion, or where the fee to 67847
be paid for the appraisal is contingent upon the opinion, 67848
conclusion, or valuation attained or upon the consequences 67849
resulting from the appraisal assignment; 67850
- (10) Violating the confidential nature of governmental 67851
records to which the certificate holder, registrant, or licensee 67852
gained access through employment or engagement as an appraiser by 67853
a governmental agency; 67854
- (11) Entry of final judgment against the certificate holder, 67855
registrant, or licensee on the grounds of fraud, deceit, 67856
misrepresentation, or gross negligence in the making of any 67857
appraisal of real estate; 67858
- (12) Violating any federal or state civil rights law; 67859
- (13) Having published advertising, whether printed, radio, 67860
display, or of any other nature, which was misleading or 67861
inaccurate in any material particular, or in any way having 67862
misrepresented any appraisal or specialized service; 67863
- (14) Failing to provide copies of records to the 67864
superintendent or failing to maintain records for five years as 67865
required by section 4763.14 of the Revised Code. Failure of a 67866
certificate holder, licensee, or registrant to comply with a 67867
subpoena issued under division (C)(1) of section 4763.03 of the 67868
Revised Code is prima-facie evidence of a violation of division 67869
(G)(14) of section 4763.11 of the Revised Code. 67870
- (15) Failing to provide notice to the board as required in 67871
division (I) of this section. 67872

(H) The board immediately shall notify the superintendent of 67873
real estate of any disciplinary action taken under this section 67874
against a certificate holder, registrant, or licensee who also is 67875
licensed under Chapter 4735. of the Revised Code, and also shall 67876
notify any other federal, state, or local agency and any other 67877
public or private association that the board determines is 67878
responsible for licensing or otherwise regulating the professional 67879
or business activity of the appraiser. Additionally, the board 67880
shall notify the complainant and any other party who may have 67881
suffered financial loss because of the certificate holder's, 67882
registrant's, or licensee's violations, that the complainant or 67883
other party may sue for recovery under section 4763.16 of the 67884
Revised Code. The notice provided under this division shall 67885
specify the conduct for which the certificate holder, registrant, 67886
or licensee was disciplined and the disciplinary action taken by 67887
the board and the result of that conduct. 67888

(I) A certificate holder, registrant, or licensee shall 67889
notify the board ~~of the existence of a criminal conviction of the~~ 67890
~~type~~ within fifteen days of the agency's issuance of an order 67891
revoking or permanently surrendering any professional license, 67892
certificate, or registration by any public entity other than the 67893
division of real estate. A certificate holder, registrant, or 67894
licensee who is convicted of a felony or crime of moral turpitude 67895
as described in division (G)(3) of this section shall notify the 67896
board of the conviction within fifteen days of the conviction. 67897

(J) If the board determines that a certificate holder, 67898
registrant, or licensee has violated this chapter for which 67899
disciplinary action may be taken under division (G) of this 67900
section as a result of an investigation conducted by the 67901
superintendent upon the superintendent's own motion or upon the 67902
request of the board, the superintendent shall notify the 67903
certificate holder, registrant, or licensee of the certificate 67904

holder's, registrant's, or licensee's right to a hearing pursuant 67905
to Chapter 119. of the Revised Code and to an appeal of a final 67906
determination of such administrative proceedings to any court of 67907
common pleas. 67908

(K) All notices, written reports, and determinations issued 67909
pursuant to this section shall be mailed via certified mail, 67910
return receipt requested. If the certified notice is returned 67911
because of failure of delivery or was unclaimed, the notice, 67912
written reports, or determinations are deemed served if the 67913
superintendent sends the notice, written reports, or determination 67914
via regular mail and obtains a certificate of mailing of the 67915
notice, written reports, or determination. Refusal of delivery by 67916
personal service or by mail is not failure of delivery and service 67917
is deemed to be complete. 67918

Sec. 4763.13. (A) In engaging in appraisal activities, a 67919
person certified, registered, or licensed under this chapter shall 67920
comply with the applicable standards prescribed by the board of 67921
governors of the federal reserve system, the federal deposit 67922
insurance corporation, the comptroller of the currency, the office 67923
of thrift supervision, the national credit union administration, 67924
and the resolution trust corporation in connection with federally 67925
related transactions under the jurisdiction of the applicable 67926
agency or instrumentality. A certificate holder, registrant, and 67927
licensee also shall comply with the uniform standards of 67928
professional appraisal practice, as adopted by the appraisal 67929
standards board of the appraisal foundation and such other 67930
standards adopted by the real estate appraiser board, to the 67931
extent that those standards do not conflict with applicable 67932
federal standards in connection with a particular federally 67933
related transaction. 67934

(B) The terms "state-licensed residential real estate 67935

appraiser," "state-certified residential real estate appraiser," 67936
"state-certified general real estate appraiser," and 67937
"state-registered real estate appraiser assistant" shall be used 67938
to refer only to those persons who have been issued the applicable 67939
certificate, registration, or license or renewal certificate, 67940
registration, or license pursuant to this chapter. None of these 67941
terms shall be used following or in connection with the name or 67942
signature of a partnership, corporation, or association or in a 67943
manner that could be interpreted as referring to a person other 67944
than the person to whom the certificate, registration, or license 67945
has been issued. No person shall fail to comply with this 67946
division. 67947

(C) No person, other than a certificate holder, a registrant, 67948
or a licensee, shall assume or use a title, designation, or 67949
abbreviation that is likely to create the impression that the 67950
person possesses certification, registration, or licensure under 67951
this chapter, provided that professional designations containing 67952
the term "certified appraiser" and being used on or before July 67953
26, 1989, shall not be construed as being misleading under this 67954
division. No person other than a person certified or licensed 67955
under this chapter shall describe or refer to an appraisal or 67956
other evaluation of real estate located in this state as being 67957
certified. 67958

(D) The terms "state-certified or state-licensed real estate 67959
appraisal report," "state-certified or state-licensed appraisal 67960
report," or "state-certified or state-licensed appraisal" shall be 67961
used to refer only to those real estate appraisals conducted by a 67962
certificate holder or licensee as a disinterested and unbiased 67963
third party provided that the certificate holder or licensee 67964
provides certification with the appraisal and provided further 67965
that if a licensee is providing the appraisal, such terms shall 67966
only be used if the licensee is acting within the scope of the 67967

licensee's license. No person shall fail to comply with this 67968
division. 67969

(E) Nothing in this chapter shall preclude a partnership, 67970
corporation, or association which employs ~~or~~, retains, or engages 67971
the services of a certificate holder or licensee to advertise that 67972
the partnership, corporation, or association offers 67973
state-certified or state-licensed appraisals through a certificate 67974
holder or licensee if the advertisement clearly states such fact 67975
in accordance with guidelines for such advertisements established 67976
by rule of the real estate appraiser board. 67977
67978

(F) Except as otherwise provided in section 4763.19 of the 67979
Revised Code, nothing in this chapter shall preclude a person who 67980
is not licensed or certified under this chapter from appraising 67981
real estate for compensation. 67982

Sec. 4763.14. A person licensed, registered, or certified 67983
under this chapter shall retain for a period of five years the 67984
original or a true copy of each written contract for the person's 67985
services relating to real estate appraisal work and, all appraisal 67986
reports, and all work file documentation and ~~supporting~~ data 67987
assembled ~~and formulated by the person~~ in preparing those reports. 67988
The retention period begins on the date the appraisal is submitted 67989
to the client unless, prior to expiration of the retention period, 67990
the certificate holder, registrant, or licensee is notified that 67991
the appraisal or report is the subject of or is otherwise involved 67992
in pending litigation, in which case the retention period begins 67993
on the date of final disposition of the litigation. 67994

A certificate holder, registrant, and a licensee shall make 67995
available all records required to be maintained under this section 67996
for inspection and copying by the superintendent of real estate or 67997
the real estate appraiser board, or both, upon reasonable notice 67998

to the certificate holder, registrant, or licensee. 67999

Sec. 4763.17. Every partnership, corporation, or association 68000
which employs ~~or~~, retains, or engages the services of a person 68001
licensed, registered, or certified under this chapter, whether the 68002
certificate holder, registrant, or licensee is an independent 68003
contractor or under the supervision or control of the partnership, 68004
corporation, or association, is jointly and severally liable for 68005
any damages incurred by any person as a result of an act or 68006
omission concerning a state-certified or state-licensed real 68007
estate appraisal prepared or facilitated in the preparation by a 68008
certificate holder, registrant, or licensee while employed ~~or~~, 68009
retained, or engaged by the partnership, corporation, or 68010
association. 68011

Sec. 4766.09. This chapter does not apply to any of the 68012
following: 68013

(A) A person rendering services with an ambulance in the 68014
event of a disaster situation when licensees' vehicles based in 68015
the locality of the disaster situation are incapacitated or 68016
insufficient in number to render the services needed; 68017

(B) Any person operating an ambulance, ambulette, rotorcraft 68018
air ambulance, or fixed wing air ambulance outside this state 68019
unless receiving a person within this state for transport to a 68020
location within this state; 68021

(C) A publicly owned or operated emergency medical service 68022
organization and the vehicles it owns or leases and operates, 68023
except as provided in section 307.051, division (G) of section 68024
307.055, division (F) of section 505.37, division (B) of section 68025
505.375, and division (B)(3) of section 505.72 of the Revised 68026
Code; 68027

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 68028

wing air ambulance, or nontransport vehicle owned or leased and operated by the federal government;	68029 68030
(E) A publicly owned and operated fire department vehicle;	68031
(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation;	68032 68033 68034
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	68035 68036 68037
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	68038 68039 68040
(I) A public emergency medical service organization;	68041
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	68042 68043 68044 68045
(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;	68046 68047 68048
(L) Emergency medical service personnel who are regulated by the state board of emergency medical services under Chapter 4765. of the Revised Code;	68049 68050 68051
(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulance services that are reimbursed under the state medicaid plan:	68052 68053 68054 68055
(1) A public nonemergency medical service organization;	68056
(2) An urban or rural public transit system;	68057

(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code. 68058
68059

(N)(1) An entity ~~or vehicle owned by an entity that, to the extent it provides ambulette services, if the entity meets all of the following conditions:~~ 68060
68061
68062

(a) The entity is certified by the department of aging or the department's designee ~~under in accordance with~~ section 173.391 of the Revised Code ~~and or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code.~~ 68063
68064
68065
68066
68067

(b) The entity meets the requirements of section 4766.14 of the Revised Code, ~~unless the entity or.~~ 68068
68069

(c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan. 68070
68071

(2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions: 68072
68073

(a) The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section. 68074
68075

(b) The vehicle ~~provides~~ does not provide ambulette services that are reimbursed under the state medicaid plan~~+~~. 68076
68077

(O) A vehicle that meets both of the following criteria, unless the vehicle provides services that are reimbursed under the state medicaid plan: 68078
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68080

(1) The vehicle was purchased with funds from a grant made by the United States secretary of transportation under 49 U.S.C. 5310; 68081
68082
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(2) The department of transportation holds a lien on the vehicle. 68084
68085

Sec. 4767.05. (A) There is hereby created the Ohio cemetery 68086

dispute resolution commission, which shall consist of nine members 68087
to be appointed by the governor with the advice and consent of the 68088
senate as follows: 68089

(1) One member shall be the management authority of a 68090
municipal, township, or union cemetery and shall be selected from 68091
a list of four names submitted to the governor. Two of the four 68092
names shall be submitted by the Ohio township association and two 68093
names shall be submitted by the Ohio municipal league. 68094

(2) Four members shall be individuals employed in a 68095
management position by a cemetery company or cemetery association. 68096
Two of the four members shall be selected from a list of four 68097
names submitted to the governor by the Ohio association of 68098
cemeteries and two shall be selected from a list of four names 68099
submitted by the Ohio association of cemetery superintendents and 68100
officials. 68101

(3) Two members shall be employed in a management position by 68102
a cemetery that is owned or operated by a religious, fraternal, or 68103
benevolent society and shall be selected from a list of four names 68104
submitted by the Ohio association of cemetery superintendents and 68105
officials. 68106

(4) Two members, at least one of whom shall be at least 68107
sixty-five years of age, shall be representatives of the public 68108
with no financial interest in the death care industry. 68109

Each member of the commission, except for the two members who 68110
represent the public, shall, at the time of appointment, have had 68111
a minimum of five consecutive years of experience in the active 68112
administration and management of a cemetery in this state. 68113

(B) Within ninety days after the effective date of this 68114
section, the governor shall make initial appointments to the 68115
commission. Of the initial appointments, two shall be for terms 68116
ending one year after the effective date of this section, two 68117

shall be for terms ending two years after that date, two shall be 68118
for terms ending three years after that date, and three shall be 68119
for terms ending four years after that date. Thereafter, terms of 68120
office shall be for four years, with each term ending on the same 68121
day of the same month as did the term that it succeeds. Each 68122
member shall hold office from the date of appointment until the 68123
end of the term for which the member was appointed. Vacancies 68124
shall be filled in the manner provided for original appointments, 68125
with each appointee, other than a representative of the public, 68126
being appointed from a list of two names submitted to the governor 68127
by the association or organization that was required to nominate 68128
candidates for initial appointment to the position that has become 68129
vacant. Any member appointed to fill a vacancy occurring prior to 68130
the expiration date of the term for which the member's predecessor 68131
was appointed shall hold office for the remainder of that term. A 68132
member shall continue in office subsequent to the expiration date 68133
of the member's term until the member's successor takes office or 68134
until a period of sixty days has elapsed, whichever occurs first. 68135
No person shall serve as a member of the commission for more than 68136
two consecutive terms, excluding any term served to fill an 68137
initial appointment to a term of less than four years or an 68138
unexpired term caused by a vacancy. 68139

(C) The commission annually shall elect from among its 68140
members a chairperson, vice-chairperson, and secretary, each of 68141
whom shall serve a term of one year in that office. The commission 68142
shall meet at least four times a year. Additional meetings may be 68143
called by the chairperson, or by the vice-chairperson when the 68144
chairperson is disabled, or by a majority of the members of the 68145
commission. A majority of the members constitutes a quorum to 68146
transact and vote on business of the commission. 68147

The chairperson or vice-chairperson may: 68148

(1) Administer oaths; 68149

(2) Issue subpoenas;	68150
(3) Summon witnesses;	68151
(4) Compel the production of books, papers, records, and other forms of evidence;	68152 68153
(5) Fix the time and place for hearing any matter related to compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 4735.02, 4735.22 , and 4767.02 of the Revised Code.	68154 68155 68156
The chairperson shall designate three members of the commission to serve on the crematory review board in accordance with section 4717.03 of the Revised Code for such time as the chairperson finds appropriate. Members designated to serve on the crematory review board shall perform all functions necessary to carry out the duties of the board as described in section 4717.03 of the Revised Code. Members who serve on the crematory review board shall receive no compensation for such service.	68157 68158 68159 68160 68161 68162 68163 68164
(D) Before entering upon the duties of office, each member of the commission shall take the oath pursuant to section 3.22 of the Revised Code. The governor may remove any member for misconduct, neglect of duty, incapacity, or malfeasance in accordance with section 3.04 of the Revised Code.	68165 68166 68167 68168 68169
(E) Members of the commission shall receive no compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the commission.	68170 68171 68172 68173
(F) The division of real estate in the department of commerce shall provide the commission with meeting space, staff services, and other technical assistance required by the commission in carrying out its duties pursuant to sections 4767.05 to 4767.08 of the Revised Code.	68174 68175 68176 68177 68178
Sec. 4767.07. (A) Any person may file a complaint regarding	68179

the activity, practice, policy, or procedure of, or regarding an 68180
alleged violation of section 1721.19, 1721.20, 1721.21, 1721.211, 68181
4735.02, ~~4735.22~~, or 4767.02 of the Revised Code by, any person 68182
operating or maintaining a cemetery registered pursuant to section 68183
4767.03 of the Revised Code that adversely affects or may 68184
adversely affect the interest of an owner or family member of the 68185
owner of a cemetery lot or burial, entombment, or columbarium 68186
right. All complaints shall be in writing and submitted to the 68187
division of real estate in the department of commerce on forms 68188
provided by the division. 68189

(B) With respect to complaints filed pursuant to division (A) 68190
of this section, the division of real estate shall do all of the 68191
following: 68192

(1) Acknowledge receipt of the complaint by sending written 68193
notice to the person who filed the complaint not more than twenty 68194
days after receipt of the complaint; 68195

(2) Send written notice of the complaint within seven days 68196
after receipt of the complaint to the person responsible for the 68197
operation and maintenance of the cemetery that is the subject of 68198
the complaint; 68199

(3) Before taking further action, allow the owner or the 68200
person responsible for the operation and maintenance of the 68201
cemetery that is the subject of a complaint thirty days after the 68202
date the division sends notice of the complaint to respond to the 68203
division with respect to the complaint. 68204

(C) The cemetery dispute resolution commission shall hear 68205
each complaint filed pursuant to division (A) of this section 68206
within one hundred eighty days after its filing, unless it has 68207
been resolved by the parties to the complaint. 68208

Sec. 4767.08. (A) The Ohio cemetery dispute resolution 68209

commission, on its own motion or as a result of a complaint 68210
received pursuant to section 4767.07 of the Revised Code and with 68211
good cause shown, shall investigate or cause to be investigated 68212
alleged violations of sections 1721.19, 1721.20, 1721.21, 68213
1721.211, 4735.02, ~~4735.22, and 4767.03~~ 4767.02, and 4767.03 of 68214
the Revised Code. If the commission or the superintendent of the 68215
division of real estate in the department of commerce believes 68216
that a violation has occurred, the commission or superintendent 68217
shall do all of the following: 68218

(1) Review the financial records of the cemetery to ensure 68219
compliance with sections 1721.21 and 1721.211 of the Revised Code; 68220

(2) Request the prosecuting attorney of the county in which 68221
the alleged violation occurred to initiate such proceedings as are 68222
appropriate. 68223

(B) If, as a result of an investigation, the commission or 68224
the superintendent believes that a person has violated Chapter 68225
1345. of the Revised Code, the commission or superintendent shall 68226
report the findings to the attorney general. 68227

(C) The commission, at any time, may dismiss a complaint if 68228
it determines there is not good cause shown for the complaint. If 68229
the commission dismisses a complaint, it shall notify the person 68230
who filed the complaint within twenty days of reaching its 68231
decision and identify the reason why the complaint was dismissed. 68232

(D) When necessary for the division of real estate to perform 68233
the duties required by sections 4767.07 and 4767.08 of the Revised 68234
Code, the superintendent of the division, after consultation with 68235
at least a majority of the members of the cemetery dispute 68236
resolution commission, may issue subpoenas and compel the 68237
production of books, papers, records, and other forms of evidence. 68238

Sec. 4776.01. As used in this chapter: 68239

(A) "License" means any of the following:	68240
(1) An authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency described in division (C)(1) of this section to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.	68241 68242 68243 68244 68245 68246 68247 68248 68249
(2) An authorization evidenced by a license or certificate that is issued by a licensing agency described in division (C)(2) of this section pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing agency has jurisdiction.	68250 68251 68252 68253 68254 68255 68256 68257
(B) "Licensee" means the person to whom the license is issued by a licensing agency.	68258 68259
(C) "Licensing agency" means any of the following:	68260
(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.	68261 68262 68263 68264 68265 68266
(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.	68267 68268 68269
(D) "Applicant for an initial license" includes persons	68270

seeking a license for the first time and persons seeking a license 68271
by reciprocity, endorsement, or similar manner of a license issued 68272
in another state. 68273

(E) "Applicant for a restored license" includes persons 68274
seeking restoration of a certificate under section 4730.14, 68275
4731.281, 4760.06, or 4762.06 of the Revised Code. 68276

(F) "Criminal records check" has the same meaning as in 68277
division ~~(E)~~(F) of section 109.572 of the Revised Code. 68278

Sec. 4776.02. (A) An applicant for an initial license or 68279
restored license from a licensing agency, or a person seeking to 68280
satisfy the criteria for being a qualified pharmacy technician 68281
that are specified in section 4729.42 of the Revised Code, shall 68282
submit a request to the bureau of criminal identification and 68283
investigation for a criminal records check of the applicant or 68284
person. The request shall be accompanied by a completed copy of 68285
the form prescribed under division (C)(1) of section 109.572 of 68286
the Revised Code, a set of fingerprint impressions obtained as 68287
described in division (C)(2) of that section, and the fee 68288
prescribed under division (C)(3) of that section. The applicant or 68289
person shall ask the superintendent of the bureau of criminal 68290
identification and investigation in the request to obtain from the 68291
federal bureau of investigation any information it has pertaining 68292
to the applicant or person. 68293

An applicant or person requesting a criminal records check 68294
shall provide the bureau of criminal identification and 68295
investigation with the applicant's or person's name and address 68296
and, regarding an applicant, with the licensing agency's name and 68297
address. 68298

(B) Upon receipt of the completed form, the set of 68299
fingerprint impressions, and the fee provided for in division (A) 68300
of this section, the superintendent of the bureau of criminal 68301

identification and investigation shall conduct a criminal records 68302
check of the applicant or person under division (B) of section 68303
109.572 of the Revised Code. Upon completion of the criminal 68304
records check, the superintendent shall do whichever of the 68305
following is applicable: 68306

(1) If the request was submitted by an applicant for an 68307
initial license or restored license, report the results of the 68308
criminal records check and any information the federal bureau of 68309
investigation provides to the licensing agency identified in the 68310
request for a criminal records check; 68311

(2) If the request was submitted by a person seeking to 68312
satisfy the criteria for being a qualified pharmacy technician 68313
that are specified in section 4729.42 of the Revised Code, do both 68314
of the following: 68315

(a) Report the results of the criminal records check and any 68316
information the federal bureau of investigation provides to the 68317
person who submitted the request; 68318

(b) Report the results of the portion of the criminal records 68319
check performed by the bureau of criminal identification and 68320
investigation under division (B)(1) of section 109.572 of the 68321
Revised Code to the employer or potential employer specified in 68322
the request of the person who submitted the request and send a 68323
letter to that employer or potential employer regarding the 68324
information provided by the federal bureau of investigation that 68325
states either that based on that information there is no record of 68326
any conviction or that based on that information the person who 68327
submitted the request may not meet the criteria that are specified 68328
in section ~~4729.02~~ 4729.42 of the Revised Code, whichever is 68329
applicable. 68330

Sec. 4781.01. As used in this chapter: 68331

(A) "Industrialized unit" has the same meaning as in division 68332
(C)(3) of section 3781.06 of the Revised Code. 68333

(B) "Installation" means any of the following: 68334

(1) The temporary or permanent construction of stabilization, 68335
support, and anchoring systems for manufactured housing; 68336

(2) The placement and erection of a manufactured housing unit 68337
or components of a unit on a structural support system; 68338

(3) The supporting, blocking, leveling, securing, anchoring, 68339
underpinning, or adjusting of any section or component of a 68340
manufactured housing unit; 68341

(4) The joining or connecting of all sections or components 68342
of a manufactured housing unit. 68343

(C) "Manufactured home" has the same meaning as in division 68344
(C)(4) of section 3781.06 of the Revised Code. 68345

(D) "Manufactured home park" has the same meaning as in 68346
division (A) of section 3733.01 of the Revised Code. 68347

(E) "Manufactured housing" means manufactured homes and 68348
mobile homes. 68349

(F) "Manufactured housing installer" means an individual who 68350
installs manufactured housing. 68351

(G) "Mobile home" has the same meaning as in division (O) of 68352
section 4501.01 of the Revised Code. 68353

(H) "Model standards" means the federal manufactured home 68354
installation standards established pursuant to 42 U.S.C. 5404. 68355

(I) "Permanent foundation" has the same meaning as in 68356
division (C)(5) of section 3781.06 of the Revised Code. 68357

(J) "Business" includes any activities engaged in by any 68358
person for the object of gain, benefit, or advantage either direct 68359
or indirect. 68360

(K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence. 68361
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(L) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business. 68366
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(M) "Manufactured home park operator" has the same meaning as "operator" in section 3733.01 of the Revised Code. 68373
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(N) "Manufactured housing broker" means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of the Revised Code. 68375
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(O) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes. 68379
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(P) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes. 68382
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(O) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for use as a residence. 68384
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(R) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable 68388
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consideration, but does not mean any public officer performing
official duties. 68392
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(S) "Ultimate purchaser" means, with respect to any new
manufactured home, the first person, other than a manufactured
housing dealer purchasing in the capacity of a manufactured
housing dealer, who purchases such new manufactured home for
purposes other than resale. 68394
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Sec. 4781.02. (A) There is hereby created the manufactured 68399
homes commission which consists of nine members, with three 68400
members appointed by the governor, three members appointed by the 68401
president of the senate, and three members appointed by the 68402
speaker of the house of representatives. 68403

(B)(1) Commission members shall be residents of this state, 68404
except for members appointed pursuant to divisions (B)(3)(b) and 68405
(B)(4)(a) of this section. Members shall be selected from a list 68406
of persons the Ohio manufactured homes association, or any 68407
successor entity, recommends, except for appointments made 68408
pursuant to division (B)(2) of this section. 68409

(2) The governor shall appoint the following members: 68410

(a) One member to represent the board of building standards, 68411
who may be a member of the board or a board employee not in the 68412
classified civil service, with an initial term ending December 31, 68413
2007; 68414

(b) One member to represent the department of health, who may 68415
be a department employee not in the classified civil service, with 68416
an initial term ending December 31, 2005; 68417

(c) One member whose primary residence is a manufactured 68418
home, with an initial term ending December 31, 2006. 68419

(3) The president of the senate shall appoint the following 68420
members: 68421

(a) Two members who are manufactured housing installers who 68422
have been actively engaged in the installation of manufactured 68423
housing for the five years immediately prior to appointment, with 68424
the initial term of one installer ending December 31, 2007, and 68425
the initial term of the other installer ending December 31, 2005. 68426

(b) One member who manufactures manufactured homes in this 68427
state or who manufactures manufactured homes in another state and 68428
ships homes into this state, to represent manufactured home 68429
manufacturers, with an initial term ending December 31, 2006. 68430

(4) The speaker of the house of representatives shall appoint 68431
the following members: 68432

(a) One member who operates a manufactured or mobile home 68433
retail business in this state to represent manufactured ~~and mobile~~ 68434
~~home retailers~~ housing dealers, with an initial term ending 68435
December 31, 2007; 68436

(b) One member who is a manufactured home park operator or is 68437
employed by an operator, with an initial term ending December 31, 68438
2005; 68439

(c) One member to represent the Ohio manufactured home 68440
association, or any successor entity, who may be the president or 68441
executive director of the association or the successor entity, 68442
with an initial term ending December 31, 2006. 68443

(C)(1) After the initial term, each term of office is for 68444
four years ending on the thirty-first day of December. A member 68445
holds office from the date of appointment until the end of the 68446
term. No member may serve more than two consecutive four-year 68447
terms. 68448

(2) Any member appointed to fill a vacancy that occurs prior 68449
to the expiration of a term continues in office for the remainder 68450
of that term. Any member continues in office subsequent to the 68451
expiration date of the term until the member's successor takes 68452

office or until sixty days have elapsed, which ever occurs first. 68453

(3) A vacancy on the commission does not impair the authority 68454
of the remaining members to exercise all of the commission's 68455
powers. 68456

(D)(1) The governor may remove any member from office for 68457
incompetence, neglect of duty, misfeasance, nonfeasance, 68458
malfeasance, or unprofessional conduct in office. 68459

(2) Vacancies shall be filled in the manner of the original 68460
appointment. 68461

Sec. 4781.04. (A) The manufactured homes commission shall 68462
adopt rules pursuant to Chapter 119. of the Revised Code to do all 68463
of the following: 68464

(1) Establish uniform standards that govern the installation 68465
of manufactured housing. Not later than one hundred eighty days 68466
after the secretary of the United States department of housing and 68467
urban development adopts model standards for the installation of 68468
manufactured housing or amends those standards, the commission 68469
shall amend its standards as necessary to be consistent with, and 68470
not less stringent than, the model standards for the design and 68471
installation of manufactured housing the secretary adopts or any 68472
manufacturers' standards that the secretary determines are equal 68473
to or not less stringent than the model standards. 68474

(2) Govern the inspection of the installation of manufactured 68475
housing. The rules shall specify that the ~~department of health or~~ 68476
~~a licenser, as determined by the director of health, commission,~~ 68477
any building department or personnel of any department, any 68478
licenser or personnel of any licenser, or any private third party, 68479
certified pursuant to section 4781.07 of the Revised Code shall 68480
conduct all inspections of the installation of manufactured 68481
housing located in manufactured home parks to determine compliance 68482

with the uniform installation standards the commission establishes 68483
pursuant to this section. ~~The rules shall specify that all~~ 68484
~~installation inspections in a manufactured home park the~~ 68485
~~department of health or the licensor conducts shall be conducted~~ 68486
~~by a person who has completed an installation training course~~ 68487
~~approved by the commission pursuant to division (B) of section~~ 68488
~~4781.04 of the Revised Code.~~ 68489

As used in division (A)(2) of this section, "licensor" has 68490
the same meaning as in section 3733.01 of the Revised Code. 68491

(3) Govern the design, construction, installation, approval, 68492
and inspection of foundations and the base support systems for 68493
manufactured housing. The rules shall specify that the ~~department~~ 68494
~~of health or the licensor, as determined by the director of~~ 68495
~~health, commission, any building department or personnel of any~~ 68496
~~department, any licensor or personnel of any licensor, or any~~ 68497
~~private third party, certified pursuant to section 4781.07 of the~~ 68498
~~Revised Code~~ shall conduct all inspections of the installation, 68499
foundations, and base support systems of manufactured housing 68500
located in manufactured home parks to determine compliance with 68501
the uniform installation standards and foundation and base support 68502
system design the commission establishes pursuant to this section. 68503
~~The rules shall specify that all foundation and base support~~ 68504
~~system inspections in a manufactured home park the department of~~ 68505
~~health or the licensor conducts shall be conducted by a person who~~ 68506
~~has completed an installation training course approved by the~~ 68507
~~commission pursuant to division (B) of section 4781.04 of the~~ 68508
~~Revised Code.~~ 68509

As used in division (A)(3) of this section, "licensor" has 68510
the same meaning as in section 3733.01 of the Revised Code. 68511

(4) Govern the training, experience, and education 68512
requirements for manufactured housing installers, manufactured 68513
housing dealers, manufactured housing brokers, and manufactured 68514

<u>housing salespersons;</u>	68515
(5) Establish a code of ethics for manufactured housing installers;	68516 68517
(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	68518 68519
(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;	68520 68521 68522 68523
(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;	68524 68525
(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, <u>licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson;</u>	68526 68527 68528 68529 68530 68531
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, retailers <u>manufactured housing dealers</u> , and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and	68532 68533 68534 68535 68536 68537 68538 68539 68540 68541 68542 68543 68544 68545

delivers to the program within ten business days after the 68546
decision is issued. 68547

(11) Establish the requirements and procedures for the 68548
certification of building departments and building department 68549
personnel pursuant to section 4781.07 of the Revised Code; 68550

(12) Establish fees to be charged to building departments and 68551
building department personnel applying for certification and 68552
renewal of certification pursuant to section 4781.07 of the 68553
Revised Code; 68554

(13) Carry out any other provision of this chapter. 68555

(B) The manufactured homes commission shall do all of the 68556
following: 68557

(1) Prepare and administer a licensure examination to 68558
determine an applicant's knowledge of manufactured housing 68559
installation and other aspects of installation the commission 68560
determines appropriate; 68561

(2) Select, provide, or procure appropriate examination 68562
questions and answers for the licensure examination and establish 68563
the criteria for successful completion of the examination; 68564

(3) Prepare and distribute any application form this chapter 68565
requires; 68566

(4) Receive applications for licenses and renewal of licenses 68567
and issue licenses to qualified applicants; 68568

(5) Establish procedures for processing, approving, and 68569
disapproving applications for licensure; 68570

(6) Retain records of applications for licensure, including 68571
all application materials submitted and a written record of the 68572
action taken on each application; 68573

(7) Review the design and plans for manufactured housing 68574
installations, foundations, and support systems; 68575

(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;

(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson;

(10) Determine appropriate disciplinary actions for violations of this chapter;

(11) Conduct audits and inquiries of manufactured housing installers, manufactured housing dealers, and manufactured housing brokers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, dealer, or broker during normal business hours.

(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;

(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.

Sec. 4781.05. The executive director of the manufactured homes commission shall do all of the following:

(A) With commission approval, secure and manage office space, supplies, and the professional and clerical staff necessary to effectively perform the executive director's and commission's duties;

(B) Pursuant to rules the commission adopts, review applications for manufactured housing installer licenses,

manufactured housing dealer licenses, manufactured housing broker licenses, and manufactured housing salesperson licenses and on behalf of the commission, issue licenses to qualified persons; 68606
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(C) Administer the dispute resolution program the commission develops if the commission does not contract with the Ohio manufactured homes association or another entity to administer the program; 68609
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(D) Administer any continuing education program the commission develops; 68613
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(E) Collect fees the commission establishes; 68615

(F) Except as provided in divisions (A)(2) and (3) of section 4781.04 of the Revised Code, employ installation inspectors and investigators to serve at the executive director's pleasure to assist in carrying out the executive director's duties under this chapter or the duties the commission delegates to the executive director; 68616
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(G) Serve as secretary of the commission and maintain a written record of the commission's meetings and proceedings; 68622
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(H) Notify manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons of changes in this chapter and the rules adopted pursuant to it; 68624
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(I) Do all things the commission requests or delegates for the administration and enforcement of this chapter. 68628
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Sec. 4781.06. (A) The manufactured homes commission may delegate to the executive director any of its duties set forth in division (B) of section 4781.04 of the Revised Code. 68630
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(B) The commission may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of 68633
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the Revised Code. The contract shall specify the terms for the 68636
administration of the program. 68637

(C)(1) The commission may enter into a contract with any 68638
private third party, municipal corporation, township, county, 68639
state agency, or the Ohio manufactured homes association, or any 68640
successor entity, to perform any of the commission's functions set 68641
forth in division (B) of section 4781.04 of the Revised Code that 68642
the commission has not delegated to the executive director. Each 68643
contract shall specify the compensation to be paid to the private 68644
third party, municipal corporation, township, county, state 68645
agency, or the Ohio manufactured homes association, or successor 68646
entity, for the performance of the commission's functions. 68647

(2) Except as provided in this division, the commission shall 68648
not enter into any contract with any person or building department 68649
to accept and approve plans and specifications or to inspect 68650
manufactured housing foundations and the installation of 68651
manufactured housing unless that person or building department is 68652
certified pursuant to section 4781.07 of the Revised Code. The 68653
commission shall ~~not~~ require inspectors the Ohio department of 68654
health employs to obtain certification pursuant to section 4781.07 68655
of the Revised Code, ~~but shall require inspectors to complete an~~ 68656
~~installation training course approved by the commission pursuant~~ 68657
~~to division (B) of section 4781.04 of the Revised Code.~~ 68658

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 68659
commission adopts, the commission may certify municipal, township, 68660
and county building departments and the personnel of those 68661
departments, licensors as defined in section 3733.01 of the 68662
Revised Code and the personnel of those licensors, or any private 68663
third party, to exercise the commission's enforcement authority, 68664
accept and approve plans and specifications for foundations, 68665
support systems and installations, and inspect manufactured 68666

housing foundations, support systems, and manufactured housing 68667
installations. Any certification is effective for three years. 68668

(B) Following an investigation and finding of facts that 68669
support its action, the commission may revoke or suspend 68670
certification. The commission may initiate an investigation on its 68671
own motion or the petition of a person affected by the enforcement 68672
or approval of plans. 68673

Sec. 4781.16. (A) Except as provided in division (E) of this 68674
section, no person shall do any of the following: 68675

(1) Engage in the business of displaying or selling at retail 68676
manufactured homes or mobile homes or assume to engage in that 68677
business, unless the person is licensed as a manufactured housing 68678
dealer under this chapter, or is a salesperson licensed under this 68679
chapter and employed by a licensed manufactured housing dealer; 68680

(2) Make more than five casual sales of manufactured homes or 68681
mobile homes in a twelve-month period without obtaining a license 68682
as a manufactured housing dealer under this chapter; 68683

(3) Engage in the business of brokering manufactured homes 68684
unless that person is licensed as a manufactured housing broker 68685
under this chapter. 68686

(B)(1) Except as provided in this division, no manufactured 68687
housing dealer shall sell, display, offer for sale, or deal in 68688
manufactured homes or mobile homes at any place except an 68689
established place of business that is used exclusively for the 68690
purpose of selling, displaying, offering for sale, or dealing in 68691
manufactured homes or mobile homes. 68692

(2) No manufactured housing broker shall engage in the 68693
business of brokering manufactured or mobile homes at any place 68694
except an established place of business that is used exclusively 68695
for the purpose of brokering manufactured and mobile homes. 68696

(3) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in manufactured or mobile homes even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business. 68697
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(4) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply: 68704
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(a) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose even though rent and other activities related to the operation of the manufactured home park take place at the same location or office. 68706
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(b) The dealer's established place of business in the manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer with or without an appointment, but such established place of business need not satisfy office size, display lot size, and physical barrier requirements applicable to other used motor vehicle dealers. 68713
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(c) The manufactured and mobile homes being offered for sale, lease, or rental by the dealer may be located on individual rental lots inside the operator's manufactured home park. 68720
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(C) Nothing in this chapter shall be construed as prohibiting the sale of a new or used manufactured or mobile home located in a manufactured home park by a licensed manufactured housing dealer. 68723
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(D) Nothing in this section shall be construed to prohibit persons licensed under this chapter from making sales calls. 68726
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(E)(1) This chapter does not apply to mortgagees selling at retail only those manufactured homes or mobile homes that have come into their possession by a default in the terms of a mortgage contract. 68728
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(2) When a partnership licensed under this chapter is dissolved by death, the surviving partners may operate under the manufactured housing dealer license for a period of sixty days, and the heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy. 68732
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Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the manufactured homes commission, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the commission and accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following: 68740
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(1) Name of applicant and location of principal place of business; 68750
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(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation; 68752
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(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 68754
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(4) The county in which the business is to be conducted and the address of each place of business therein; 68756
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(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the commission the reputation in business of the applicant; 68758
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(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended; 68762
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(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended; 68770
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(8) Any other information required by the commission. 68778

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission before the first day of July an application for license. The application shall be in the form prescribed by the commission and shall be accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following: 68779
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(1) Name and post-office address of the applicant; 68786

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant 68787
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<u>intends to act as salesperson;</u>	68789
<u>(3) A statement of the applicant's previous history, record,</u>	68790
<u>and association, that is sufficient to establish to the</u>	68791
<u>satisfaction of the commission the applicant's reputation in</u>	68792
<u>business;</u>	68793
<u>(4) A statement as to whether the applicant intends to engage</u>	68794
<u>in any occupation or business other than that of a manufactured</u>	68795
<u>housing salesperson;</u>	68796
<u>(5) A statement as to whether the applicant has ever had any</u>	68797
<u>previous application for a manufactured housing salesperson</u>	68798
<u>license refused or, prior to July 1, 2010, any application for a</u>	68799
<u>motor vehicle salesperson license refused, and whether the</u>	68800
<u>applicant has previously had a manufactured housing salesperson or</u>	68801
<u>motor vehicle salesperson license revoked or suspended;</u>	68802
<u>(6) A statement as to whether the applicant was an employee</u>	68803
<u>of or salesperson for a manufactured housing dealer or</u>	68804
<u>manufactured housing broker whose license was suspended or</u>	68805
<u>revoked;</u>	68806
<u>(7) A statement of the manufactured housing dealer or</u>	68807
<u>manufactured housing broker named therein, designating the</u>	68808
<u>applicant as the dealer's or broker's salesperson;</u>	68809
<u>(8) Any other information required by the commission.</u>	68810
<u>(C) Any application for a manufactured housing dealer or</u>	68811
<u>manufactured housing broker delivered to the commission under this</u>	68812
<u>section also shall be accompanied by a photograph, as prescribed</u>	68813
<u>by the commission, of each place of business operated, or to be</u>	68814
<u>operated, by the applicant.</u>	68815
<u>(D) The manufactured homes commission shall deposit all</u>	68816
<u>license fees into the state treasury to the credit of the</u>	68817
<u>occupational licensing and regulatory fund.</u>	68818

Sec. 4781.18. (A) The manufactured homes commission shall 68819
deny the application of any person for a license as a manufactured 68820
housing dealer or manufactured housing broker and refuse to issue 68821
the license if the commission finds that any of the following is 68822
true of the applicant: 68823

(1) The applicant has made any false statement of a material 68824
fact in the application. 68825

(2) The applicant has not complied with this chapter or the 68826
rules adopted by the commission under this chapter. 68827

(3) The applicant is of bad business repute or has habitually 68828
defaulted on financial obligations. 68829

(4) The applicant has been guilty of a fraudulent act in 68830
connection with selling or otherwise dealing in manufactured 68831
housing or in connection with brokering manufactured housing. 68832

(5) The applicant has entered into or is about to enter into 68833
a contract or agreement with a manufacturer or distributor of 68834
manufactured homes that is contrary to the requirements of this 68835
chapter. 68836

(6) The applicant is insolvent. 68837

(7) The applicant is of insufficient responsibility to ensure 68838
the prompt payment of any final judgments that might reasonably be 68839
entered against the applicant because of the transaction of 68840
business as a manufactured housing dealer or manufactured housing 68841
broker during the period of the license applied for, or has failed 68842
to satisfy any such judgment. 68843

(8) The applicant has no established place of business that, 68844
where applicable, is used or will be used for the purpose of 68845
selling, displaying, offering for sale or dealing in manufactured 68846
housing at the location for which application is made. 68847

(9) Within less than twelve months prior to making 68848

application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked. 68849
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(B) The commission shall deny the application of any person for a license as a salesperson and refuse to issue the license if the commission finds that any of the following is true of the applicant: 68852
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(1) The applicant has made any false statement of a material fact in the application. 68856
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(2) The applicant has not complied with this chapter or the rules adopted by the commission under this chapter. 68858
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(3) The applicant is of bad business repute or has habitually defaulted on financial obligations. 68860
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(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing. 68862
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(5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under this chapter, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located. 68865
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(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 68873
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(7) Within less than twelve months prior to making 68878

application, the applicant has been denied a salesperson's license 68879
or had a salesperson's license revoked. 68880

(8) The applicant was salesperson for, or in the employ of, a 68881
manufactured housing dealer or manufactured housing broker at the 68882
time the dealer's or broker's license was revoked. 68883

(C) If an applicant for a manufactured housing dealer or 68884
manufactured housing broker's license is a corporation or 68885
partnership, the commission may refuse to issue a license if any 68886
officer, director, or partner of the applicant has been guilty of 68887
any act or omission that would be cause for refusing or revoking a 68888
license issued to such officer, director, or partner as an 68889
individual. The commission's finding may be based upon facts 68890
contained in the application or upon any other information the 68891
commission may have. 68892

(D) Notwithstanding division (A)(4) of this section, the 68893
commission shall not deny the application of any person and refuse 68894
to issue a license if the commission finds that the applicant is 68895
engaged or will engage in the business of selling at retail any 68896
new manufactured homes and demonstrates that the applicant has 68897
posted a bond, surety, or certificate of deposit with the 68898
commission in an amount not less than one hundred thousand dollars 68899
for the protection and benefit of the applicant's customers. 68900

(E) A decision made by the commission under this section may 68901
be based upon any statement contained in the application or upon 68902
any facts within the commission's knowledge. 68903

(F) Immediately upon denying an application for any of the 68904
reasons in this section, the commission shall enter a final order 68905
together with the commission's findings. If the application is 68906
denied by the executive director of the commission under authority 68907
of section 4781.05 of the Revised Code, the executive director 68908
shall enter a final order together with the director's findings 68909

and certify the same to the commission. The commission shall issue 68910
to the applicant a written notice of refusal to grant a license 68911
that shall disclose the reason for refusal. 68912

Sec. 4781.19. (A) At the time the manufactured homes 68913
commission grants the application of any person for a license as a 68914
manufactured housing dealer, manufactured housing broker, or 68915
manufactured housing salesperson, the commission shall issue to 68916
the person a license that includes the name and post-office 68917
address of the person licensed. If a manufactured housing dealer 68918
or manufactured housing broker has more than one place of business 68919
in a county, the dealer or broker shall make application, in such 68920
form as the commission prescribes, for a certified copy of the 68921
license issued to the dealer or broker for each place of business 68922
in the county. 68923

(B) The commission may require each applicant for a 68924
manufactured housing dealer's license, manufactured housing 68925
broker's license, and manufactured housing salesperson's license 68926
issued under this chapter to pay an additional fee, which shall be 68927
used by the commission to pay the costs of obtaining a record of 68928
any arrests and convictions of the applicant from the bureau of 68929
identification and investigation. The amount of the fee shall be 68930
equal to that paid by the commission to obtain such record. 68931

(C) In the event of the loss, mutilation, or destruction of a 68932
manufactured housing dealer's license, manufactured housing 68933
broker's license, or manufactured housing salesperson's license, 68934
any licensee may make application to the commission, in the form 68935
prescribed by the commission, for a duplicate copy thereof and pay 68936
a fee established by the commission. 68937

(D) All manufactured housing dealers' licenses, all 68938
manufactured housing brokers' licenses, and all manufactured 68939
housing salespersons' licenses issued or renewed shall expire 68940

biennially on a day within the two-year cycle that is prescribed 68941
by the manufactured homes commission, unless sooner suspended or 68942
revoked. Before the first day after the day prescribed by the 68943
commission in the year that the license expires, each licensed 68944
manufactured housing dealer, manufactured housing broker, and 68945
manufactured housing salesperson, in the year in which the license 68946
will expire, shall file an application, in such form as the 68947
commission prescribes, for the renewal of such license. The fee 68948
required by this section for the original license shall accompany 68949
the application. 68950

(E) Each manufactured housing dealer and manufactured housing 68951
broker shall keep the license or a certified copy thereof and a 68952
current list of the dealer's or the broker's licensed 68953
salespersons, showing the names, addresses, and serial numbers of 68954
their licenses, posted in a conspicuous place in each place of 68955
business. Each salesperson shall carry the salesperson's license 68956
or a certified copy thereof and shall exhibit such license or copy 68957
upon demand to any inspector of the commission, state highway 68958
patrol trooper, police officer, or person with whom the 68959
salesperson seeks to transact business as a manufactured housing 68960
salesperson. 68961

Sec. 4781.20. The applications for licenses submitted under 68962
section 4781.17 of the Revised Code are not part of the public 68963
records but are confidential information for the use of the 68964
manufactured homes commission. No person shall divulge any 68965
information contained in such applications and acquired by the 68966
person in the person's capacity as an official or employee of the 68967
manufactured homes commission, except in a report to the 68968
commission, or when called upon to testify in any court or 68969
proceeding. 68970

Sec. 4781.21. (A) The manufactured homes commission may make 68971

rules governing its actions relative to the suspension and 68972
revocation of manufactured housing dealers', manufactured housing 68973
brokers', and manufactured housing salespersons' licenses, and 68974
may, upon its own motion, and shall, upon the verified complaint 68975
in writing of any person, investigate the conduct of any licensee 68976
under this chapter. The commission shall suspend, revoke, or 68977
refuse to renew any manufactured housing dealer's, manufactured 68978
housing broker's, or manufactured housing salesperson's license, 68979
if any ground existed upon which the license might have been 68980
refused, or if a ground exists that would be cause for refusal to 68981
issue a license. 68982

The commission may suspend or revoke any license if the 68983
licensee has in any manner violated the rules adopted by the 68984
commission under this chapter, or has been convicted of committing 68985
a felony or violating any law that in any way relates to the 68986
selling, taxing, licensing, or regulation of sales of manufactured 68987
or mobile homes. 68988

(B) Any salesperson's license shall be suspended upon the 68989
termination, suspension, or revocation of the license of the 68990
manufactured housing dealer or manufactured housing broker for 68991
whom the salesperson is acting, or upon the salesperson leaving 68992
the service of the manufactured housing dealer or manufactured 68993
housing broker. Upon the termination, suspension, or revocation of 68994
the license of the manufactured housing dealer or manufactured 68995
housing broker for whom the salesperson is acting, or upon the 68996
salesperson leaving the service of a licensed manufactured housing 68997
or manufactured housing broker, the licensed salesperson may make 68998
application to the commission, in such form as the commission 68999
prescribes, to have the salesperson's license reinstated, 69000
transferred, and registered as a salesperson for another dealer or 69001
broker. If the information contained in the application is 69002
satisfactory to the commission, the commission shall reinstate, 69003

transfer, or register the salesperson's license as a salesperson 69004
for other dealer or broker. The commission shall establish the fee 69005
for the reinstatement and transfer of license. No license issued 69006
to a dealer, broker, or salesperson under this chapter may be 69007
transferred to any other person. 69008

(C) Any person whose manufactured housing dealer's license, 69009
manufactured housing broker's license, or manufactured housing 69010
salesperson's license is revoked, suspended, denied, or not 69011
renewed may request an adjudication hearing on the matter within 69012
thirty days after receipt of the notice of the action. If no 69013
appeal is taken within thirty days after receipt of the order, the 69014
order is final and conclusive. All appeals must be by petition in 69015
writing and verified under oath by the applicant whose application 69016
for license has been revoked, suspended, denied, or not renewed 69017
and must set forth the reason for the appeal and the reason why, 69018
in the petitioner's opinion, the order is not correct. In such 69019
appeals the board may make investigation to determine the 69020
correctness and legality of the appealed order. The hearing shall 69021
be held in accordance with Chapter 119. of the Revised Code. 69022

Sec. 4781.22. No manufactured housing dealer licensed under 69023
this chapter shall do any of the following: 69024

(A) Directly or indirectly, solicit the sale of a 69025
manufactured home or mobile home through an interested person 69026
other than a salesperson licensed in the employ of a licensed 69027
dealer; 69028

(B) Pay any commission or compensation in any form to any 69029
person in connection with the sale of a manufactured home or 69030
mobile home unless the person is licensed as a salesperson in the 69031
employ of the dealer; 69032

(C) Fail to immediately notify the manufactured homes 69033
commission upon termination of the employment of any person 69034

licensed as a salesperson to sell, display, offer for sale, or 69035
deal in manufactured homes or mobile homes for the dealer. 69036

Sec. 4781.23. (A) Each licensed manufactured housing dealer 69037
and manufactured housing broker shall notify the manufactured 69038
homes commission of any change in status as a manufactured housing 69039
dealer or manufactured housing broker during the period for which 69040
the dealer or broker is licensed, if the change of status concerns 69041
either of the following: 69042

(1) Personnel of owners, partners, officers, or directors; 69043

(2) Location of an office or principal place of business. 69044

(B) The notification required by division (A) of this section 69045
shall be made by filing with the commission, within fifteen days 69046
after the change of status, a supplemental statement in a form 69047
prescribed by the commission showing in what respect the status 69048
has been changed. 69049

The commission may adopt a rule exempting from the 69050
notification requirement of division (A)(1) of this section any 69051
dealer if stock in the dealer or its parent company is publicly 69052
traded and if there are public records filed with and in the 69053
possession of state or federal agencies that provide the 69054
information required by division (A)(1) of this section. 69055

Sec. 4781.24. (A) Every retail sale of a manufactured home or 69056
mobile home shall be preceded by a written contract that shall 69057
contain all of the agreements of the parties and shall be signed 69058
by the buyer and the seller. The seller, upon execution of the 69059
contract and before the delivery of the manufactured or mobile 69060
home, shall deliver to the buyer a copy of the contract that shall 69061
clearly describe all of the following: 69062

(1) The home sold to the buyer, including, where applicable, 69063
its vehicle identification number; 69064

<u>(2) The sale price of the home, and, if applicable, the amount paid down by the buyer;</u>	69065 69066
<u>(3) The amount credited to the buyer for any trade-in and a description thereof;</u>	69067 69068
<u>(4) The amount of any finance charge;</u>	69069
<u>(5) The amount charged for any home insurance and a statement of the types of insurance provided by the policy or policies;</u>	69070 69071
<u>(6) The amount of any other charge and a specification of its purpose;</u>	69072 69073
<u>(7) The net balance of payment due from the buyer including the terms of the payment of the net balance.</u>	69074 69075
<u>(B) A manufactured housing dealer may contract for and receive a documentary service charge for a retail sale of a manufactured home or mobile home. The documentary service charge shall be specified in writing without itemization of the individual services provided and shall not be more than the lesser of the following:</u>	69076 69077 69078 69079 69080 69081
<u>(1) The amount allowed in a retail installment contract;</u>	69082
<u>(2) Ten per cent of the amount the buyer is required to pay pursuant to the contract, excluding tax, title, and registration fees, and any negative equity adjustment.</u>	69083 69084 69085
<u>(C) This section does not apply to a casual sale of a manufactured home or mobile home.</u>	69086 69087
<u>Sec. 4781.25. The manufactured homes commission shall adopt rules for the regulation of manufactured housing brokers in accordance with Chapter 119. of the Revised Code. The rules shall require that a manufactured housing broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the commission. The rules also shall require</u>	69088 69089 69090 69091 69092 69093

each person licensed as a manufactured housing broker to maintain 69094
at all times a special or trust bank account that is 69095
noninterest-bearing, is separate and distinct from any personal or 69096
other account of the broker, and into which shall be deposited and 69097
maintained all escrow funds, security deposits, and other moneys 69098
received by the broker in a fiduciary capacity. In a form 69099
determined by the commission, a manufactured housing broker shall 69100
submit written proof to the commission of the continued 69101
maintenance of the special or trust account. A depository where 69102
special or trust accounts are maintained in accordance with this 69103
section shall be located in this state. 69104

Sec. 4781.99. (A) Whoever violates division (A) of section 69105
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 69106
first offense and shall be subject to a mandatory fine of one 69107
hundred dollars. On a second offense, the person is guilty of a 69108
misdemeanor of the first degree and shall be subject to a 69109
mandatory fine of one thousand dollars. 69110

(B) Whoever violates section 4781.20 of the Revised Code is 69111
guilty of a minor misdemeanor. 69112

(C) Whoever violates any of the following is guilty of a 69113
misdemeanor of the fourth degree: 69114

(1) Division (B) or (C) of section 4781.16 of the Revised 69115
Code; 69116

(2) Section 4781.22 of the Revised Code; 69117

(3) Section 4781.23 of the Revised Code; 69118

(4) Division (A) of section 4781.24 of the Revised Code; 69119

(5) Section 4781.25 of the Revised Code. 69120

Sec. 4928.01. (A) As used in this chapter: 69121

(1) "Ancillary service" means any function necessary to the provision of electric transmission or distribution service to a retail customer and includes, but is not limited to, scheduling, system control, and dispatch services; reactive supply from generation resources and voltage control service; reactive supply from transmission resources service; regulation service; frequency response service; energy imbalance service; operating reserve-spinning reserve service; operating reserve-supplemental reserve service; load following; back-up supply service; real-power loss replacement service; dynamic scheduling; system black start capability; and network stability service.

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator.

(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code.

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section.

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

- (6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 69154
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- (7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises. 69156
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- (8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code. 69162
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- (9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent. 69164
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- (10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code. 69172
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- (11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent. 69174
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- (12) "Firm electric service" means electric service other than nonfirm electric service. 69181
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- (13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a 69183
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board of county commissioners acting as an aggregator for the 69185
provision of a competitive retail electric service under authority 69186
conferred under section 4928.20 of the Revised Code. 69187

(14) A person acts "knowingly," regardless of the person's 69188
purpose, when the person is aware that the person's conduct will 69189
probably cause a certain result or will probably be of a certain 69190
nature. A person has knowledge of circumstances when the person is 69191
aware that such circumstances probably exist. 69192

(15) "Level of funding for low-income customer energy 69193
efficiency programs provided through electric utility rates" means 69194
the level of funds specifically included in an electric utility's 69195
rates on October 5, 1999, pursuant to an order of the public 69196
utilities commission issued under Chapter 4905. or 4909. of the 69197
Revised Code and in effect on October 4, 1999, for the purpose of 69198
improving the energy efficiency of housing for the utility's 69199
low-income customers. The term excludes the level of any such 69200
funds committed to a specific nonprofit organization or 69201
organizations pursuant to a stipulation or contract. 69202

(16) "Low-income customer assistance programs" means the 69203
percentage of income payment plan program, the home energy 69204
assistance program, the home weatherization assistance program, 69205
and the targeted energy efficiency and weatherization program. 69206

(17) "Market development period" for an electric utility 69207
means the period of time beginning on the starting date of 69208
competitive retail electric service and ending on the applicable 69209
date for that utility as specified in section 4928.40 of the 69210
Revised Code, irrespective of whether the utility applies to 69211
receive transition revenues under this chapter. 69212

(18) "Market power" means the ability to impose on customers 69213
a sustained price for a product or service above the price that 69214
would prevail in a competitive market. 69215

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy

resources. "Advanced energy project" also includes any project 69247
described in division (A), (B), or (C) of section 4928.621 of the 69248
Revised Code. 69249

(26) "Regulatory assets" means the unamortized net regulatory 69250
assets that are capitalized or deferred on the regulatory books of 69251
the electric utility, pursuant to an order or practice of the 69252
public utilities commission or pursuant to generally accepted 69253
accounting principles as a result of a prior commission 69254
rate-making decision, and that would otherwise have been charged 69255
to expense as incurred or would not have been capitalized or 69256
otherwise deferred for future regulatory consideration absent 69257
commission action. "Regulatory assets" includes, but is not 69258
limited to, all deferred demand-side management costs; all 69259
deferred percentage of income payment plan arrears; 69260
post-in-service capitalized charges and assets recognized in 69261
connection with statement of financial accounting standards no. 69262
109 (receivables from customers for income taxes); future nuclear 69263
decommissioning costs and fuel disposal costs as those costs have 69264
been determined by the commission in the electric utility's most 69265
recent rate or accounting application proceeding addressing such 69266
costs; the undepreciated costs of safety and radiation control 69267
equipment on nuclear generating plants owned or leased by an 69268
electric utility; and fuel costs currently deferred pursuant to 69269
the terms of one or more settlement agreements approved by the 69270
commission. 69271

(27) "Retail electric service" means any service involved in 69272
supplying or arranging for the supply of electricity to ultimate 69273
consumers in this state, from the point of generation to the point 69274
of consumption. For the purposes of this chapter, retail electric 69275
service includes one or more of the following "service 69276
components": generation service, aggregation service, power 69277
marketing service, power brokerage service, transmission service, 69278

distribution service, ancillary service, metering service, and 69279
billing and collection service. 69280

(28) "Starting date of competitive retail electric service" 69281
means January 1, 2001. 69282

(29) "Customer-generator" means a user of a net metering 69283
system. 69284

(30) "Net metering" means measuring the difference in an 69285
applicable billing period between the electricity supplied by an 69286
electric service provider and the electricity generated by a 69287
customer-generator that is fed back to the electric service 69288
provider. 69289

(31) "Net metering system" means a facility for the 69290
production of electrical energy that does all of the following: 69291

(a) Uses as its fuel either solar, wind, biomass, landfill 69292
gas, or hydropower, or uses a microturbine or a fuel cell; 69293

(b) Is located on a customer-generator's premises; 69294

(c) Operates in parallel with the electric utility's 69295
transmission and distribution facilities; 69296

(d) Is intended primarily to offset part or all of the 69297
customer-generator's requirements for electricity. 69298

(32) "Self-generator" means an entity in this state that owns 69299
or hosts on its premises an electric generation facility that 69300
produces electricity primarily for the owner's consumption and 69301
that may provide any such excess electricity to another entity, 69302
whether the facility is installed or operated by the owner or by 69303
an agent under a contract. 69304

(33) "Rate plan" means the standard service offer in effect 69305
on the effective date of the amendment of this section by S.B. 221 69306
of the 127th general assembly, July 31, 2008. 69307

(34) "Advanced energy resource" means any of the following: 69308

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration of electricity and thermal output simultaneously, primarily to meet the energy needs of the customer's facilities;

(c) Clean coal technology that includes a carbon-based product that is chemically altered before combustion to demonstrate a reduction, as expressed as ash, in emissions of nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or sulfur trioxide in accordance with the American society of testing and materials standard D1757A or a reduction of metal oxide emissions in accordance with standard D5142 of that society, or clean coal technology that includes the design capability to control or prevent the emission of carbon dioxide, which design capability the commission shall adopt by rule and shall be based on economically feasible best available technology or, in the absence of a determined best available technology, shall be of the highest level of economically feasible design capability for which there exists generally accepted scientific opinion;

(d) Advanced nuclear energy technology consisting of generation III technology as defined by the nuclear regulatory commission; other, later technology; or significant improvements to existing facilities;

(e) Any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell;

(f) Advanced solid waste or construction and demolition

debris conversion technology, including, but not limited to, 69340
advanced stoker technology, and advanced fluidized bed 69341
gasification technology, that results in measurable greenhouse gas 69342
emissions reductions as calculated pursuant to the United States 69343
environmental protection agency's waste reduction model (WARM). 69344
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(g) Demand-side management and any energy efficiency 69346
improvement; 69347

(h) Methane gas emitted from an operating or abandoned coal 69348
mine. 69349

(35) "Renewable energy resource" means solar photovoltaic or 69350
solar thermal energy, wind energy, power produced by a 69351
hydroelectric facility, geothermal energy, fuel derived from solid 69352
wastes, as defined in section 3734.01 of the Revised Code, through 69353
fractionation, biological decomposition, or other process that 69354
does not principally involve combustion, biomass energy, 69355
biologically derived methane gas, or energy derived from 69356
nontreated by-products of the pulping process or wood 69357
manufacturing process, including bark, wood chips, sawdust, and 69358
lignin in spent pulping liquors. "Renewable energy resource" 69359
includes, but is not limited to, any fuel cell used in the 69360
generation of electricity, including, but not limited to, a proton 69361
exchange membrane fuel cell, phosphoric acid fuel cell, molten 69362
carbonate fuel cell, or solid oxide fuel cell; wind turbine 69363
located in the state's territorial waters of Lake Erie; storage 69364
facility that will promote the better utilization of a renewable 69365
energy resource that primarily generates off peak; or distributed 69366
generation system used by a customer to generate electricity from 69367
any such energy. As used in division (A)(35) of this section, 69368
"hydroelectric facility" means a hydroelectric generating facility 69369
that is located at a dam on a river, or on any water discharged to 69370
a river, that is within or bordering this state or within or 69371

bordering an adjoining state and meets all of the following 69372
standards: 69373

(a) The facility provides for river flows that are not 69374
detrimental for fish, wildlife, and water quality, including 69375
seasonal flow fluctuations as defined by the applicable licensing 69376
agency for the facility. 69377

(b) The facility demonstrates that it complies with the water 69378
quality standards of this state, which compliance may consist of 69379
certification under Section 401 of the "Clean Water Act of 1977," 69380
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 69381
not contributed to a finding by this state that the river has 69382
impaired water quality under Section 303(d) of the "Clean Water 69383
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 69384

(c) The facility complies with mandatory prescriptions 69386
regarding fish passage as required by the federal energy 69387
regulatory commission license issued for the project, regarding 69388
fish protection for riverine, anadromous, and catadromus fish. 69389

(d) The facility complies with the recommendations of the 69390
Ohio environmental protection agency and with the terms of its 69391
federal energy regulatory commission license regarding watershed 69392
protection, mitigation, or enhancement, to the extent of each 69393
agency's respective jurisdiction over the facility. 69394

(e) The facility complies with provisions of the "Endangered 69395
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 69396
amended. 69397

(f) The facility does not harm cultural resources of the 69398
area. This can be shown through compliance with the terms of its 69399
federal energy regulatory commission license or, if the facility 69400
is not regulated by that commission, through development of a plan 69401
approved by the Ohio historic preservation office, to the extent 69402

it has jurisdiction over the facility. 69403

(g) The facility complies with the terms of its federal 69404
energy regulatory commission license or exemption that are related 69405
to recreational access, accommodation, and facilities or, if the 69406
facility is not regulated by that commission, the facility 69407
complies with similar requirements as are recommended by resource 69408
agencies, to the extent they have jurisdiction over the facility; 69409
and the facility provides access to water to the public without 69410
fee or charge. 69411

(h) The facility is not recommended for removal by any 69412
federal agency or agency of any state, to the extent the 69413
particular agency has jurisdiction over the facility. 69414

(B) For the purposes of this chapter, a retail electric 69415
service component shall be deemed a competitive retail electric 69416
service if the service component is competitive pursuant to a 69417
declaration by a provision of the Revised Code or pursuant to an 69418
order of the public utilities commission authorized under division 69419
(A) of section 4928.04 of the Revised Code. Otherwise, the service 69420
component shall be deemed a noncompetitive retail electric 69421
service. 69422

Sec. 4928.201. No governmental aggregator under section 69423
4928.20 of the Revised Code shall fail to distribute in accordance 69424
with this section any monetary award it receives as a result of a 69425
legal action to which it is a party and that was initiated before, 69426
on, or after the effective date of this section and brought in the 69427
interest of the customers of the governmental aggregation or, if 69428
applicable, in the interest of any political subdivisions jointly 69429
participating in the governmental aggregation pursuant to 69430
ordinances adopted under section 4928.20 of the Revised Code. The 69431
governmental aggregator shall distribute such money immediately to 69432
the then current customers of the governmental aggregation or, in 69433

the case of a governmental aggregation in which political 69434
subdivisions so jointly participate, to such then current 69435
governmental participants. 69436

Sec. 4929.261. Section 4928.201 of the Revised Code shall 69437
apply also to a governmental aggregator under section 4929.26 or 69438
4929.27 of the Revised Code. 69439

Sec. 5101.073. There is hereby created in the state treasury 69440
the ODJFS general services administration and operating fund. The 69441
director of job and family services may submit a deposit 69442
modification and payment detail report to the treasurer of state 69443
after the completion of the reconciliation of all final 69444
transactions with the federal government regarding a federal grant 69445
for a program the department of job and family services 69446
administers and a final closeout for the grant. On receipt of the 69447
report, the treasurer of state shall transfer the money in the 69448
refunds and audit settlements fund that is the subject of the 69449
report to the ODJFS general services administration and operating 69450
fund. Money in the ODJFS general services administration and 69451
operating fund shall be used to pay for the expenses of the 69452
programs the department administers and the department's 69453
administrative expenses, including the costs of state hearings 69454
under section 5101.35 of the Revised Code, required audit 69455
adjustments, and other related expenses. 69456

Sec. 5101.11. This section does not apply to contracts 69457
entered into under section 5111.90 or 5111.91 of the Revised Code. 69458

(A) As used in this section: 69459

(1) "Entity" includes an agency, board, commission, or 69460
department of the state or a political subdivision of the state; a 69461
private, nonprofit entity; a school district; a private school; or 69462

a public or private institution of higher education. 69463

(2) "Federal financial participation" means the federal 69464
government's share of expenditures made by an entity in 69465
implementing a program administered by the department of job and 69466
family services. 69467

(B) At the request of any public entity having authority to 69468
implement a program administered by the department of job and 69469
family services or any private entity under contract with a public 69470
entity to implement a program administered by the department, the 69471
department may seek to obtain federal financial participation for 69472
costs incurred by the entity. Federal financial participation may 69473
be sought from programs operated pursuant to Title IV-A, Title 69474
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 69475
(1935), 42 U.S.C. 301, as amended; the "Food Stamp and Nutrition 69476
Act of 1964," ~~78 Stat. 703, 2008 (7 U.S.C. 2011, as amended et~~ 69477
seq.); and any other statute or regulation under which federal 69478
financial participation may be available, except that federal 69479
financial participation may be sought only for expenditures made 69480
with funds for which federal financial participation is available 69481
under federal law. 69482

(C) All funds collected by the department of job and family 69483
services pursuant to division (B) of this section shall be 69484
distributed to the entities that incurred the costs, except for 69485
any amounts retained by the department pursuant to division (D)(3) 69486
of this section. 69487

(D) In distributing federal financial participation pursuant 69488
to this section, the department may either enter into an agreement 69489
with the entity that is to receive the funds or distribute the 69490
funds in accordance with rules adopted under division (F) of this 69491
section. If the department decides to enter into an agreement to 69492
distribute the funds, the agreement may include terms that do any 69493
of the following: 69494

(1) Provide for the whole or partial reimbursement of any	69495
cost incurred by the entity in implementing the program;	69496
(2) In the event that federal financial participation is	69497
disallowed or otherwise unavailable for any expenditure, require	69498
the department of job and family services or the entity, whichever	69499
party caused the disallowance or unavailability of federal	69500
financial participation, to assume responsibility for the	69501
expenditures;	69502
(3) Permit the department to retain not more than five per	69503
cent of the amount of the federal financial participation to be	69504
distributed to the entity;	69505
(4) Require the public entity to certify the availability of	69506
sufficient unencumbered funds to match the federal financial	69507
participation it receives under this section;	69508
(5) Establish the length of the agreement, which may be for a	69509
fixed or a continuing period of time;	69510
(6) Establish any other requirements determined by the	69511
department to be necessary for the efficient administration of the	69512
agreement.	69513
(E) An entity that receives federal financial participation	69514
pursuant to this section for a program aiding children and their	69515
families shall establish a process for collaborative planning with	69516
the department of job and family services for the use of the funds	69517
to improve and expand the program.	69518
(F) The director of job and family services shall adopt rules	69519
as necessary to implement this section, including rules for the	69520
distribution of federal financial participation pursuant to this	69521
section. The rules shall be adopted in accordance with Chapter	69522
119. of the Revised Code. The director may adopt or amend any	69523
statewide plan required by the federal government for a program	69524
administered by the department, as necessary to implement this	69525

section.	69526
(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code.	69527 69528 69529
Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:	69530 69531
(1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code.	69532 69533 69534
(2) "Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.	69535 69536 69537
(3) " Food stamps <u>Supplemental nutrition assistance program</u> " means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	69538 69539 69540
(4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.	69541 69542 69543
(5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	69544 69545
(6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	69546 69547
(7) "Public assistance expenditures" means expenditures for all of the following:	69548 69549
(a) Ohio works first;	69550
(b) County administration of Ohio works first;	69551
(c) Prevention, retention, and contingency;	69552
(d) County administration of prevention, retention, and	69553

contingency;	69554
(e) Disability financial assistance;	69555
(f) Disability medical assistance;	69556
(g) County administration of disability financial assistance;	69557
	69558
(h) County administration of disability medical assistance;	69559
(i) County administration of food stamps <u>the supplemental</u>	69560
<u>nutrition assistance program</u> ;	69561
(j) County administration of medicaid.	69562
(8) "Title IV-A program" has the same meaning as in section	69563
5101.80 of the Revised Code.	69564
(B) Each board of county commissioners shall pay the county	69565
share of public assistance expenditures in accordance with section	69566
5101.161 of the Revised Code. Except as provided in division (C)	69567
of this section, a county's share of public assistance	69568
expenditures is the sum of all of the following for state fiscal	69569
year 1998 and each state fiscal year thereafter:	69570
(1) The amount that is twenty-five per cent of the county's	69571
total expenditures for disability financial assistance and	69572
disability medical assistance and county administration of those	69573
programs during the state fiscal year ending in the previous	69574
calendar year that the department of job and family services	69575
determines are allowable.	69576
(2) The amount that is ten per cent, or other percentage	69577
determined under division (D) of this section, of the county's	69578
total expenditures for county administration of food stamps <u>the</u>	69579
<u>supplemental nutrition assistance program</u> and medicaid during the	69580
state fiscal year ending in the previous calendar year that the	69581
department determines are allowable, less the amount of federal	69582
reimbursement credited to the county under division (E) of this	69583

section for the state fiscal year ending in the previous calendar 69584
year; 69585

(3) A percentage of the actual amount of the county share of 69586
program and administrative expenditures during federal fiscal year 69587
1994 for assistance and services, other than child care, provided 69588
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 69589
620 (1935), 42 U.S.C. 301, as those titles existed prior to the 69590
enactment of the "Personal Responsibility and Work Opportunity 69591
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 69592
and family services shall determine the actual amount of the 69593
county share from expenditure reports submitted to the United 69594
States department of health and human services. The percentage 69595
shall be the percentage established in rules adopted under 69596
division (F) of this section. 69597

(C)(1) If a county's share of public assistance expenditures 69598
determined under division (B) of this section for a state fiscal 69599
year exceeds one hundred ten per cent of the county's share for 69600
those expenditures for the immediately preceding state fiscal 69601
year, the department of job and family services shall reduce the 69602
county's share for expenditures under divisions (B)(1) and (2) of 69603
this section so that the total of the county's share for 69604
expenditures under division (B) of this section equals one hundred 69605
ten per cent of the county's share of those expenditures for the 69606
immediately preceding state fiscal year. 69607

(2) A county's share of public assistance expenditures 69608
determined under division (B) of this section may be increased 69609
pursuant to section 5101.163 of the Revised Code and a sanction 69610
under section 5101.24 of the Revised Code. An increase made 69611
pursuant to section 5101.163 of the Revised Code may cause the 69612
county's share to exceed the limit established by division (C)(1) 69613
of this section. 69614

(D)(1) If the per capita tax duplicate of a county is less 69615

than the per capita tax duplicate of the state as a whole and 69616
division (D)(2) of this section does not apply to the county, the 69617
percentage to be used for the purpose of division (B)(2) of this 69618
section is the product of ten multiplied by a fraction of which 69619
the numerator is the per capita tax duplicate of the county and 69620
the denominator is the per capita tax duplicate of the state as a 69621
whole. The department of job and family services shall compute the 69622
per capita tax duplicate for the state and for each county by 69623
dividing the tax duplicate for the most recent available year by 69624
the current estimate of population prepared by the department of 69625
development. 69626

(2) If the percentage of families in a county with an annual 69627
income of less than three thousand dollars is greater than the 69628
percentage of such families in the state and division (D)(1) of 69629
this section does not apply to the county, the percentage to be 69630
used for the purpose of division (B)(2) of this section is the 69631
product of ten multiplied by a fraction of which the numerator is 69632
the percentage of families in the state with an annual income of 69633
less than three thousand dollars a year and the denominator is the 69634
percentage of such families in the county. The department of job 69635
and family services shall compute the percentage of families with 69636
an annual income of less than three thousand dollars for the state 69637
and for each county by multiplying the most recent estimate of 69638
such families published by the department of development, by a 69639
fraction, the numerator of which is the estimate of average annual 69640
personal income published by the bureau of economic analysis of 69641
the United States department of commerce for the year on which the 69642
census estimate is based and the denominator of which is the most 69643
recent such estimate published by the bureau. 69644

(3) If the per capita tax duplicate of a county is less than 69645
the per capita tax duplicate of the state as a whole and the 69646
percentage of families in the county with an annual income of less 69647

than three thousand dollars is greater than the percentage of such 69648
families in the state, the percentage to be used for the purpose 69649
of division (B)(2) of this section shall be determined as follows: 69650

(a) Multiply ten by the fraction determined under division 69651
(D)(1) of this section; 69652

(b) Multiply the product determined under division (D)(3)(a) 69653
of this section by the fraction determined under division (D)(2) 69654
of this section. 69655

(4) The department of job and family services shall 69656
determine, for each county, the percentage to be used for the 69657
purpose of division (B)(2) of this section not later than the 69658
first day of July of the year preceding the state fiscal year for 69659
which the percentage is used. 69660

(E) The department of job and family services shall credit to 69661
a county the amount of federal reimbursement the department 69662
receives from the United States departments of agriculture and 69663
health and human services for the county's expenditures for 69664
administration of ~~food stamps~~ the supplemental nutrition 69665
assistance program and medicaid that the department determines are 69666
allowable administrative expenditures. 69667

(F)(1) The director of job and family services shall adopt 69668
rules in accordance with section 111.15 of the Revised Code to 69669
establish all of the following: 69670

(a) The method the department is to use to change a county's 69671
share of public assistance expenditures determined under division 69672
(B) of this section as provided in division (C) of this section; 69673

(b) The allocation methodology and formula the department 69674
will use to determine the amount of funds to credit to a county 69675
under this section; 69676

(c) The method the department will use to change the payment 69677

of the county share of public assistance expenditures from a 69678
calendar-year basis to a state fiscal year basis; 69679

(d) The percentage to be used for the purpose of division 69680
(B)(3) of this section, which shall, except as provided in section 69681
5101.163 of the Revised Code, meet both of the following 69682
requirements: 69683

(i) The percentage shall not be less than seventy-five per 69684
cent nor more than eighty-two per cent; 69685

(ii) The percentage shall not exceed the percentage that the 69686
state's qualified state expenditures is of the state's historic 69687
state expenditures as those terms are defined in 42 U.S.C. 69688
609(a)(7). 69689

(e) Other procedures and requirements necessary to implement 69690
this section. 69691

(2) The director of job and family services may amend the 69692
rule adopted under division (F)(1)(d) of this section to modify 69693
the percentage on determination that the amount the general 69694
assembly appropriates for Title IV-A programs makes the 69695
modification necessary. The rule shall be adopted and amended as 69696
if an internal management rule and in consultation with the 69697
director of budget and management. 69698

Sec. 5101.162. Subject to available federal funds and 69699
appropriations made by the general assembly, the department of job 69700
and family services may, at its sole discretion, use available 69701
federal funds to reimburse county expenditures for county 69702
administration of ~~food stamps~~ the supplemental nutrition 69703
assistance program or medicaid even though the county expenditures 69704
meet or exceed the maximum allowable reimbursement amount 69705
established by rules adopted under section 5101.161 of the Revised 69706
Code. The director may adopt internal management rules in 69707

accordance with section 111.15 of the Revised Code to implement 69708
this section. 69709

Sec. 5101.26. As used in this section and in sections 5101.27 69710
to 5101.30 of the Revised Code: 69711

(A) "County agency" means a county department of job and 69712
family services or a public children services agency. 69713

(B) "Fugitive felon" means an individual who is fleeing to 69714
avoid prosecution, or custody or confinement after conviction, 69715
under the laws of the place from which the individual is fleeing, 69716
for a crime or an attempt to commit a crime that is a felony under 69717
the laws of the place from which the individual is fleeing or, in 69718
the case of New Jersey, a high misdemeanor, regardless of whether 69719
the individual has departed from the individual's usual place of 69720
residence. 69721

(C) "Information" means records as defined in section 149.011 69722
of the Revised Code, any other documents in any format, and data 69723
derived from records and documents that are generated, acquired, 69724
or maintained by the department of job and family services, a 69725
county agency, or an entity performing duties on behalf of the 69726
department or a county agency. 69727

(D) "Law enforcement agency" means the state highway patrol, 69728
an agency that employs peace officers as defined in section 109.71 69729
of the Revised Code, the adult parole authority, a county 69730
department of probation, a prosecuting attorney, the attorney 69731
general, similar agencies of other states, federal law enforcement 69732
agencies, and postal inspectors. "Law enforcement agency" includes 69733
the peace officers and other law enforcement officers employed by 69734
the agency. 69735

(E) "Medical assistance provided under a public assistance 69736
program" means medical assistance provided under the programs 69737

established under sections 5101.49, 5101.50 ~~to 5101.503~~, 5101.51
~~to 5101.5110~~, 5101.52 ~~to 5101.529~~, and 5101.5211 to 5101.5216,
Chapters 5111. and 5115., or any other provision of the Revised
Code.

(F) "Public assistance" means financial assistance, medical
assistance, or social services provided under a program
administered by the department of job and family services or a
county agency pursuant to Chapter 329., 5101., 5104., 5107.,
5108., 5111., or 5115. of the Revised Code or an executive order
issued under section 107.17 of the Revised Code.

(G) "Public assistance recipient" means an applicant for or
recipient or former recipient of public assistance.

Sec. 5101.33. (A) As used in this section, "benefits" means
any of the following:

(1) Cash assistance paid under Chapter 5107. or 5115. of the
Revised Code;

(2) ~~Food stamp~~ Supplemental nutrition assistance program
benefits provided under section 5101.54 of the Revised Code;

(3) Any other program administered by the department of job
and family services under which assistance is provided or service
rendered;

(4) Any other program, service, or assistance administered by
a person or government entity that the department determines may
be delivered through the medium of electronic benefit transfer.

(B) The department of job and family services may make any
payment or delivery of benefits to eligible individuals through
the medium of electronic benefit transfer by doing all of the
following:

(1) Contracting with an agent to supply debit cards to the
department of job and family services for use by such individuals

in accessing their benefits and to credit such cards 69768
electronically with the amounts specified by the director of job 69769
and family services pursuant to law; 69770

(2) Informing such individuals about the use of the 69771
electronic benefit transfer system and furnishing them with debit 69772
cards and information that will enable them to access their 69773
benefits through the system; 69774

(3) Arranging with specific financial institutions or 69775
vendors, county departments of job and family services, or persons 69776
or government entities for individuals to have their cards 69777
credited electronically with the proper amounts at their 69778
facilities; 69779

(4) Periodically preparing vouchers for the payment of such 69780
benefits by electronic benefit transfer; 69781

(5) Satisfying any applicable requirements of federal and 69782
state law. 69783

(C) The department may enter into a written agreement with 69784
any person or government entity to provide benefits administered 69785
by that person or entity through the medium of electronic benefit 69786
transfer. A written agreement may require the person or government 69787
entity to pay to the department either or both of the following: 69788

(1) A charge that reimburses the department for all costs the 69789
department incurs in having the benefits administered by the 69790
person or entity provided through the electronic benefit transfer 69791
system; 69792

(2) A fee for having the benefits provided through the 69793
electronic benefit transfer system. 69794

(D) The department may designate which counties will 69795
participate in the medium of electronic benefit transfer, specify 69796
the date a designated county will begin participation, and specify 69797

which benefits will be provided through the medium of electronic 69798
benefit transfer in a designated county. 69799

(E) The department may adopt rules in accordance with Chapter 69800
119. of the Revised Code for the efficient administration of this 69801
section. 69802

Sec. 5101.34. (A) There is hereby created in the department 69803
of job and family services the Ohio commission on fatherhood. The 69804
commission shall consist of the following members: 69805

(1)(a) Four members of the house of representatives appointed 69806
by the speaker of the house, not more than two of whom are members 69807
of the same political party. Two of the members must be from 69808
legislative districts that include a county or part of a county 69809
that is among the one-third of counties in this state with the 69810
highest number per capita of households headed by females. 69811

(b) Two members of the senate appointed by the president of 69812
the senate, each from a different political party. One of the 69813
members must be from a legislative district that includes a county 69814
or part of a county that is among the one-third of counties in 69815
this state with the highest number per capita of households headed 69816
by females. 69817

(2) The governor, or the governor's designee; 69818

(3) One representative of the judicial branch of government 69819
appointed by the chief justice of the supreme court; 69820

(4) The directors of health, job and family services, 69821
rehabilitation and correction, alcohol and drug addiction 69822
services, and youth services and the superintendent of public 69823
instruction, or their designees; 69824

(5) One representative of the Ohio family and children first 69825
cabinet council created under section 121.37 of the Revised Code 69826
appointed by the chairperson of the council; 69827

(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.

(B) The appointing authorities of the Ohio commission on fatherhood shall make initial appointments to the commission within thirty days after ~~the effective date of this section~~ September 29, 1999. Of the initial appointments to the commission made pursuant to divisions (A)(3), (5), and (6) of this section, three of the members shall serve a term of one year and four shall serve a term of two years. Members so appointed subsequently shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors and superintendent or their designees shall serve on the commission until they cease, or the director or superintendent a designee represents ceases, to be director or superintendent. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall serve on the commission for the remainder of that term. A member shall continue to serve on the commission subsequent to the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. Members shall serve without compensation but shall be reimbursed for necessary

expenses. 69860

Sec. 5101.47. (A) Except as provided in division (B) of this 69861
section, the director of job and family services may accept 69862
applications, determine eligibility, redetermine eligibility, and 69863
perform related administrative activities for one or more of the 69864
following: 69865

(1) The medicaid program established by Chapter 5111. of the 69866
Revised Code; 69867

(2) The children's health insurance program parts I, II, and 69868
III provided for under sections 5101.50, 5101.51, and 5101.52 of 69869
the Revised Code; 69870

(3) Publicly funded child care provided under Chapter 5104. 69871
of the Revised Code; 69872

(4) The ~~food stamp~~ supplemental nutrition assistance program 69873
administered by the department of job and family services pursuant 69874
to section 5101.54 of the Revised Code; 69875

(5) Other programs the director determines are supportive of 69876
children, adults, or families; 69877

(6) Other programs regarding which the director determines 69878
administrative cost savings and efficiency may be achieved through 69879
the department accepting applications, determining eligibility, 69880
redetermining eligibility, or performing related administrative 69881
activities. 69882

(B) If federal law requires a face-to-face interview to 69883
complete an eligibility determination for a program specified in 69884
or pursuant to division (A) of this section, the face-to-face 69885
interview shall not be conducted by the department of job and 69886
family services. 69887

(C) Subject to division (B) of this section, if the director 69888
elects to accept applications, determine eligibility, redetermine 69889

eligibility, and perform related administrative activities for a 69890
program specified in or pursuant to division (A) of this section, 69891
both of the following apply: 69892

(1) An individual seeking services under the program may 69893
apply for the program to the director or to the entity that state 69894
law governing the program authorizes to accept applications for 69895
the program. 69896

(2) The director is subject to federal statutes and 69897
regulations and state statutes and rules that require, permit, or 69898
prohibit an action regarding accepting applications, determining 69899
or redetermining eligibility, and performing related 69900
administrative activities for the program. 69901

(D) The director may adopt rules as necessary to implement 69902
this section. 69903

Sec. 5101.50. (A) As used in sections 5101.50 to ~~5101.529~~ 69904
5101.5210 of the Revised Code: 69905

(1) "Children's health insurance program" means the program 69906
authorized by Title XXI of the "Social Security Act," 111 Stat. 69907
552 (1997), 42 U.S.C.A. 1397aa. 69908

(2) "Federal poverty guidelines" has the same meaning as in 69909
section 5101.46 of the Revised Code. 69910

(B) The director of job and family services may continue to 69911
operate the children's health insurance program initially 69912
authorized by an executive order issued under section 107.17 of 69913
the Revised Code as long as federal financial participation is 69914
available for the program. If operated, the program shall provide 69915
health assistance to uninsured individuals under nineteen years of 69916
age with family incomes not exceeding one hundred fifty per cent 69917
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 69918
1397aa, the director may provide for the health assistance to meet 69919

the requirements of 42 U.S.C.A. 1397cc, to be provided under the 69920
medicaid program established under Chapter 5111. of the Revised 69921
Code, or to be a combination of both. 69922

Sec. 5101.504. (A) A school-based health center, as defined 69923
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 69924
that the children's health insurance program part I covers if the 69925
center meets the requirements applicable to other providers 69926
providing those services. 69927

(B) The director may adopt rules under section 5101.502 of 69928
the Revised Code pertaining to the billing, reimbursement, and 69929
data collection for school-based health centers. 69930

Sec. 5101.5110. (A) A school-based health center, as defined 69931
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 69932
that the children's health insurance program part II covers if the 69933
center meets the requirements applicable to other providers 69934
providing those services. 69935

(B) The director may adopt rules under section 5101.512 of 69936
the Revised Code pertaining to the billing, reimbursement, and 69937
data collection for school-based health centers. 69938

~~Sec. 5101.5110~~ 5101.5111. (A) The director of job and family 69939
services may submit a waiver request to the United States 69940
secretary of health and human services to provide health 69941
assistance to any individual who meets all of the following 69942
requirements: 69943

(1) Is the parent of a child under nineteen years of age who 69944
resides with the parent and is eligible for health assistance 69945
under the children's health insurance program part I or II or the 69946
medicaid program established under Chapter 5111. of the Revised 69947
Code; 69948

(2) Is uninsured; 69949

(3) Has a family income that does not exceed one hundred per cent of the federal poverty guidelines. 69950
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(B) A waiver request the director submits under division (A) of this section may seek federal funds allotted to the state under Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 U.S.C.A. 1397dd, as amended, that are not otherwise used to fund the children's health insurance program parts I and II. 69952
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(C) If a waiver request the director submits under division (A) of this section is granted, the director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the program authorization by the waiver. 69957
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Sec. 5101.5210. (A) A school-based health center, as defined in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services that the children's health insurance program part III covers if the center meets the requirements applicable to other providers providing those services. 69962
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(B) The director may adopt rules under section 5101.522 of the Revised Code pertaining to the billing, reimbursement, and data collection for school-based health centers. 69967
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Sec. 5101.5212. Under the children's buy-in program and subject to section 5101.5213 of the Revised Code, an individual who does both of the following in accordance with rules adopted under section 5101.5215 of the Revised Code qualifies for medical assistance under the program, unless the director of job and family services has adopted rules under division (B) of section 5101.5215 of the Revised Code to limit the number of individuals who may participate in the program at one time and the program is serving the maximum number of individuals specified in the rules: 69970
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(A) Applies for the children's buy-in program;

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(B) Provides satisfactory evidence of all of the following:

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(1) That the individual is under nineteen years of age;

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(2) That the individual's countable family income exceeds ~~two~~
three hundred ~~fifty~~ per cent of the federal poverty guidelines;

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(3) That the individual has not had creditable coverage for
at least six months before enrolling in the children's buy-in
program, unless the individual lost the only creditable coverage
available to the individual because the individual exhausted a
lifetime benefit limitation;

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(4) That one or more of the following apply to the
individual:

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(a) The individual is unable to obtain creditable coverage
due to a pre-existing condition of the individual;

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(b) The individual lost the only creditable coverage
available to the individual because the individual has exhausted a
lifetime benefit limitation;

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(c) The premium for the only creditable coverage available to
the individual is greater than two hundred per cent of the premium
applicable to the individual under the children's buy-in program;

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(d) The individual participates in the program for medically
handicapped children.

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(5) That the individual meets the additional eligibility
requirements for the children's buy-in program established in
rules adopted under section 5101.5215 of the Revised Code.

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Sec. 5101.5213. (A) An individual participating in the

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children's buy-in program shall be charged a monthly premium 70007
established by rules adopted under section 5101.5215 of the 70008
Revised Code. The amount of the monthly premium shall not be less 70009
than the following: 70010

(1) In the case of an individual with countable family income 70011
exceeding ~~two~~ three hundred ~~fifty~~ per cent but not exceeding four 70012
hundred per cent of the federal poverty guidelines, the following 70013
amount: 70014

(a) If no other member of the individual's family receives 70015
medical assistance under the program with the individual, one 70016
hundred dollars; 70017

(b) If one or more members of the individual's family receive 70018
medical assistance under the program with the individual, one 70019
hundred fifty dollars. 70020

(2) In the case of an individual with countable family income 70021
exceeding four hundred per cent but not exceeding five hundred per 70022
cent of the federal poverty guidelines, the following amount: 70023
70024

(a) If no other member of the individual's family receives 70025
medical assistance under the program with the individual, one 70026
hundred twenty-five dollars; 70027

(b) If one or more members of the individual's family receive 70028
medical assistance under the program with the individual, one 70029
hundred seventy-five dollars. 70030

(3) In the case of an individual with countable family income 70031
exceeding five hundred per cent of the federal poverty guidelines, 70032
the full amount of the actuarially determined cost of the premium. 70033
70034

(B) If the premium for the children's buy-in program is not 70035
paid for two consecutive months, the individual shall lose 70036

eligibility for the program. The individual may not resume 70037
participation in the program until the unpaid premiums that 70038
accrued before the individual lost eligibility are paid. 70039

Sec. 5101.54. (A) The director of job and family services 70040
shall administer the ~~food stamp~~ supplemental nutrition assistance 70041
program in accordance with the "Food Stamp and Nutrition Act of 70042
1977," ~~91 Stat. 958, 2008~~ (7 U.S.C.A. 2011, ~~as amended et seq~~). 70043
The department may: 70044

(1) Prepare and submit to the secretary of the United States 70045
department of agriculture a plan for the administration of the 70046
~~food stamp~~ supplemental nutrition assistance program; 70047

(2) Prescribe forms for applications, certificates, reports, 70048
records, and accounts of county departments of job and family 70049
services, and other matters; 70050

(3) Require such reports and information from each county 70051
department of job and family services as may be necessary and 70052
advisable; 70053

(4) Administer and expend any sums appropriated by the 70054
general assembly for the purposes of ~~this section~~ the supplemental 70055
nutrition assistance program and all sums paid to the state by the 70056
United States as authorized by the Food Stamp and Nutrition Act of 70057
~~1977~~ 2008; 70058

(5) Conduct such investigations as are necessary; 70059

(6) Enter into interagency agreements and cooperate with 70060
investigations conducted by the department of public safety, 70061
including providing information for investigative purposes, 70062
exchanging property and records, passing through federal financial 70063
participation, modifying any agreements with the United States 70064
department of agriculture, providing for the supply, security, and 70065
accounting of ~~food stamp~~ supplemental nutrition assistance program 70066

benefits for investigative purposes, and meeting any other 70067
requirements necessary for the detection and deterrence of illegal 70068
activities in the ~~state food stamp~~ supplemental nutrition 70069
assistance program; 70070

(7) Adopt rules in accordance with Chapter 119. of the 70071
Revised Code governing employment and training requirements of 70072
recipients of ~~food stamp~~ supplemental nutrition assistance program 70073
benefits, including rules specifying which recipients are subject 70074
to the requirements and establishing sanctions for failure to 70075
satisfy the requirements. The rules shall be consistent with 7 70076
U.S.C.A. 2015 and, to the extent practicable, may provide for ~~food~~ 70077
~~stamp benefit~~ the recipients to participate in work activities, 70078
developmental activities, and alternative work activities 70079
established under sections 5107.40 to 5107.69 of the Revised Code 70080
that are comparable to programs authorized by 7 U.S.C.A. 70081
2015(d)(4). The rules may reference rules adopted under section 70082
5107.05 of the Revised Code governing work activities, 70083
developmental activities, and alternative work activities 70084
established under sections 5107.40 to 5107.69 of the Revised Code. 70085

(8) Adopt rules in accordance with section 111.15 of the 70086
Revised Code that are consistent with the Food ~~Stamp~~ and Nutrition 70087
Act of ~~1977~~ 2008, as amended, and regulations adopted thereunder 70088
governing the following: 70089

(a) Eligibility requirements for the ~~food stamp~~ supplemental 70090
nutrition assistance program; 70091

(b) Sanctions for failure to comply with eligibility 70092
requirements; 70093

(c) Allotment of ~~food stamp~~ supplemental nutrition assistance 70094
program benefits; 70095

(d) To the extent permitted under federal statutes and 70096
regulations, a system under which some or all recipients of ~~food~~ 70097

~~stamp~~ supplemental nutrition assistance program benefits subject 70098
to employment and training requirements established by rules 70099
adopted under division (A)(7) of this section receive ~~food stamp~~ 70100
the benefits after satisfying the requirements; 70101

(e) Administration of the program by county departments of 70102
job and family services; 70103

(f) Other requirements necessary for the efficient 70104
administration of the program. 70105

(9) Submit a plan to the United States secretary of 70106
agriculture for the department of job and family services to 70107
operate a simplified ~~food stamp~~ supplemental nutrition assistance 70108
program pursuant to 7 U.S.C.A. 2035 under which requirements 70109
governing the Ohio works first program established under Chapter 70110
5107. of the Revised Code also govern the ~~food stamp~~ supplemental 70111
nutrition assistance program in the case of households receiving 70112
~~food stamp~~ supplemental nutrition assistance program benefits and 70113
participating in Ohio works first. 70114

(B) ~~Except while in the custody of the United States postal~~ 70115
~~service, food stamps and any document necessary to obtain food~~ 70116
~~stamps are the property of the department of job and family~~ 70117
~~services from the time they are received in accordance with~~ 70118
~~federal regulations by the department from the federal agency~~ 70119
~~responsible for such delivery until they are received by a~~ 70120
~~household entitled to receive them or by the authorized~~ 70121
~~representative of the household.~~ 70122

~~(C)~~ A household that is entitled to receive ~~food stamps under~~ 70123
the "~~Food Stamp Act of 1977,~~" 91 Stat. 958, 7 U.S.C.A. 2011, as 70124
~~amended,~~ supplemental nutrition assistance program benefits and 70125
that is determined to be in immediate need of ~~food~~ nutrition 70126
assistance, shall receive certification of eligibility for program 70127
benefits, pending verification, within twenty-four hours, or, if 70128

mitigating circumstances occur, within seventy-two hours, after application, if: 70129
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(1) The results of the application interview indicate that the household will be eligible upon full verification; 70131
70132

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file, and shall include: 70133
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(a) The name of the person who provided the name of the information source; 70137
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(b) The name and address of the information source; 70139

(c) A summary of the information obtained. 70140

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues. 70141
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At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food. 70145
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~~(D)~~(C) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services. 70149
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~~(E)~~(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive ~~food stamps~~ supplemental nutrition assistance program benefits without charge under the "Food Stamp and Nutrition Act of 1977," ~~91 Stat. 958, 7 U.S.C.A. 2011, as amended 2008.~~ 70152
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~~(F)~~(E) Any person who applies for ~~food stamps~~ under this 70158

~~section~~ the supplemental nutrition assistance program shall 70159
receive a voter registration application under section 3503.10 of 70160
the Revised Code. 70161

Sec. 5101.541. The ~~food stamp~~ supplemental nutrition 70162
assistance program fund is hereby created in the state treasury. 70163
The fund shall consist of federal reimbursement for ~~food stamp~~ 70164
supplemental nutrition assistance program administrative expenses 70165
and other ~~food stamp~~ supplemental nutrition assistance program 70166
expenses. The department of job and family services shall use the 70167
money credited to the fund to pay for ~~food stamp~~ supplemental 70168
nutrition assistance program administrative expenses and other 70169
~~food stamp~~ supplemental nutrition assistance program expenses. 70170

Sec. 5101.542. Immediately following a county department of 70171
job and family services' certification that a household determined 70172
under division (B) of section 5101.54 of the Revised Code to be in 70173
immediate need of nutrition assistance is eligible for the 70174
supplemental nutrition assistance program, the department of job 70175
and family services shall provide for the household to be sent by 70176
regular United States mail an electronic benefit transfer card 70177
containing the amount of benefits the household is eligible to 70178
receive under the program. The card shall be sent to the member of 70179
the household in whose name application for the supplemental 70180
nutrition assistance program was made or that member's authorized 70181
representative. 70182

Sec. 5101.544. If the benefits of a household are reduced 70183
under a federal, state, or local means-tested public assistance 70184
program for failure of a member of the household to perform an 70185
action required under the program, the household may not receive, 70186
for the duration of the reduction, an increased allotment of ~~food~~ 70187
~~stamp~~ supplemental nutrition assistance program benefits as the 70188

result of a decrease in the income of the household to the extent 70189
that the decrease is the result of the reduction. 70190

The department of job and family services shall adopt rules 70191
in accordance with Chapter 119. of the Revised Code to implement 70192
this section. The rules shall be consistent with 7 U.S.C.A. 70193
2017(d) and federal regulations. 70194

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of 70195
the Revised Code: 70196

(A) "Information" means all of the following: 70197

(1) An individual's name, address, date of birth, and social 70198
security number; 70199

(2) The group or plan number, or other identifier, assigned 70200
by a third party to a policy held by an individual or a plan in 70201
which the individual participates and the nature of the coverage; 70202

(3) Any other data the director of job and family services 70203
specifies in rules adopted under section 5101.591 of the Revised 70204
Code. 70205

(B) "Medical assistance" means medical items or services 70206
provided under any of the following: 70207

(1) Medicaid, as defined in section 5111.01 of the Revised 70208
Code; 70209

(2) The children's health insurance program part I, part II, 70210
and part III established under sections 5101.50 ~~to 5101.529,~~ 70211
5101.51, and 5101.52 of the Revised Code; 70212

(3) The disability medical assistance program established 70213
under Chapter 5115. of the Revised Code; 70214

(4) The children's buy-in program established under sections 70215
5101.5211 to 5101.5216 of the Revised Code. 70216

(C) "Medical support" means support specified as support for 70217

the purpose of medical care by order of a court or administrative agency. 70218
70219

(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code. 70220
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(E)(1) Subject to division (E)(2) of this section, and except as provided in division (E)(3) of this section, "third party" means all of the following: 70223
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(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 70226
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(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 70228
70229
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(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 70231
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(d) A group health plan as defined in 29 U.S.C. 1167; 70233

(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25); 70234
70235

(f) A managed care organization; 70236

(g) A pharmacy benefit manager; 70237

(h) A third party administrator; 70238

(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant. 70239
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(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the 70243
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70245
70246

case of a public assistance recipient. 70247

(3) "Third party" does not include the program for medically 70248
handicapped children established under section 3701.023 of the 70249
Revised Code. 70250

Sec. 5101.573. (A) Subject to divisions (B) and (C) of this 70251
section, a third party shall do all of the following: 70252

(1) Accept the department of job and family services' right 70253
of recovery under section 5101.58 of the Revised Code and the 70254
assignment of rights to the department that are described in 70255
section 5101.59 of the Revised Code; 70256

(2) Respond to an inquiry by the department regarding a claim 70257
for payment of a medical item or service that was submitted to the 70258
third party not later than three years after the date of the 70259
provision of such medical item or service; 70260

(3) Pay a claim described in division (A)(2) of this section; 70261

(4) Not deny a claim submitted by the department solely on 70262
the basis of the date of submission of the claim, type or format 70263
of the claim form, or a failure by the medical assistance 70264
recipient who is the subject of the claim to present proper 70265
documentation of coverage at the time of service, if both of the 70266
following are true: 70267

(a) The claim was submitted by the department not later than 70268
three years after the date of the provision of the medical item or 70269
service; 70270

(b) An action by the department to enforce its right of 70271
recovery under section 5101.58 of the Revised Code on the claim 70272
was commenced not later than six years after the department's 70273
submission of the claim. 70274

(5) Consider the department's payment of a claim for a 70275
medical item or service to be the equivalent of the medical 70276

assistance recipient having obtained prior authorization for the 70277
item or service from the third party; 70278

(6) Not deny a claim described in division (A)(5) of this 70279
section that is submitted by the department solely on the basis of 70280
the medical assistance recipient's failure to obtain prior 70281
authorization for the medical item or service. 70282

(B) For purposes of the requirements in division (A) of this 70283
section, a third party shall treat a managed care organization as 70284
the department for a claim in which both of the following are 70285
true: 70286

(1) The individual who is the subject of the claim received a 70287
medical item or service through a managed care organization that 70288
has entered into a contract with the department of job and family 70289
services under section ~~5111.16~~ 5111.17 of the Revised Code; 70290

(2) The department has assigned its right of recovery for the 70291
claim to the managed care organization. 70292

(C) The time limitations associated with the requirements in 70293
divisions (A)(2) and (A)(4) of this section apply only to 70294
submissions of claims to, and payments of claims by, a health 70295
insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 70296

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 70297
Revised Code: 70298

(A) "Abuse" means the infliction upon an adult by self or 70299
others of injury, unreasonable confinement, intimidation, or cruel 70300
punishment with resulting physical harm, pain, or mental anguish. 70301

(B) "Adult" means any person sixty years of age or older 70302
within this state who is handicapped by the infirmities of aging 70303
or who has a physical or mental impairment which prevents the 70304
person from providing for the person's own care or protection, and 70305
who resides in an independent living arrangement. An "independent 70306

living arrangement" is a domicile of a person's own choosing, 70307
including, but not limited to, a private home, apartment, trailer, 70308
or rooming house. ~~Except as otherwise provided in this division,~~ 70309
An "independent living arrangement" includes a community 70310
alternative home an adult care facility licensed pursuant to 70311
~~section 3724.03 Chapter 3722.~~ of the Revised Code, but does not 70312
include other institutions or facilities licensed by the state, or 70313
facilities in which a person resides as a result of voluntary, 70314
civil, or criminal commitment. ~~"Independent living arrangement"~~ 70315
~~does include adult care facilities licensed pursuant to Chapter~~ 70316
~~3722. of the Revised Code.~~ 70317

(C) "Caretaker" means the person assuming the responsibility 70318
for the care of an adult on a voluntary basis, by contract, 70319
through receipt of payment for care, as a result of a family 70320
relationship, or by order of a court of competent jurisdiction. 70321

(D) "Court" means the probate court in the county where an 70322
adult resides. 70323

(E) "Emergency" means that the adult is living in conditions 70324
which present a substantial risk of immediate and irreparable 70325
physical harm or death to self or any other person. 70326

(F) "Emergency services" means protective services furnished 70327
to an adult in an emergency. 70328

(G) "Exploitation" means the unlawful or improper act of a 70329
caretaker using an adult or an adult's resources for monetary or 70330
personal benefit, profit, or gain. 70331

(H) "In need of protective services" means an adult known or 70332
suspected to be suffering from abuse, neglect, or exploitation to 70333
an extent that either life is endangered or physical harm, mental 70334
anguish, or mental illness results or is likely to result. 70335

(I) "Incapacitated person" means a person who is impaired for 70336
any reason to the extent that the person lacks sufficient 70337

understanding or capacity to make and carry out reasonable 70338
decisions concerning the person's self or resources, with or 70339
without the assistance of a caretaker. Refusal to consent to the 70340
provision of services shall not be the sole determinative that the 70341
person is incapacitated. "Reasonable decisions" are decisions made 70342
in daily living which facilitate the provision of food, shelter, 70343
clothing, and health care necessary for life support. 70344

(J) "Mental illness" means a substantial disorder of thought, 70345
mood, perception, orientation, or memory that grossly impairs 70346
judgment, behavior, capacity to recognize reality, or ability to 70347
meet the ordinary demands of life. 70348

(K) "Neglect" means the failure of an adult to provide for 70349
self the goods or services necessary to avoid physical harm, 70350
mental anguish, or mental illness or the failure of a caretaker to 70351
provide such goods or services. 70352

(L) "Peace officer" means a peace officer as defined in 70353
section 2935.01 of the Revised Code. 70354

(M) "Physical harm" means bodily pain, injury, impairment, or 70355
disease suffered by an adult. 70356

(N) "Protective services" means services provided by the 70357
county department of job and family services or its designated 70358
agency to an adult who has been determined by evaluation to 70359
require such services for the prevention, correction, or 70360
discontinuance of an act of as well as conditions resulting from 70361
abuse, neglect, or exploitation. Protective services may include, 70362
but are not limited to, case work services, medical care, mental 70363
health services, legal services, fiscal management, home health 70364
care, homemaker services, housing-related services, guardianship 70365
services, and placement services as well as the provision of such 70366
commodities as food, clothing, and shelter. 70367

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 70368

and Friday, except when such day is a holiday as defined in 70369
section 1.14 of the Revised Code. 70370

Sec. 5101.61. (A) As used in this section: 70371

(1) "Senior service provider" means any person who provides 70372
care or services to a person who is an adult as defined in 70373
division (B) of section 5101.60 of the Revised Code. 70374

(2) "Ambulatory health facility" means a nonprofit, public or 70375
proprietary freestanding organization or a unit of such an agency 70376
or organization that: 70377

(a) Provides preventive, diagnostic, therapeutic, 70378
rehabilitative, or palliative items or services furnished to an 70379
outpatient or ambulatory patient, by or under the direction of a 70380
physician or dentist in a facility which is not a part of a 70381
hospital, but which is organized and operated to provide medical 70382
care to outpatients; 70383

(b) Has health and medical care policies which are developed 70384
with the advice of, and with the provision of review of such 70385
policies, an advisory committee of professional personnel, 70386
including one or more physicians, one or more dentists, if dental 70387
care is provided, and one or more registered nurses; 70388

(c) Has a medical director, a dental director, if dental care 70389
is provided, and a nursing director responsible for the execution 70390
of such policies, and has physicians, dentists, nursing, and 70391
ancillary staff appropriate to the scope of services provided; 70392

(d) Requires that the health care and medical care of every 70393
patient be under the supervision of a physician, provides for 70394
medical care in a case of emergency, has in effect a written 70395
agreement with one or more hospitals and other centers or clinics, 70396
and has an established patient referral system to other resources, 70397
and a utilization review plan and program; 70398

- (e) Maintains clinical records on all patients; 70399
- (f) Provides nursing services and other therapeutic services 70400
in accordance with programs and policies, with such services 70401
supervised by a registered professional nurse, and has a 70402
registered professional nurse on duty at all times of clinical 70403
operations; 70404
- (g) Provides approved methods and procedures for the 70405
dispensing and administration of drugs and biologicals; 70406
- (h) Has established an accounting and record keeping system 70407
to determine reasonable and allowable costs; 70408
- (i) "Ambulatory health facilities" also includes an 70409
alcoholism treatment facility approved by the joint commission on 70410
accreditation of healthcare organizations as an alcoholism 70411
treatment facility or certified by the department of alcohol and 70412
drug addiction services, and such facility shall comply with other 70413
provisions of this division not inconsistent with such 70414
accreditation or certification. 70415
- (3) "Community mental health facility" means a facility which 70416
provides community mental health services and is included in the 70417
comprehensive mental health plan for the alcohol, drug addiction, 70418
and mental health service district in which it is located. 70419
- (4) "Community mental health service" means services, other 70420
than inpatient services, provided by a community mental health 70421
facility. 70422
- (5) "Home health agency" means an institution or a distinct 70423
part of an institution operated in this state which: 70424
- (a) Is primarily engaged in providing home health services; 70425
- (b) Has home health policies which are established by a group 70426
of professional personnel, including one or more duly licensed 70427
doctors of medicine or osteopathy and one or more registered 70428

professional nurses, to govern the home health services it 70429
provides and which includes a requirement that every patient must 70430
be under the care of a duly licensed doctor of medicine or 70431
osteopathy; 70432

(c) Is under the supervision of a duly licensed doctor of 70433
medicine or doctor of osteopathy or a registered professional 70434
nurse who is responsible for the execution of such home health 70435
policies; 70436

(d) Maintains comprehensive records on all patients; 70437

(e) Is operated by the state, a political subdivision, or an 70438
agency of either, or is operated not for profit in this state and 70439
is licensed or registered, if required, pursuant to law by the 70440
appropriate department of the state, county, or municipality in 70441
which it furnishes services; or is operated for profit in this 70442
state, meets all the requirements specified in divisions (A)(5)(a) 70443
to (d) of this section, and is certified under Title XVIII of the 70444
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 70445
amended. 70446

(6) "Home health service" means the following items and 70447
services, provided, except as provided in division (A)(6)(g) of 70448
this section, on a visiting basis in a place of residence used as 70449
the patient's home: 70450

(a) Nursing care provided by or under the supervision of a 70451
registered professional nurse; 70452

(b) Physical, occupational, or speech therapy ordered by the 70453
patient's attending physician; 70454

(c) Medical social services performed by or under the 70455
supervision of a qualified medical or psychiatric social worker 70456
and under the direction of the patient's attending physician; 70457

(d) Personal health care of the patient performed by aides in 70458

accordance with the orders of a doctor of medicine or osteopathy 70459
and under the supervision of a registered professional nurse; 70460

(e) Medical supplies and the use of medical appliances; 70461

(f) Medical services of interns and residents-in-training 70462
under an approved teaching program of a nonprofit hospital and 70463
under the direction and supervision of the patient's attending 70464
physician; 70465

(g) Any of the foregoing items and services which: 70466

(i) Are provided on an outpatient basis under arrangements 70467
made by the home health agency at a hospital or skilled nursing 70468
facility; 70469

(ii) Involve the use of equipment of such a nature that the 70470
items and services cannot readily be made available to the patient 70471
in the patient's place of residence, or which are furnished at the 70472
hospital or skilled nursing facility while the patient is there to 70473
receive any item or service involving the use of such equipment. 70474

Any attorney, physician, osteopath, podiatrist, chiropractor, 70475
dentist, psychologist, any employee of a hospital as defined in 70476
section 3701.01 of the Revised Code, any nurse licensed under 70477
Chapter 4723. of the Revised Code, any employee of an ambulatory 70478
health facility, any employee of a home health agency, any 70479
employee of an adult care facility as defined in section 3722.01 70480
of the Revised Code, ~~any employee of a community alternative home~~ 70481
~~as defined in section 3724.01 of the Revised Code,~~ any employee of 70482
a nursing home, residential care facility, or home for the aging, 70483
as defined in section 3721.01 of the Revised Code, any senior 70484
service provider, any peace officer, coroner, clergyman, any 70485
employee of a community mental health facility, and any person 70486
engaged in social work or counseling having reasonable cause to 70487
believe that an adult is being abused, neglected, or exploited, or 70488
is in a condition which is the result of abuse, neglect, or 70489

exploitation shall immediately report such belief to the county 70490
department of job and family services. This section does not apply 70491
to employees of any hospital or public hospital as defined in 70492
section 5122.01 of the Revised Code. 70493

(B) Any person having reasonable cause to believe that an 70494
adult has suffered abuse, neglect, or exploitation may report, or 70495
cause reports to be made of such belief to the department. 70496

(C) The reports made under this section shall be made orally 70497
or in writing except that oral reports shall be followed by a 70498
written report if a written report is requested by the department. 70499
Written reports shall include: 70500

(1) The name, address, and approximate age of the adult who 70501
is the subject of the report; 70502

(2) The name and address of the individual responsible for 70503
the adult's care, if any individual is, and if the individual is 70504
known; 70505

(3) The nature and extent of the alleged abuse, neglect, or 70506
exploitation of the adult; 70507

(4) The basis of the reporter's belief that the adult has 70508
been abused, neglected, or exploited. 70509

(D) Any person with reasonable cause to believe that an adult 70510
is suffering abuse, neglect, or exploitation who makes a report 70511
pursuant to this section or who testifies in any administrative or 70512
judicial proceeding arising from such a report, or any employee of 70513
the state or any of its subdivisions who is discharging 70514
responsibilities under section 5101.62 of the Revised Code shall 70515
be immune from civil or criminal liability on account of such 70516
investigation, report, or testimony, except liability for perjury, 70517
unless the person has acted in bad faith or with malicious 70518
purpose. 70519

(E) No employer or any other person with the authority to do 70520
so shall discharge, demote, transfer, prepare a negative work 70521
performance evaluation, or reduce benefits, pay, or work 70522
privileges, or take any other action detrimental to an employee or 70523
in any way retaliate against an employee as a result of the 70524
employee's having filed a report under this section. 70525

(F) Neither the written or oral report provided for in this 70526
section nor the investigatory report provided for in section 70527
5101.62 of the Revised Code shall be considered a public record as 70528
defined in section 149.43 of the Revised Code. Information 70529
contained in the report shall upon request be made available to 70530
the adult who is the subject of the report, to agencies authorized 70531
by the department to receive information contained in the report, 70532
and to legal counsel for the adult. 70533

Sec. 5101.84. An individual otherwise ineligible for aid 70534
under Chapter 5107. or 5108. of the Revised Code or ~~food stamps~~ 70535
supplemental nutrition assistance program benefits under the "Food 70536
Stamp and Nutrition Act of 1977," 78 Stat. 703, 2008 (7 U.S.C. 70537
2011, as amended, et seq.) because of paragraph (a) of ~~section 115~~ 70538
~~of the "Personal Responsibility and Work Opportunity~~ 70539
~~Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a,~~ is 70540
eligible for the aid or benefits if the individual meets all other 70541
eligibility requirements for the aid or benefits. 70542

Sec. 5104.041. (A) All type A and type B family day-care 70543
homes shall procure and maintain one of the following: 70544

(1) Liability insurance issued by an insurer authorized to do 70545
business in this state under Chapter 3905. of the Revised Code 70546
insuring the type A or type B family day-care home against 70547
liability arising out of, or in connection with, the operation of 70548
the family day-care home. Liability insurance procured under this 70549

division shall cover any cause for which the type A or type B 70550
family day-care home would be liable, in the amount of at least 70551
one hundred thousand dollars per occurrence and three hundred 70552
thousand dollars in the aggregate. 70553

(2) ~~An affidavit~~ A written statement signed by the parent, 70554
guardian, or custodian of each child receiving child care from the 70555
type A or type B family day-care home that states all of the 70556
following: 70557

(a) The family day-care home does not carry liability 70558
insurance described in division (A)(1) of this section; 70559

(b) If the licensee of a type A family day-care home or the 70560
provider of a type B family day-care home is not the owner of the 70561
real property where the family day-care home is located, the 70562
liability insurance, if any, of the owner of the real property may 70563
not provide for coverage of any liability arising out of, or in 70564
connection with, the operation of the family day-care home. 70565

(B) If the licensee of a type A family day-care home or the 70566
provider of a type B family day-care home is not the owner of the 70567
real property where the family day-care home is located and the 70568
family day-care home procures liability insurance described in 70569
division (A)(1) of this section, that licensee or provider shall 70570
name the owner of the real property as an additional insured party 70571
on the liability insurance policy if all of the following apply: 70572
70573

(1) The owner of the real property requests the licensee or 70574
provider, in writing, to add the owner of the real property to the 70575
liability insurance policy as an additional insured party. 70576

(2) The addition of the owner of the real property does not 70577
result in cancellation or nonrenewal of the insurance policy 70578
procured by the type A or type B family day-care home. 70579

(3) The owner of the real property pays any additional 70580

premium assessed for coverage of the owner of the real property. 70581

(C) Proof of insurance or ~~affidavit~~ written statement 70582
required under division (A) of this section shall be maintained at 70583
the type A or type B family day-care home and made available for 70584
review during inspection or investigation as required under this 70585
chapter. 70586

(D) The director of job and family services shall adopt rules 70587
for the enforcement of this section. 70588

Sec. 5107.05. The director of job and family services shall 70589
adopt rules to implement this chapter. The rules shall be 70590
consistent with Title IV-A, Title IV-D, federal regulations, state 70591
law, the Title IV-A state plan submitted to the United States 70592
secretary of health and human services under section 5101.80 of 70593
the Revised Code, amendments to the plan, and waivers granted by 70594
the United States secretary. Rules governing eligibility, program 70595
participation, and other applicant and participant requirements 70596
shall be adopted in accordance with Chapter 119. of the Revised 70597
Code. Rules governing financial and other administrative 70598
requirements applicable to the department of job and family 70599
services and county departments of job and family services shall 70600
be adopted in accordance with section 111.15 of the Revised Code. 70601

(A) The rules shall specify, establish, or govern all of the 70602
following: 70603

(1) A payment standard for Ohio works first based on federal 70604
and state appropriations that is increased in accordance with 70605
section 5107.04 of the Revised Code; 70606

(2) For the purpose of section 5107.04 of the Revised Code, 70607
the method of determining the amount of cash assistance an 70608
assistance group receives under Ohio works first; 70609

(3) Requirements for initial and continued eligibility for 70610

Ohio works first, including requirements regarding income, 70611
citizenship, age, residence, and assistance group composition; 70612

(4) For the purpose of section 5107.12 of the Revised Code, 70613
application and verification procedures, including the minimum 70614
information an application must contain; 70615

(5) The extent to which a participant of Ohio works first 70616
must notify, pursuant to section 5107.12 of the Revised Code, a 70617
county department of job and family services of additional income 70618
not previously reported to the county department; 70619

(6) For the purpose of section 5107.16 of the Revised Code, 70620
~~standards~~ all of the following: 70621

(a) Standards for the determination of good cause for failure 70622
or refusal to comply in full with a provision of a 70623
self-sufficiency contract; 70624

(b) The compliance form a member of an assistance group may 70625
complete to indicate willingness to come into full compliance with 70626
a provision of a self-sufficiency contract; 70627

(c) The manner by which the compliance form is to be 70628
completed and provided to a county department of job and family 70629
services. 70630

(7) The department of job and family services providing 70631
written notice of a sanction under section 5107.161 of the Revised 70632
Code; 70633

(8) For the purpose of division (A)(2) of section 5107.17 of 70634
the Revised Code, the period of time by which a county department 70635
of job and family services is to receive a compliance form 70636
established in rules adopted under division (A)(6)(b) of this 70637
section; 70638

(9) Requirements for the collection and distribution of 70639
support payments owed participants of Ohio works first pursuant to 70640

section 5107.20 of the Revised Code; 70641

~~(9)~~(10) For the purpose of section 5107.22 of the Revised 70642
Code, what constitutes cooperating in establishing a minor child's 70643
paternity or establishing, modifying, or enforcing a child support 70644
order and good cause for failure or refusal to cooperate; 70645
70646

~~(10)~~(11) The requirements governing the LEAP program, 70647
including the definitions of "equivalent of a high school diploma" 70648
and "good cause," and the incentives provided under the LEAP 70649
program; 70650

~~(11)~~(12) If the director implements section 5107.301 of the 70651
Revised Code, the requirements governing the award provided under 70652
that section, including the form that the award is to take and 70653
requirements an individual must satisfy to receive the award; 70654

~~(12)~~(13) Circumstances under which a county department of job 70655
and family services may exempt a minor head of household or adult 70656
from participating in a work activity or developmental activity 70657
for all or some of the weekly hours otherwise required by section 70658
5107.43 of the Revised Code. 70659

~~(13)~~(14) The maximum amount of time the department will 70660
subsidize positions created by state agencies and political 70661
subdivisions under division (C) of section 5107.52 of the Revised 70662
Code; 70663

~~(14)~~(15) The implementation of sections 5107.71 to 5107.717 70664
of the Revised Code by county departments of job and family 70665
services; 70666

~~(15)~~(16) A domestic violence screening process to be used for 70667
the purpose of division (A) of section 5107.71 of the Revised 70668
Code; 70669

~~(16)~~(17) The minimum frequency with which county departments 70670

of job and family services must redetermine a member of an 70671
assistance group's need for a waiver issued under section 5107.714 70672
of the Revised Code. 70673

(B) The rules adopted under division (A)(3) of this section 70674
regarding income shall specify what is countable income, gross 70675
earned income, and gross unearned income for the purpose of 70676
section 5107.10 of the Revised Code. 70677

The rules adopted under division (A)~~(9)~~(10) of this section 70678
shall be consistent with 42 U.S.C. 654(29). 70679

The rules adopted under division (A)~~(12)~~(13) of this section 70680
shall specify that the circumstances include that a school or 70681
place of work is closed due to a holiday or weather or other 70682
emergency and that an employer grants the minor head of household 70683
or adult leave for illness or earned vacation. 70684

(C) The rules may provide that a county department of job and 70685
family services is not required to take action under section 70686
5107.76 of the Revised Code to recover an erroneous payment that 70687
is below an amount the department specifies. 70688

Sec. 5107.16. (A) If a member of an assistance group fails or 70689
refuses, without good cause, to comply in full with a provision of 70690
a self-sufficiency contract entered into under section 5107.14 of 70691
the Revised Code, a county department of job and family services 70692
shall sanction the assistance group as follows: 70693

(1) For a first failure or refusal, the county department 70694
shall deny or terminate the assistance group's eligibility to 70695
participate in Ohio works first for one payment month or until the 70696
failure or refusal ceases, whichever is longer; 70697

(2) For a second failure or refusal, the county department 70698
shall deny or terminate the assistance group's eligibility to 70699
participate in Ohio works first for three payment months or until 70700

the failure or refusal ceases, whichever is longer; 70701

(3) For a third or subsequent failure or refusal, the county 70702
department shall deny or terminate the assistance group's 70703
eligibility to participate in Ohio works first for six payment 70704
months or until the failure or refusal ceases, whichever is 70705
longer. 70706

(B) The director of job and family services shall establish 70707
standards for the determination of good cause for failure or 70708
refusal to comply in full with a provision of a self-sufficiency 70709
contract in rules adopted under section 5107.05 of the Revised 70710
Code. 70711

(C) The director of job and family services shall provide a 70712
compliance form established in rules adopted under section 5107.05 70713
of the Revised Code to an assistance group member who fails or 70714
refuses, without good cause, to comply in full with a provision of 70715
a self-sufficiency contract. The member's failure or refusal to 70716
comply in full with the provision shall be deemed to have ceased 70717
on the date a county department of job and family services 70718
receives the compliance form from the member if the compliance 70719
form is completed and provided to the county department in the 70720
manner specified in rules adopted under section 5107.05 of the 70721
Revised Code. 70722

(D) After sanctioning an assistance group under division (A) 70723
of this section, a county department of job and family services 70724
shall continue to work with the assistance group. 70725

~~(D)~~(E) An adult eligible for medicaid pursuant to division 70726
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 70727
under division (A)(3) of this section for a failure or refusal, 70728
without good cause, to comply in full with a provision of a 70729
self-sufficiency contract related to work responsibilities under 70730
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 70731

for medicaid unless the adult is otherwise eligible for medicaid 70732
pursuant to another division of section 5111.01 of the Revised 70733
Code. 70734

An assistance group that would be participating in Ohio works 70735
first if not for a sanction under this section shall continue to 70736
be eligible for all of the following: 70737

(1) Publicly funded child care in accordance with division 70738
(A)(3) of section 5104.30 of the Revised Code; 70739

(2) Support services in accordance with section 5107.66 of 70740
the Revised Code; 70741

(3) To the extent permitted by the "Fair Labor Standards Act 70742
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 70743
in work activities, developmental activities, and alternative work 70744
activities in accordance with sections 5107.40 to 5107.69 of the 70745
Revised Code. 70746

Sec. 5107.17. An assistance group that resumes participation 70747
in Ohio works first following a sanction under section 5107.16 of 70748
the Revised Code is not required to do either of the following: 70749

(A) Reapply under section 5107.12 of the Revised Code, unless 70750
~~it~~ either of the following applies: 70751

(1) It is the assistance group's regularly scheduled time for 70752
an eligibility redetermination; 70753

(2) The county department of job and family services does not 70754
receive the completed compliance form established in rules adopted 70755
under section 5107.05 of the Revised Code within the period of 70756
time specified in rules adopted under that section. 70757

(B) Enter into a new self-sufficiency contract under section 70758
5107.14 of the Revised Code, unless the county department of job 70759
and family services determines it is time for a new appraisal 70760
under section 5107.41 of the Revised Code or the assistance 70761

group's circumstances have changed in a manner necessitating an 70762
amendment to the self-sufficiency contract as determined using 70763
procedures included in the contract under division (B)(9) of 70764
section 5107.14 of the Revised Code. 70765

Sec. 5111.01. As used in this chapter, "medical assistance 70766
program" or "medicaid" means the program that is authorized by 70767
this chapter and provided by the department of job and family 70768
services under this chapter, Title XIX of the "Social Security 70769
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 70770
waivers of Title XIX requirements granted to the department by the 70771
centers for medicare and medicaid services of the United States 70772
department of health and human services. 70773

The department of job and family services shall act as the 70774
single state agency to supervise the administration of the 70775
medicaid program. As the single state agency, the department shall 70776
comply with 42 C.F.R. 431.10(e). The department's rules governing 70777
medicaid are binding on other agencies that administer components 70778
of the medicaid program. No agency may establish, by rule or 70779
otherwise, a policy governing medicaid that is inconsistent with a 70780
medicaid policy established, in rule or otherwise, by the director 70781
of job and family services. 70782

(A) The department of job and family services may provide 70783
medical assistance under the medicaid program as long as federal 70784
funds are provided for such assistance, to the following: 70785

(1) Families with children that meet either of the following 70786
conditions: 70787

(a) The family meets the income, resource, and family 70788
composition requirements in effect on July 16, 1996, for the 70789
former aid to dependent children program as those requirements 70790
were established by Chapter 5107. of the Revised Code, federal 70791
waivers granted pursuant to requests made under former section 70792

5101.09 of the Revised Code, and rules adopted by the department 70793
or any changes the department makes to those requirements in 70794
accordance with paragraph (a)(2) of section 114 of the "Personal 70795
Responsibility and Work Opportunity Reconciliation Act of 1996," 70796
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 70797
implementing section ~~5111.019~~ 5111.0120 of the Revised Code. An 70798
adult loses eligibility for medicaid under division (A)(1)(a) of 70799
this section pursuant to division ~~(D)~~(E) of section 5107.16 of the 70800
Revised Code. 70801

(b) The family does not meet the requirements specified in 70802
division (A)(1)(a) of this section but is eligible for medicaid 70803
pursuant to section 5101.18 of the Revised Code. 70804

(2) Aged, blind, and disabled persons who meet the following 70805
conditions: 70806

(a) Receive federal aid under Title XVI of the "Social 70807
Security Act," or are eligible for but are not receiving such aid, 70808
provided that the income from all other sources for individuals 70809
with independent living arrangements shall not exceed one hundred 70810
seventy-five dollars per month. The income standards hereby 70811
established shall be adjusted annually at the rate that is used by 70812
the United States department of health and human services to 70813
adjust the amounts payable under Title XVI. 70814

(b) Do not receive aid under Title XVI, but meet any of the 70815
following criteria: 70816

(i) Would be eligible to receive such aid, except that their 70817
income, other than that excluded from consideration as income 70818
under Title XVI, exceeds the maximum under division (A)(2)(a) of 70819
this section, and incurred expenses for medical care, as 70820
determined under federal regulations applicable to section 209(b) 70821
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 70822
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 70823

their income exceeds the maximum under division (A)(2)(a) of this section; 70824
70825

(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements; 70826
70827
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(iii) Are eligible for medicaid pursuant to section 5101.18 of the Revised Code. 70829
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(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medicaid be provided; 70831
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(4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (A)(4) of this section. 70834
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~~(B) If sufficient funds are appropriated for the medicaid program, the~~ The department may shall not provide medical assistance under the medicaid program to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program, unless either of the following is the case: 70842
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70846
70847

(1) The medicaid program covers the group on the effective date of this amendment; 70848
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(2) State statute enacted after the effective date of this amendment expressly authorizes the medicaid program to cover the group. 70850
70851
70852

(C) The department may expand eligibility for the medicaid 70853

program to include individuals under age nineteen with family 70854
incomes at or below one hundred fifty per cent of the federal 70855
poverty guidelines, except that the eligibility expansion shall 70856
not occur unless the department receives the approval of the 70857
federal government. The department may implement the eligibility 70858
expansion authorized under this division on any date selected by 70859
the department, but not sooner than January 1, 1998. 70860

(D) In addition to any other authority or requirement to 70861
adopt rules under this chapter, the director may adopt rules in 70862
accordance with section 111.15 of the Revised Code as the director 70863
considers necessary to establish standards, procedures, and other 70864
requirements regarding the provision of medical assistance under 70865
the medicaid program. The rules may establish requirements to be 70866
followed in applying for medicaid, making determinations of 70867
eligibility for medicaid, and verifying eligibility for medicaid. 70868
The rules may include special conditions as the department 70869
determines appropriate for making applications, determining 70870
eligibility, and verifying eligibility for any medical assistance 70871
that the department may provide under the medicaid program 70872
pursuant to division (C) of this section and section 5111.014 or 70873
~~5111.019~~ 5111.0120 of the Revised Code. 70874

Sec. ~~5111.019~~ 5111.0120. The director of job and family 70875
services shall submit to the United States secretary of health and 70876
human services an amendment to the state medicaid plan to make an 70877
individual eligible for medicaid who meets all of the following 70878
requirements: 70879

(A) The individual is the parent of a child under nineteen 70880
years of age and resides with the child; 70881

(B) The individual's family income does not exceed ninety per 70882
cent of the federal poverty guidelines; 70883

(C) The individual is not otherwise eligible for medicaid; 70884

(D) The individual satisfies all relevant requirements 70885
established by rules adopted under division (D) of section 5111.01 70886
of the Revised Code. 70887

Sec. 5111.0121. (A) Subject to division (B) of this section, 70888
a county department of job and family services may permit a parent 70889
who is eligible for the medicaid program pursuant to section 70890
5111.0120 of the Revised Code to not have to undergo a 70891
redetermination of eligibility for the medicaid program more often 70892
than once every twelve months unless there are reasonable grounds 70893
to believe that circumstances have changed that may affect the 70894
parent's eligibility. 70895

(B) A county department may not implement division (A) of 70896
this section if implementation would violate federal law governing 70897
the medicaid program unless the United States secretary of health 70898
and human services grants a federal medicaid waiver authorizing 70899
implementation of division (A) of this section. The director of 70900
job and family services shall apply for such a federal medicaid 70901
waiver if a waiver is needed for the implementation of division 70902
(A) of this section. 70903

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 70904
Code, the director of job and family services shall adopt rules 70905
establishing procedures for the use of time-limited provider 70906
agreements under the medicaid program. Except as provided in 70907
division (E) of this section, all provider agreements shall be 70908
time-limited in accordance with the procedures established in the 70909
rules. 70910

The department of job and family services shall phase-in the 70911
use of time-limited provider agreements pursuant to this section 70912
during a period commencing not later than January 1, 2008, and 70913
ending January 1, ~~2011~~ 2015. 70914

(B) In the use of time-limited provider agreements pursuant to this section, all of the following apply:

(1) Each provider agreement shall expire not later than ~~three~~ seven years from the effective date of the agreement.

(2) During the phase-in period specified in division (A) of this section, the department may provide for the conversion of a provider agreement without a time limit to a provider agreement with a time limit. The department may take an action to convert the provider agreement by sending a notice by regular mail to the address of the provider on record with the department advising the provider of the conversion.

(3) The department may make the effective date of a provider agreement retroactive for a period not to exceed one year from the date of the provider's application for the agreement, as long as the provider met all medicaid program requirements during that period.

(C) The rules for use of time-limited provider agreements pursuant to this section shall include a process for re-enrollment of providers. All of the following apply to the re-enrollment process:

(1) The department of job and family services may terminate a time-limited provider agreement or deny re-enrollment when a provider fails to file an application for re-enrollment within the time and in the manner required under the re-enrollment process.

(2) If a provider files an application for re-enrollment within the time and in the manner required under the re-enrollment process, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider may continue operating under the terms of the expired provider

agreement until the effective date of the department's decision. 70946

(3) A decision by the department to approve an application 70947
for re-enrollment becomes effective on the date of the 70948
department's decision. A decision by the department to deny 70949
re-enrollment shall take effect not sooner than thirty days after 70950
the date the department mails written notice of the decision to 70951
the provider. The department shall specify in the notice the date 70952
on which the provider is required to cease operating under the 70953
provider agreement. 70954

(D) Pursuant to section 5111.06 of the Revised Code, the 70955
department is not required to take the actions specified in 70956
division (C)(1) of this section by issuing an order pursuant to an 70957
adjudication conducted in accordance with Chapter 119. of the 70958
Revised Code. 70959

(E) The use of time-limited provider agreements pursuant to 70960
this section does not apply to provider agreements issued to the 70961
following, including any provider agreements issued to the 70962
following that are otherwise time-limited under the medicaid 70963
program: 70964

(1) A managed care organization under contract with the 70965
department pursuant to section 5111.17 of the Revised Code; 70966

(2) A nursing facility, as defined in section 5111.20 of the 70967
Revised Code; 70968

(3) An intermediate care facility for the mentally retarded, 70969
as defined in section 5111.20 of the Revised Code; 70970

(4) A hospital. 70971

Sec. 5111.0210. (A) As used in this section: 70972

(1) "High-technology radiological service" means a 70973
radiological service that the director of job and family services 70974
identifies in rules adopted under section 5111.02 of the Revised 70975

Code as involving highly advanced or specialized systems or 70976
devices. "High-technology radiological service" includes a 70977
radiological service that involves computed tomography, magnetic 70978
resonance imaging, nuclear cardiology, or a positron emission 70979
tomography modality. 70980

(2) "Medicaid managed care organization" means a managed care 70981
organization under contract with the department of job and family 70982
services under section 5111.17 of the Revised Code. 70983

(B) Effective November 1, 2009, and except as provided in 70984
division (C) of this section, neither the department of job and 70985
family services nor a medicaid managed care organization shall 70986
reimburse a provider for providing a high-technology radiological 70987
service to a medicaid recipient unless the high-technology 70988
radiological service is prior authorized in accordance with rules 70989
adopted under section 5111.02 of the Revised Code. 70990

(C) Medicaid reimbursement for providing a high-technology 70991
radiological service is not subject to prior authorization if 70992
either of the following applies: 70993

(1) The high-technology radiological service is needed due to 70994
a documented, medical emergency. 70995

(2) The high-technology radiological service is used as part 70996
of a mammography screening or cytological screening covered by the 70997
medicaid program under section 5111.024 of the Revised Code. 70998

(D) The rules the director of job and family services adopts 70999
under division (A) of section 5111.02 of the Revised Code shall 71000
include rules to implement this section. The rules shall establish 71001
a prior authorization system for high-technology radiological 71002
services that applies evidence-based criteria in decisions 71003
regarding the medical necessity for a high-technology radiological 71004
service. 71005

Sec. 5111.0211. The medicaid program shall not cover a 71006
service that federal law designates as a service that a state, at 71007
its option, may cover under its medicaid program, unless either of 71008
the following is the case: 71009

(A) The medicaid program covers the service on the effective 71010
date of this section; 71011

(B) State statute enacted after the effective date of this 71012
section expressly authorizes the medicaid program to cover the 71013
service. 71014

Sec. 5111.032. (A) As used in this section: 71015

(1) "Criminal records check" has the same meaning as in 71016
section 109.572 of the Revised Code. 71017

(2) "Department" includes a designee of the department of job 71018
and family services. 71019

(3) "Owner" means a person who has an ownership interest in a 71020
provider in an amount designated by the department of job and 71021
family services in rules adopted under this section. 71022

(4) "Provider" means a person, institution, or entity that 71023
has a provider agreement with the department of job and family 71024
services pursuant to Title XIX of the "Social Security Act," 49 71025
State. 620 (1965), 42 U.S.C. 1396, as amended. 71026

(B)(1) Except as provided in division (B)(2) of this section, 71027
the department of job and family services may require that any 71028
provider, applicant to be a provider, employee or prospective 71029
employee of a provider, owner or prospective owner of a provider, 71030
officer or prospective officer of a provider, or board member or 71031
prospective board member of a provider submit to a criminal 71032
records check as a condition of obtaining a provider agreement, 71033
continuing to hold a provider agreement, being employed by a 71034

provider, having an ownership interest in a provider, or being an officer or board member of a provider. The department may designate the categories of persons who are subject to the criminal records check requirement. The department shall designate the times at which the criminal records checks must be conducted.

(2) The section does not apply to providers, applicants to be providers, employees of a provider, or prospective employees of a provider who are subject to criminal records checks under section 5111.033 or 5111.034 of the Revised Code.

(C)(1) The department shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department shall specify which of the provider's or applicant's employees or prospective employees, owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to the criminal records check requirement.

(2) At times designated in rules adopted under this section, a provider that is subject to the criminal records check requirement shall inform each person specified by the department under division (C)(1) of this section that the person is required, as applicable, to submit to a criminal records check for final consideration for employment in a full-time, part-time, or temporary position; as a condition of continued employment; or as a condition of becoming or continuing to be an officer, board member or owner of a provider.

(D)(1) If a provider or applicant to be a provider is subject to a criminal records check under this section, the department shall require the conduct of a criminal records check by the

superintendent of the bureau of criminal identification and 71067
investigation. If a provider or applicant to be a provider for 71068
whom a criminal records check is required does not present proof 71069
of having been a resident of this state for the five-year period 71070
immediately prior to the date the criminal records check is 71071
requested or provide evidence that within that five-year period 71072
the superintendent has requested information about the individual 71073
from the federal bureau of investigation in a criminal records 71074
check, the department shall require the provider or applicant to 71075
request that the superintendent obtain information from the 71076
federal bureau of investigation as part of the criminal records 71077
check of the provider or applicant. Even if a provider or 71078
applicant for whom a criminal records check request is required 71079
presents proof of having been a resident of this state for the 71080
five-year period, the department may require that the provider or 71081
applicant request that the superintendent obtain information from 71082
the federal bureau of investigation and include it in the criminal 71083
records check of the provider or applicant. 71084

(2) A provider shall require the conduct of a criminal 71085
records check by the superintendent with respect to each of the 71086
persons specified by the department under division (C)(1) of this 71087
section. If the person for whom a criminal records check is 71088
required does not present proof of having been a resident of this 71089
state for the five-year period immediately prior to the date the 71090
criminal records check is requested or provide evidence that 71091
within that five-year period the superintendent of the bureau of 71092
criminal identification and investigation has requested 71093
information about the individual from the federal bureau of 71094
investigation in a criminal records check, the individual shall 71095
request that the superintendent obtain information from the 71096
federal bureau of investigation as part of the criminal records 71097
check of the individual. Even if an individual for whom a criminal 71098
records check request is required presents proof of having been a 71099

resident of this state for the five-year period, the department 71100
may require the provider to request that the superintendent obtain 71101
information from the federal bureau of investigation and include 71102
it in the criminal records check of the person. 71103

(E)(1) Criminal records checks required under this section 71104
for providers or applicants to be providers shall be obtained as 71105
follows: 71106

(a) The department shall provide each provider or applicant 71107
information about accessing and completing the form prescribed 71108
pursuant to division (C)(1) of section 109.572 of the Revised Code 71109
and the standard fingerprint impression sheet prescribed pursuant 71110
to division (C)(2) of that section. 71111

(b) The provider or applicant shall submit the required form 71112
and one complete set of fingerprint impressions directly to the 71113
superintendent for purposes of conducting the criminal records 71114
check using the applicable methods prescribed by division (C) of 71115
section 109.572 of the Revised Code. The applicant or provider 71116
shall pay all fees associated with obtaining the criminal records 71117
check. 71118

(c) The superintendent shall conduct the criminal records 71119
check in accordance with section 109.572 of the Revised Code. The 71120
provider or applicant shall instruct the superintendent to submit 71121
the report of the criminal records check directly to the director 71122
of job and family services. 71123

(2) Criminal records checks required under this section for 71124
persons specified by the department under division (C)(1) of this 71125
section shall be obtained as follows: 71126

(a) The provider shall give to each person subject to 71127
criminal records check requirement information about accessing and 71128
completing the form prescribed pursuant to division (C)(1) of 71129
section 109.572 of the Revised Code and the standard fingerprint 71130

impression sheet prescribed pursuant to division (C)(2) of that section. 71131
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(b) The person shall submit the required form and one complete set of fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check. 71133
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(c) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check shall instruct the superintendent to submit the report of the criminal records check directly to the provider. The department may require the provider to submit the report to the department. 71139
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(F) If a provider or applicant to be a provider is given the information specified in division (E)(1)(a) of this section but fails to obtain a criminal records check, the department shall, as applicable, terminate the provider agreement or deny the application to be a provider. 71145
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If a person is given the information specified in division (E)(2)(a) of this section but fails to obtain a criminal records check, the provider shall not, as applicable, permit the person to be an employee, owner, officer, or board member of the provider. 71150
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(G) Except as provided in rules adopted under division (J) of this section, the department shall terminate the provider agreement of a provider or the department shall not issue a provider agreement to an applicant if the provider or applicant is subject to a criminal records check under this section and the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the 71154
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conviction, the date of entry of the guilty plea, or the date the applicant or provider was found eligible for intervention in lieu of conviction: 71162
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(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 71165
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 71166
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 71167
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 71168
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 71169
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 71170
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 71171
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 71172
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 71173
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 71174
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 71175
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 71176
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 71177
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 71178
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 71179
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 71180
penetration in violation of former section 2907.12 of the Revised 71181
Code, a violation of section 2905.04 of the Revised Code as it 71182
existed prior to July 1, 1996, a violation of section 2919.23 of 71183
the Revised Code that would have been a violation of section 71184
2905.04 of the Revised Code as it existed prior to July 1, 1996, 71185
had the violation been committed prior to that date; 71186

(2) ~~An~~ A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (G)(1) of this section. 71187
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(H)(1)(a) Except as provided in rules adopted under division 71191
(J) of this section and subject to division (H)(2) of this 71192
section, no provider shall permit a person to be an employee, 71193

owner, officer, or board member of the provider if the person is 71194
subject to a criminal records check under this section and the 71195
person has been convicted of, has pleaded guilty to, or has been 71196
found eligible for intervention in lieu of conviction for any of 71197
the offenses specified in division (G)(1) or (2) of this section. 71198

(b) No provider shall employ a person who has been excluded 71199
from participating in the medicaid program, the medicare program 71200
operated pursuant to Title XVIII of the "Social Security Act," or 71201
any other federal health care program. 71202

(2)(a) A provider may employ conditionally a person for whom 71203
a criminal records check is required under this section prior to 71204
obtaining the results of a criminal records check regarding the 71205
person, but only if the person submits a request for a criminal 71206
records check not later than five business days after the 71207
individual begins conditional employment. 71208

(b) A provider that employs a person conditionally under 71209
authority of division (H)(2)(a) of this section shall terminate 71210
the person's employment if the results of the criminal records 71211
check request are not obtained within the period ending sixty days 71212
after the date the request is made. Regardless of when the results 71213
of the criminal records check are obtained, if the results 71214
indicate that the individual has been convicted of, has pleaded 71215
guilty to, or has been found eligible for intervention in lieu of 71216
conviction for any of the offenses specified in division (G)(1) or 71217
(2) of this section, the provider shall terminate the person's 71218
employment unless the provider chooses to employ the individual 71219
pursuant to division (J) of this section. 71220

(I) The report of a criminal records check conducted pursuant 71221
to this section is not a public record for the purposes of section 71222
149.43 of the Revised Code and shall not be made available to any 71223
person other than the following: 71224

(1) The person who is the subject of the criminal records check or the person's representative;	71225 71226
(2) The director of job and family services and the staff of the department in the administration of the medicaid program;	71227 71228
(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement;	71229 71230 71231
(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits.	71232 71233 71234
(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify circumstances under which a provider may permit a person to be an employee, owner, officer, or board member of the provider, when the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.	71235 71236 71237 71238 71239 71240 71241 71242 71243 71244 71245 71246 71247
Sec. 5111.033. (A) As used in this section:	71248
(1) "Applicant" means a person who is under final consideration for employment or, after September 26, 2003, an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities. "Applicant" also means an existing employee with a waiver agency	71249 71250 71251 71252 71253 71254

in a full-time, part-time, or temporary position that involves 71255
providing home and community-based waiver services to a person 71256
with disabilities after September 26, 2003. 71257

(2) "Criminal records check" has the same meaning as in 71258
section 109.572 of the Revised Code. 71259

(3) "Waiver agency" means a person or government entity that 71260
is not certified under the medicare program and is accredited by 71261
the community health accreditation program or the joint commission 71262
on accreditation of health care organizations or a company that 71263
provides home and community-based waiver services to persons with 71264
disabilities through department of job and family services 71265
administered home and community-based waiver programs. 71266

(4) "Home and community-based waiver services" means services 71267
furnished under the provision of 42 C.F.R. 441, subpart G, that 71268
permit individuals to live in a home setting rather than a nursing 71269
facility or hospital. Home and community-based waiver services are 71270
approved by the centers for medicare and medicaid for specific 71271
populations and are not otherwise available under the medicaid 71272
state plan. 71273

(B)(1) The chief administrator of a waiver agency shall 71274
require each applicant to request that the superintendent of the 71275
bureau of criminal identification and investigation conduct a 71276
criminal records check with respect to the applicant. If an 71277
applicant for whom a criminal records check request is required 71278
under this division does not present proof of having been a 71279
resident of this state for the five-year period immediately prior 71280
to the date the criminal records check is requested or provide 71281
evidence that within that five-year period the superintendent has 71282
requested information about the applicant from the federal bureau 71283
of investigation in a criminal records check, the chief 71284
administrator shall require the applicant to request that the 71285
superintendent obtain information from the federal bureau of 71286

investigation as part of the criminal records check of the 71287
applicant. Even if an applicant for whom a criminal records check 71288
request is required under this division presents proof of having 71289
been a resident of this state for the five-year period, the chief 71290
administrator may require the applicant to request that the 71291
superintendent include information from the federal bureau of 71292
investigation in the criminal records check. 71293

(2) The chief administrator shall provide the following to 71294
each applicant for whom a criminal records check request is 71295
required under division (B)(1) of this section: 71296

(a) Information about accessing, completing, and forwarding 71297
to the superintendent of the bureau of criminal identification and 71298
investigation the form prescribed pursuant to division (C)(1) of 71299
section 109.572 of the Revised Code and the standard fingerprint 71300
impression sheet prescribed pursuant to division (C)(2) of that 71301
section; 71302

(b) Written notification that the applicant is to instruct 71303
the superintendent to submit the completed report of the criminal 71304
records check directly to the chief administrator. 71305

(3) An applicant given information and notification under 71306
divisions (B)(2)(a) and (b) of this section who fails to access, 71307
complete, and forward to the superintendent the form or the 71308
standard fingerprint impression sheet, or who fails to instruct 71309
the superintendent to submit the completed report of the criminal 71310
records check directly to the chief administrator, shall not be 71311
employed in any position in a waiver agency for which a criminal 71312
records check is required by this section. 71313

(C)(1) Except as provided in rules adopted by the department 71314
of job and family services in accordance with division (F) of this 71315
section and subject to division (C)(2) of this section, no waiver 71316
agency shall employ a person in a position that involves providing 71317

home and community-based waiver services to persons with 71318
disabilities if the person has been convicted of, has pleaded 71319
guilty to, or has been found eligible for intervention in lieu of 71320
conviction for any of the following, regardless of the date of the 71321
conviction, the date of entry of the guilty plea, or the date the 71322
person was found eligible for intervention in lieu of conviction: 71323

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 71324
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 71325
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 71326
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 71327
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 71328
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 71329
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 71330
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 71331
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 71332
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 71333
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 71334
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 71335
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 71336
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 71337
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 71338
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 71339
penetration in violation of former section 2907.12 of the Revised 71340
Code, a violation of section 2905.04 of the Revised Code as it 71341
existed prior to July 1, 1996, a violation of section 2919.23 of 71342
the Revised Code that would have been a violation of section 71343
2905.04 of the Revised Code as it existed prior to July 1, 1996, 71344
had the violation been committed prior to that date; 71345

(b) ~~An~~ A violation of an existing or former municipal 71346
ordinance or law of this state, any other state, or the United 71347
States that is substantially equivalent to any of the offenses 71348
listed in division (C)(1)(a) of this section. 71349

(2)(a) A waiver agency may employ conditionally an applicant 71350
for whom a criminal records check request is required under 71351
division (B) of this section prior to obtaining the results of a 71352
criminal records check regarding the individual, provided that the 71353
agency shall require the individual to request a criminal records 71354
check regarding the individual in accordance with division (B)(1) 71355
of this section not later than five business days after the 71356
individual begins conditional employment. 71357

(b) A waiver agency that employs an individual conditionally 71358
under authority of division (C)(2)(a) of this section shall 71359
terminate the individual's employment if the results of the 71360
criminal records check request under division (B) of this section, 71361
other than the results of any request for information from the 71362
federal bureau of investigation, are not obtained within the 71363
period ending sixty days after the date the request is made. 71364
Regardless of when the results of the criminal records check are 71365
obtained, if the results indicate that the individual has been 71366
convicted of, has pleaded guilty to, or has been found eligible 71367
for intervention in lieu of conviction for any of the offenses 71368
listed or described in division (C)(1) of this section, the agency 71369
shall terminate the individual's employment unless the agency 71370
chooses to employ the individual pursuant to division (F) of this 71371
section. 71372

(D)(1) The fee prescribed pursuant to division (C)(3) of 71373
section 109.572 of the Revised Code for each criminal records 71374
check conducted pursuant to a request made under division (B) of 71375
this section shall be paid to the bureau of criminal 71376
identification and investigation by the applicant or the waiver 71377
agency. 71378

(2) If a waiver agency pays the fee, it may charge the 71379
applicant a fee not exceeding the amount the agency pays under 71380
division (D)(1) of this section. An agency may collect a fee only 71381

if the agency notifies the person at the time of initial 71382
application for employment of the amount of the fee and that, 71383
unless the fee is paid, the person will not be considered for 71384
employment. 71385

(E) The report of any criminal records check conducted 71386
pursuant to a request made under this section is not a public 71387
record for the purposes of section 149.43 of the Revised Code and 71388
shall not be made available to any person other than the 71389
following: 71390

(1) The individual who is the subject of the criminal records 71391
check or the individual's representative; 71392

(2) The chief administrator of the agency requesting the 71393
criminal records check or the administrator's representative; 71394

(3) An administrator at the department; 71395

(4) A court, hearing officer, or other necessary individual 71396
involved in a case dealing with a denial of employment of the 71397
applicant or dealing with employment or unemployment benefits of 71398
the applicant. 71399

(F) The department shall adopt rules in accordance with 71400
Chapter 119. of the Revised Code to implement this section. The 71401
rules shall specify circumstances under which a waiver agency may 71402
employ a person who has been convicted of, has pleaded guilty to, 71403
or has been found eligible for intervention in lieu of conviction 71404
for an offense listed or described in division (C)(1) of this 71405
section. 71406

(G) The chief administrator of a waiver agency shall inform 71407
each person, at the time of initial application for a position 71408
that involves providing home and community-based waiver services 71409
to a person with a disability, that the person is required to 71410
provide a set of fingerprint impressions and that a criminal 71411
records check is required to be conducted if the person comes 71412

under final consideration for employment. 71413

(H)(1) A person who, on September 26, 2003, is an employee of 71414
a waiver agency in a full-time, part-time, or temporary position 71415
that involves providing home and community-based waiver services 71416
to a person with disabilities shall comply with this section 71417
within sixty days after September 26, 2003, unless division (H)(2) 71418
of this section applies. 71419

(2) This section shall not apply to a person to whom all of 71420
the following apply: 71421

(a) On September 26, 2003, the person is an employee of a 71422
waiver agency in a full-time, part-time, or temporary position 71423
that involves providing home and community-based waiver services 71424
to a person with disabilities. 71425

(b) The person previously had been the subject of a criminal 71426
background check relating to that position; 71427

(c) The person has been continuously employed in that 71428
position since that criminal background check had been conducted. 71429

Sec. 5111.034. (A) As used in this section: 71430

(1) "Anniversary date" means the later of the effective date 71431
of the provider agreement relating to the independent provider or 71432
sixty days after September 26, 2003. 71433

(2) "Criminal records check" has the same meaning as in 71434
section 109.572 of the Revised Code. 71435

(3) "Department" includes a designee of the department of job 71436
and family services. 71437

(4) "Independent provider" means a person who is submitting 71438
an application for a provider agreement or who has a provider 71439
agreement as an independent provider in a department of job and 71440
family services administered home and community-based services 71441

program providing home and community-based waiver services to 71442
consumers with disabilities. 71443

(5) "Home and community-based waiver services" has the same 71444
meaning as in section 5111.033 of the Revised Code. 71445

(B)(1) The department of job and family services shall inform 71446
each independent provider, at the time of initial application for 71447
a provider agreement that involves providing home and 71448
community-based waiver services to consumers with disabilities, 71449
that the independent provider is required to provide a set of 71450
fingerprint impressions and that a criminal records check is 71451
required to be conducted if the person is to become an independent 71452
provider in a department administered home and community-based 71453
waiver program. 71454

(2) Beginning on September 26, 2003, the department shall 71455
inform each enrolled medicaid independent provider on or before 71456
time of the anniversary date of the provider agreement that 71457
involves providing home and community-based waiver services to 71458
consumers with disabilities that the independent provider is 71459
required to provide a set of fingerprint impressions and that a 71460
criminal records check is required to be conducted. 71461

(C)(1) The department shall require the independent provider 71462
to complete a criminal records check prior to entering into a 71463
provider agreement with the independent provider and at least 71464
annually thereafter. If an independent provider for whom a 71465
criminal records check is required under this division does not 71466
present proof of having been a resident of this state for the 71467
five-year period immediately prior to the date the criminal 71468
records check is requested or provide evidence that within that 71469
five-year period the superintendent of the bureau of criminal 71470
identification and investigation has requested information about 71471
the independent provider from the federal bureau of investigation 71472
in a criminal records check, the department shall request that the 71473

independent provider obtain through the superintendent a criminal 71474
records request from the federal bureau of investigation as part 71475
of the criminal records check of the independent provider. Even if 71476
an independent provider for whom a criminal records check request 71477
is required under this division presents proof of having been a 71478
resident of this state for the five-year period, the department 71479
may request that the independent provider obtain information 71480
through the superintendent from the federal bureau of 71481
investigation in the criminal records check. 71482

(2) The department shall provide the following to each 71483
independent provider for whom a criminal records check request is 71484
required under division (C)(1) of this section: 71485

(a) Information about accessing, completing, and forwarding 71486
to the superintendent of the bureau of criminal identification and 71487
investigation the form prescribed pursuant to division (C)(1) of 71488
section 109.572 of the Revised Code and the standard fingerprint 71489
impression sheet prescribed pursuant to division (C)(2) of that 71490
section; 71491

(b) Written notification that the independent provider is to 71492
instruct the superintendent to submit the completed report of the 71493
criminal records check directly to the department. 71494

(3) An independent provider given information and 71495
notification under divisions (C)(2)(a) and (b) of this section who 71496
fails to access, complete, and forward to the superintendent the 71497
form or the standard fingerprint impression sheet, or who fails to 71498
instruct the superintendent to submit the completed report of the 71499
criminal records check directly to the department, shall not be 71500
approved as an independent provider. 71501

(D) Except as provided in rules adopted by the department in 71502
accordance with division (G) of this section, the department shall 71503
not issue a new provider agreement to, and shall terminate an 71504

existing provider agreement of, an independent provider if the 71505
person has been convicted of, has pleaded guilty to, or has been 71506
found eligible for intervention in lieu of conviction for any of 71507
the following, regardless of the date of the conviction, the date 71508
of entry of the guilty plea, or the date the person was found 71509
eligible for intervention in lieu of conviction: 71510

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 71511
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 71512
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 71513
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 71514
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 71515
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 71516
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 71517
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 71518
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 71519
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 71520
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 71521
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 71522
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 71523
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 71524
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 71525
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 71526
penetration in violation of former section 2907.12 of the Revised 71527
Code, a violation of section 2905.04 of the Revised Code as it 71528
existed prior to July 1, 1996, a violation of section 2919.23 of 71529
the Revised Code that would have been a violation of section 71530
2905.04 of the Revised Code as it existed prior to July 1, 1996, 71531
had the violation been committed prior to that date; 71532

(2) ~~An~~ A violation of an existing or former municipal 71533
ordinance or law of this state, any other state, or the United 71534
States that is substantially equivalent to any of the offenses 71535
listed in division (D)(1) of this section. 71536

(E) Each independent provider shall pay to the bureau of 71537
criminal identification and investigation the fee prescribed 71538
pursuant to division (C)(3) of section 109.572 of the Revised Code 71539
for each criminal records check conducted pursuant to a request 71540
made under division (C) of this section. 71541

(F) The report of any criminal records check conducted by the 71542
bureau of criminal identification and investigation in accordance 71543
with section 109.572 of the Revised Code and pursuant to a request 71544
made under division (C) of this section is not a public record for 71545
the purposes of section 149.43 of the Revised Code and shall not 71546
be made available to any person other than the following: 71547

(1) The person who is the subject of the criminal records 71548
check or the person's representative; 71549

(2) An administrator at the department or the administrator's 71550
representative; 71551

(3) A court, hearing officer, or other necessary individual 71552
involved in a case dealing with a denial or termination of a 71553
provider agreement related to the criminal records check. 71554

(G) The department shall adopt rules in accordance with 71555
Chapter 119. of the Revised Code to implement this section. The 71556
rules shall specify circumstances under which the department may 71557
either issue a provider agreement to an independent provider or 71558
allow an independent provider to maintain an existing provider 71559
agreement when the independent provider has been convicted of, has 71560
pleaded guilty to, or has been found eligible for intervention in 71561
lieu of conviction for an offense listed or described in division 71562
~~(C)(1)~~(D)(1) or (2) of this section. 71563

Sec. 5111.035. (A) Each medicaid provider selected by the 71564
department of job and family services shall give bond with surety 71565
to the department, in the amount the department determines and to 71566

the satisfaction of the department, for the faithful adherence by 71567
the provider to the requirements of section 5111.03 of the Revised 71568
Code. 71569

(B) The department shall determine which providers are 71570
subject to division (A) of this section, but at a minimum shall 71571
apply the bond requirement to each provider who has been 71572
investigated for any criminal offense of fraud, as defined in 71573
Chapter 2913. of the Revised Code. The department shall set the 71574
amount of the bond at a level that reflects, as determined by the 71575
director of job and family services, the level of risk of fraud by 71576
the provider. 71577

Sec. 5111.06. (A)(1) As used in this section and in sections 71578
5111.061 and 5111.062 of the Revised Code: 71579

(a) "Provider" means any person, institution, or entity that 71580
furnishes medicaid services under a provider agreement with the 71581
department of job and family services pursuant to Title XIX of the 71582
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 71583
amended. 71584

(b) "Party" has the same meaning as in division (G) of 71585
section 119.01 of the Revised Code. 71586

(c) "Adjudication" has the same meaning as in division (D) of 71587
section 119.01 of the Revised Code. 71588

(2) This section does not apply to any action taken by the 71589
department of job and family services under sections 5111.35 to 71590
5111.62 of the Revised Code. 71591

(B) Except as provided in division (D) of this section and 71592
section 5111.914 of the Revised Code, the department shall do 71593
either of the following by issuing an order pursuant to an 71594
adjudication conducted in accordance with Chapter 119. of the 71595
Revised Code: 71596

(1) Enter into or refuse to enter into a provider agreement with a provider, or suspend, terminate, renew, or refuse to renew an existing provider agreement with a provider; 71597
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(2) Take any action based upon a final fiscal audit of a provider. 71600
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(C) Any party who is adversely affected by the issuance of an adjudication order under division (B) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code. 71602
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(D) The department is not required to comply with division (B)(1) of this section whenever any of the following occur: 71606
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(1) The terms of a provider agreement require the provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of job and family services, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited. 71608
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(2) The terms of a provider agreement require the provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of job and family services, and the provider has not obtained the license, permit, certificate, or certification. 71615
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(3) The provider agreement is denied, terminated, or not renewed due to the termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of job and family services, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, 71621
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board, commission, department, division, bureau, or other agency 71628
of another state. 71629

(4) The provider agreement is denied, terminated, or not 71630
renewed pursuant to division (C) or (F) of section 5111.03 of the 71631
Revised Code~~+~~. 71632

(5) The provider agreement is denied, terminated, or not 71633
renewed due to the provider's termination, suspension, or 71634
exclusion from the medicare program established under Title XVIII 71635
of the "Social Security Act," and the termination, suspension, or 71636
exclusion is binding on the provider's participation in the 71637
medicaid program~~+~~. 71638

(6) The provider agreement is denied, terminated, or not 71639
renewed due to the provider's pleading guilty to or being 71640
convicted of a criminal activity materially related to either the 71641
medicare or medicaid program~~+~~. 71642

(7) The provider agreement is denied, terminated, or 71643
suspended as a result of action by the United States department of 71644
health and human services and that action is binding on the 71645
provider's participation in the medicaid program~~+~~. 71646

(8) The provider agreement is suspended pursuant to section 71647
5111.031 of the Revised Code pending indictment of the provider. 71648

(9) The provider agreement is denied, terminated, or not 71649
renewed because the provider or its owner, officer, authorized 71650
agent, associate, manager, or employee has been convicted of one 71651
of the offenses that caused the provider agreement to be suspended 71652
pursuant to section 5111.031 of the Revised Code. 71653

(10) The provider agreement is converted under section 71654
5111.028 of the Revised Code from a provider agreement that is not 71655
time-limited to a provider agreement that is time-limited. 71656

(11) The provider agreement is terminated or an application 71657

for re-enrollment is denied because the provider has failed to 71658
apply for re-enrollment within the time or in the manner specified 71659
for re-enrollment pursuant to section 5111.028 of the Revised 71660
Code. 71661

(12) The provider agreement is terminated or not renewed 71662
because the provider has not billed or otherwise submitted a 71663
medicaid claim to the department for two years or longer, ~~and the~~ 71664
~~department has determined that the provider has moved from the~~ 71665
~~address on record with the department without leaving an active~~ 71666
~~forwarding address with the department.~~ 71667

(13) The provider agreement is denied, terminated, or not 71668
renewed because the provider fails to provide to the department 71669
the national provider identifier assigned the provider by the 71670
national provider system pursuant to 45 C.F.R. 162. 408. 71671

In the case of a provider described in division (D)(12) or 71672
(13) of this section, the department may ~~terminate or not renew~~ 71673
the take its proposed action against a provider agreement by 71674
sending a notice explaining the ~~department's~~ proposed action to 71675
the provider. The notice shall be sent to the provider's address 71676
on record with the department. The notice may be sent by regular 71677
mail. 71678

(E) The department may withhold payments for services 71679
rendered by a medicaid provider under the ~~medical assistance~~ 71680
medicaid program during the pendency of proceedings initiated 71681
under division (B)(1) of this section. If the proceedings are 71682
initiated under division (B)(2) of this section, the department 71683
may withhold payments only to the extent that they equal amounts 71684
determined in a final fiscal audit as being due the state. This 71685
division does not apply if the department fails to comply with 71686
section 119.07 of the Revised Code, requests a continuance of the 71687
hearing, or does not issue a decision within thirty days after the 71688
hearing is completed. This division does not apply to nursing 71689

facilities and intermediate care facilities for the mentally 71690
retarded as defined in section 5111.20 of the Revised Code. 71691

Sec. 5111.081. The director of job and family services, in 71692
rules adopted under section 5111.02 of the Revised Code, may 71693
establish and implement a supplemental drug rebate program under 71694
which drug manufacturers may be required to provide the department 71695
of job and family services a supplemental rebate as a condition of 71696
having the drug manufacturers' drug products covered by the 71697
medicaid program without prior approval. The department may 71698
receive a supplemental rebate negotiated under the program for a 71699
drug dispensed to a medicaid recipient pursuant to a prescription 71700
or a drug purchased by a medicaid provider for administration to a 71701
medicaid recipient in the provider's primary place of business. If 71702
necessary, the director may apply to the United States secretary 71703
of health and human services for a waiver of federal statutes and 71704
regulations to establish the supplemental drug rebate program. 71705

If the director establishes a supplemental drug rebate 71706
program, the director shall consult with drug manufacturers 71707
regarding the establishment and implementation of the program. 71708

The director may cooperate with the director of health to 71709
obtain rebates for all drugs that are covered by the program 71710
established under this section and the drug rebate program for 71711
medically handicapped children established under section 3701.021 71712
of the Revised Code. The director of job and family services may 71713
authorize the department of job and family services to serve as 71714
the administrative agent for the collection of drug rebates for 71715
purposes of the program for medically handicapped children. 71716

Sec. 5111.083. (A) As used in this section, "licensed health 71717
professional authorized to prescribe drugs" has the same meaning 71718
as in section 4729.01 of the Revised Code. 71719

(B) The director of job and family services ~~may~~ shall 71720
establish an e-prescribing system for the medicaid program under 71721
which a medicaid provider who is a licensed health professional 71722
authorized to prescribe drugs shall use an electronic system to 71723
prescribe a drug for a medicaid recipient when required to do so 71724
by division (C) of this section. The e-prescribing system shall 71725
eliminate the need for such medicaid providers to make 71726
prescriptions for medicaid recipients by handwriting or telephone. 71727
The e-prescribing system also shall provide such medicaid 71728
providers with an up-to-date, clinically relevant drug information 71729
database and a system of electronically monitoring medicaid 71730
recipients' medical history, drug regimen compliance, and fraud 71731
and abuse. 71732

(C) ~~If the director establishes~~ In establishing an 71733
e-prescribing system under division (B) of this section, the 71734
director shall do all of the following: 71735

(1) Require that a medicaid provider who is a licensed health 71736
professional authorized to prescribe drugs use the e-prescribing 71737
system during a fiscal year if the medicaid provider was one of 71738
the ten medicaid providers who, during the calendar year that 71739
precedes that fiscal year, issued the most prescriptions for 71740
medicaid recipients receiving hospital services; 71741

(2) Before the beginning of each fiscal year, determine the 71742
ten medicaid providers that issued the most prescriptions for 71743
medicaid recipients receiving hospital services during the 71744
calendar year that precedes the upcoming fiscal year and notify 71745
those medicaid providers that they must use the e-prescribing 71746
system for the upcoming fiscal year; 71747

(3) Seek the most federal financial participation available 71748
for the development and implementation of the e-prescribing 71749
system. 71750

Sec. 5111.084. (A) There is hereby established the pharmacy 71751
and therapeutics committee of the department of job and family 71752
services. The committee shall assist the department with 71753
developing and maintaining a preferred drug list. 71754

The committee shall review and recommend to the director of 71755
job and family services the drugs that should be included on the 71756
preferred drug list. The recommendations shall be made based on 71757
the evaluation of competent evidence regarding the relative 71758
safety, efficacy, and effectiveness of prescription drugs within a 71759
class or classes of prescription drugs. 71760

(B) The committee shall consist of ten members and shall be 71761
appointed by the director of job and family services. The director 71762
shall seek recommendations for membership from relevant 71763
professional organizations. A candidate for membership recommended 71764
by a professional organization shall have professional experience 71765
working with medicaid recipients. The director shall not appoint a 71766
member who is employed by the department. 71767

The membership of the committee shall include: 71768

~~(A)~~(1) Three pharmacists licensed under Chapter 4729. of the 71769
Revised Code; 71770

~~(B)~~(2) Two doctors of medicine and two doctors of osteopathy 71771
who hold certificates to practice issued under Chapter 4731. of 71772
the Revised Code, one of whom is a family practice physician; 71773

~~(C)~~(3) A registered nurse licensed under Chapter 4723. of the 71774
Revised Code; 71775

~~(D)~~(4) A pharmacologist who has a doctoral degree; 71776

~~(E)~~(5) A psychiatrist who holds a certificate to practice 71777
issued under Chapter 4731. of the Revised Code and specializes in 71778
psychiatry. 71779

(C) The committee shall elect ~~one of~~ from among its members 71780

~~as~~ a chairperson. Five committee members constitute a quorum. 71781

The committee shall establish guidelines necessary for the committee's operation. 71782
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The committee may establish one or more subcommittees to investigate and analyze issues consistent with the duties of the committee under this section. The subcommittees may submit proposals regarding the issues to the committee and the committee may adopt, reject, or modify the proposals. 71784
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A vote by a majority of a quorum is necessary to make recommendations to the director. In the case of a tie, the chairperson shall decide the outcome. 71789
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(D) The director shall act on the committee's recommendations not later than thirty days after the recommendation is posted on the department's web site under division (F) of this section. If the director does not accept a recommendation of the committee, the director shall present the basis for this determination not later than fourteen days after making the determination or at the next scheduled meeting of the committee, whichever is sooner. 71792
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(E) An interested party may request, and shall be permitted, to make a presentation or submit written materials to the committee during a committee meeting. The presentation or other materials shall be relevant to an issue under consideration by the committee and any written material, including a transcript of testimony to be given on the day of the meeting, may be submitted to the committee in advance of the meeting. 71799
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(F) The department shall post the following on the department's web site: 71806
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(1) Guidelines established by the committee under division (C) of this section; 71808
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(2) A detailed committee agenda not later than fourteen days 71810

prior to the date of a regularly scheduled meeting and not later 71811
than seventy-two hours prior to the date of a special meeting 71812
called by the committee; 71813

(3) Committee recommendations not later than seven days after 71814
the meeting at which the recommendation was approved; 71815

(4) The director's final determination as to the 71816
recommendations made by the committee under this section. 71817

Sec. 5111.092. (A) Not later than January 1, 2010, and each 71818
year thereafter, the department of job and family services shall 71819
prepare a report on the department's efforts to minimize fraud, 71820
waste, and abuse in the medicaid program. In preparing the report, 71821
the department shall collaborate with other medicaid program 71822
fraud, waste, and abuse personnel from all of the following: 71823

(1) The medicaid fraud control unit of the office of the 71824
attorney general; 71825

(2) The fraud and investigative audit group of the auditor of 71826
state; 71827

(3) State agencies with which the department contracts under 71828
section 5111.91 of the Revised Code to administer one or more 71829
components of the medicaid program or one or more aspects of a 71830
component; 71831

(4) County departments of job and family services. 71832

(B) Each report shall include at least both of the following 71833
with regard to minimizing fraud, waste, and abuse in the medicaid 71834
program: 71835

(1) Goals and objectives that are mutually agreed upon by the 71836
department and the entities with which it collaborates under 71837
division (A) of this section; 71838

(2) Performance measures for monitoring all state and local 71839

<u>activities.</u>	71840
<u>(C) Each report shall be made available on the department's</u>	71841
<u>web site. Copies of the report shall be made available to the</u>	71842
<u>public on request.</u>	71843
<u>Sec. 5111.093. (A) As used in this section, "local medicaid</u>	71844
<u>administrative agency" means all of the following:</u>	71845
<u>(1) A county department of job and family services;</u>	71846
<u>(2) A county board of mental retardation and developmental</u>	71847
<u>disabilities;</u>	71848
<u>(3) A board of alcohol, drug addiction, and mental health</u>	71849
<u>services;</u>	71850
<u>(4) A PASSPORT administrative agency;</u>	71851
<u>(5) A board of education of a city, local, or exempted</u>	71852
<u>village school district;</u>	71853
<u>(6) The governing authority of a community school established</u>	71854
<u>under Chapter 3314. of the Revised Code.</u>	71855
<u>(B) Each local medicaid administrative agency shall report</u>	71856
<u>annually to the department of job and family services and office</u>	71857
<u>of budget and management all of the following information</u>	71858
<u>regarding the previous calendar year:</u>	71859
<u>(1) The total amount of local government funds the local</u>	71860
<u>medicaid administrative agency expended for the medicaid program;</u>	71861
<u>(2) The portion of the total reported under division (B)(1)</u>	71862
<u>of this section that represents funds raised by local property tax</u>	71863
<u>levies;</u>	71864
<u>(3) The local medicaid administrative agency's total</u>	71865
<u>administrative costs for the medicaid program;</u>	71866
<u>(4) The local medicaid administrative agency's administrative</u>	71867

costs for the medicaid program for which the agency receives no 71868
federal financial participation; 71869

(5) The total amount of state funds provided to the local 71870
medicaid administrative agency for the medicaid program. 71871

Sec. 5111.141. (A) The department of job and family services 71872
shall implement a disease management component of the medicaid 71873
program. The disease management component shall consist of a 71874
system of coordinated health care interventions and patient 71875
communications for groups of medicaid recipients who have medical 71876
conditions for which the department determines patient self-care 71877
efforts are significant. The disease management component shall do 71878
all of the following: 71879

(1) Support physicians, the professional relationship between 71880
patients and their medical caregivers, and patients' plans of 71881
care; 71882

(2) Emphasize prevention of exacerbations and complications 71883
of medical conditions using evidence-based practice guidelines and 71884
patient empowerment strategies; 71885

(3) Evaluate clinical, humanistic, and economic outcomes on 71886
an ongoing basis with the goal of improving overall health. 71887

(B) To the extent the department considers appropriate, 71888
contracts that the department enters into with other state 71889
agencies under section 5111.91 of the Revised Code shall provide 71890
for the other state agencies to include the disease management 71891
component in the component of the medicaid program that the other 71892
state agency administers pursuant to the contract. 71893

Sec. 5111.142. The department of job and family services 71894
shall conduct a review of case management services provided under 71895
the fee-for-service component of the medicaid program. In 71896
conducting the review, the department shall identify which groups 71897

of medicaid recipients not participating in the care management 71898
system established under section 5111.16 of the Revised Code or 71899
enrolled in a medicaid waiver component as defined in section 71900
5111.85 of the Revised Code do not receive case management 71901
services and which groups of such medicaid recipients receive case 71902
management services as part of two or more components of the 71903
medicaid program or from two or more providers. 71904

After completing the review, the department shall implement a 71905
case management component of the medicaid program. The department 71906
shall model the case management component on the former enhanced 71907
care management program that the department created as part of the 71908
care management system established under section 5111.16 of the 71909
Revised Code. The department shall make such adjustments as are 71910
necessary to accommodate the groups the case management component 71911
is to serve. At a minimum, the case management component shall 71912
serve medicaid recipients who are members of the groups identified 71913
in the review conducted under this section and have been diagnosed 71914
by a physician as having any of the following medical conditions: 71915

(A) A high-risk pregnancy; 71916

(B) Diabetes; 71917

(C) Asthma; 71918

(D) Lung disease; 71919

(E) Congestive heart failure; 71920

(F) Coronary artery disease; 71921

(G) Hypertension; 71922

(H) Hyperlipidemia; 71923

(I) Testing positive for human immunodeficiency virus 71924
infection; 71925

(J) Acquired immunodeficiency syndrome; 71926

(K) Chronic obstructive pulmonary disease. 71927

Sec. 5111.16. (A) As part of the medicaid program, the 71928
department of job and family services shall establish a care 71929
management system. The department shall submit, if necessary, 71930
applications to the United States department of health and human 71931
services for waivers of federal medicaid requirements that would 71932
otherwise be violated in the implementation of the system. 71933

(B) The department shall implement the care management system 71934
in some or all counties and shall designate the medicaid 71935
recipients who are required or permitted to participate in the 71936
system. In the department's implementation of the system and 71937
designation of participants, all of the following apply: 71938

(1) ~~In~~ Except as provided under division (B)(3) of this 71939
section, in the case of individuals who receive medicaid on the 71940
basis of being included in the category identified by the 71941
department as covered families and children, the department shall 71942
implement the care management system in all counties. All 71943
individuals included in the category shall be designated for 71944
participation, except for ~~individuals~~ individuals included in one 71945
or more of the medicaid recipient groups specified in 42 C.F.R. 71946
438.50(d). ~~The department shall designate the participants not~~ 71947
~~later than January 1, 2006. Beginning not later than December 31,~~ 71948
~~2006,~~ the department shall ensure that all participants are 71949
enrolled in health insuring corporations under contract with the 71950
department pursuant to section 5111.17 of the Revised Code. 71951

(2) ~~In~~ Except as provided under division (B)(3) of this 71952
section, in the case of individuals who receive medicaid on the 71953
basis of being aged, blind, or disabled, as specified in division 71954
(A)(2) of section 5111.01 of the Revised Code, the department 71955
shall implement the care management system in all counties. All 71956
individuals included in the category shall be designated for 71957

participation, except for the individuals specified in divisions 71958
(B)(2)(a) to (e) of this section. ~~Beginning not later than~~ 71959
~~December 31, 2006, the~~ The department shall ensure that all 71960
participants are enrolled in health insuring corporations under 71961
contract with the department pursuant to section 5111.17 of the 71962
Revised Code. 71963

In designating participants who receive medicaid on the basis 71964
of being aged, blind, or disabled, the department shall not 71965
include any of the following: 71966

(a) Individuals who are under twenty-one years of age; 71967

(b) Individuals who are institutionalized; 71968

(c) Individuals who become eligible for medicaid by spending 71969
down their income or resources to a level that meets the medicaid 71970
program's financial eligibility requirements; 71971

(d) Individuals who are dually eligible under the medicaid 71972
program and the medicare program established under Title XVIII of 71973
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as 71974
amended; 71975

(e) Individuals to the extent that they are receiving 71976
medicaid services through a medicaid waiver component, as defined 71977
in section 5111.85 of the Revised Code. 71978

(3) The department shall not designate an individual as a 71979
participant in the care management system under division (B)(1) or 71980
(2) of this section if the individual is designated as a 71981
participant in the alternative care models program established 71982
under section 5111.165 of the Revised Code. 71983

(4) Alcohol, drug addiction, and mental health services 71984
covered by medicaid shall not be included in any component of the 71985
care management system when the nonfederal share of the cost of 71986
those services is provided by a board of alcohol, drug ~~addiction~~ 71987

addiction, and mental health services or a state agency other than 71988
the department of job and family services, but the recipients of 71989
those services may otherwise be designated for participation in 71990
the system. 71991

(C) Subject to division (B) of this section, the department 71992
may do both of the following under the care management system: 71993

(1) Require or permit participants in the system to obtain 71994
health care services from providers designated by the department; 71995

(2) Require or permit participants in the system to obtain 71996
health care services through managed care organizations under 71997
contract with the department pursuant to section 5111.17 of the 71998
Revised Code. 71999

(D)(1) The department shall prepare an annual report on the 72000
care management system. The report shall address the department's 72001
ability to implement the system, including all of the following 72002
components: 72003

(a) The required designation of participants included in the 72004
category identified by the department as covered families and 72005
children; 72006

(b) The required designation of participants included in the 72007
aged, blind, or disabled category of medicaid recipients; 72008

~~(c) The conduct of the pilot program for chronically ill 72009
children established under section 5111.163 of the Revised Code;~~ 72010

~~(d) The use of any programs for enhanced care management. 72011~~

(2) The department shall submit each annual report to the 72012
general assembly. The first report shall be submitted not later 72013
than October 1, 2007. 72014

(E) The director of job and family services may adopt rules 72015
in accordance with Chapter 119. of the Revised Code to implement 72016
this section. 72017

Sec. 5111.165. (A) Notwithstanding any conflicting provision of section 5111.16 of the Revised Code, the department of job and family services shall develop and implement an alternative care models program as part of the care management system established under that section. The purpose of the program shall be to test and evaluate multiple alternative care models for providing health care services to medicaid recipients designated under this section as participants in the program.

(B) The program shall be implemented not later than October 1, 2009, or, if by that date the department has not received any necessary federal approval to implement the program, as soon as practicable after receiving the approval.

In implementing the program, the department shall ensure that each model included in the program is operated in at least three counties selected by the department. The department may extend its operation of a model program into other counties if the department determines that such an expansion is necessary to evaluate the effectiveness of the model program.

(C) The department shall periodically alter the requirements, design, or eligible participants in the program in order to test and evaluate the effectiveness of varying alternative care models for providing medicaid services, except that each model included in the program shall be in effect for a duration necessary to evaluate the effectiveness of the model.

(D) The department shall conduct an evaluation of each alternative care model included in the program. As part of the evaluation, the department shall maintain statistics on physician expenditures, hospital expenditures, preventable hospitalizations, costs for each participant, effectiveness, and health outcomes for participants.

(E) The department shall adopt rules in accordance with

Chapter 119. of the Revised Code as necessary to implement this 72049
section. The rules shall specify standards and procedures to be 72050
used in designating participants of the program. 72051

Sec. 5111.176. (A) As used in this section: 72052

(1) "Medicaid health insuring corporation" means a health 72053
insuring corporation that holds a certificate of authority under 72054
Chapter 1751. of the Revised Code and has entered into a contract 72055
with the department of job and family services pursuant to section 72056
5111.17 of the Revised Code. 72057

(2) "Managed care premium" means any premium payment, 72058
capitation payment, or other payment a medicaid health insuring 72059
corporation receives for providing, or arranging for the provision 72060
of, health care services to its members or enrollees residing in 72061
this state. 72062

(B) Except as provided in division (C) of this section, all 72063
of the following apply: 72064

(1) Each medicaid health insuring corporation shall pay to 72065
the department of job and family services a franchise permit fee 72066
for the period December 1, 2005, through December 31, 2005, and 72067
each calendar quarter occurring ~~thereafter~~ between January 1, 72068
2006, and September 30, 2009. 72069

(2) The fee to be paid is an amount that is equal to a 72070
percentage of the managed care premiums the medicaid health 72071
insuring corporation received in the period December 1, 2005, 72072
through December 31, 2005, and in the subsequent quarter to which 72073
the fee applies, excluding the amount of any managed care premiums 72074
the corporation returned or refunded to enrollees, members, or 72075
premium payers during the period December 1, 2005, through 72076
December 31, 2005, or the subsequent quarter to which the fee 72077
applies. 72078

(3) The percentage to be used in calculating the fee shall be 72079
four and one-half per cent, unless the department adopts rules 72080
under division (L) of this section decreasing the percentage below 72081
four and one-half per cent or increasing the percentage to not 72082
more than six per cent. 72083

(C) The department shall reduce the franchise permit fee 72084
imposed under this section or terminate its collection of the fee 72085
if the department determines either of the following: 72086

(1) That the reduction or termination is required to comply 72087
with federal statutes or regulations; 72088

(2) That the fee does not qualify as a state share of 72089
medicaid expenditures eligible for federal financial 72090
participation. 72091

(D) The franchise permit fee shall be paid on or before the 72092
thirtieth day following the end of the period December 1, 2005, 72093
through December 31, 2005, or the calendar quarter to which the 72094
fee applies. At the time the fee is submitted, the medicaid health 72095
insuring corporation shall file with the department a report on a 72096
form prescribed by the department. The corporation shall provide 72097
on the form all information required by the department and shall 72098
include with the form any necessary supporting documentation. 72099

(E) The department may audit the records of any medicaid 72100
health insuring corporation to determine whether the corporation 72101
is in compliance with this section. The department may audit the 72102
records that pertain to the period December 1, 2005, through 72103
December 31, 2005, or a particular calendar quarter, at any time 72104
during the five years following the date the franchise permit fee 72105
payment for that period or quarter was due. 72106

(F)(1) A medicaid health insuring corporation that does not 72107
pay the franchise permit fee in full by the date the payment is 72108
due is subject to any or all of the following: 72109

(a) A monetary penalty in the amount of five hundred dollars	72110
for each day any part of the fee remains unpaid, except that the	72111
penalty shall not exceed an amount equal to five per cent of the	72112
total fee that was due;	72113
(b) Withholdings from future managed care premiums pursuant	72114
to division (G) of this section;	72115
(c) Termination of the corporation's medicaid provider	72116
agreement pursuant to division (H) of this section.	72117
(2) Penalties imposed under division (F)(1)(a) of this	72118
section are in addition to and not in lieu of the franchise permit	72119
fee.	72120
(G) If a medicaid health insuring corporation fails to pay	72121
the full amount of its franchise permit fee when due, or the full	72122
amount of a penalty imposed under division (F)(1)(a) of this	72123
section, the department may withhold an amount equal to the	72124
remaining amount due from any future managed care premiums to be	72125
paid to the corporation under the medicaid program. The department	72126
may withhold amounts under this division without providing notice	72127
to the corporation. The amounts may be withheld until the amount	72128
due has been paid.	72129
(H) The department may commence actions to terminate a	72130
medicaid health insuring corporation's medicaid provider	72131
agreement, and may terminate the agreement subject to division (I)	72132
of this section, if the corporation does any of the following:	72133
(1) Fails to pay its franchise permit fee or fails to pay the	72134
fee promptly;	72135
(2) Fails to pay a penalty imposed under division (F)(1)(a)	72136
of this section or fails to pay the penalty promptly;	72137
(3) Fails to cooperate with an audit conducted under division	72138
(E) of this section.	72139

(I) At the request of a medicaid health insuring corporation, 72140
the department shall grant the corporation a hearing in accordance 72141
with Chapter 119. of the Revised Code, if either of the following 72142
is the case: 72143

(1) The department has determined that the corporation owes 72144
an additional franchise permit fee or penalty as the result of an 72145
audit conducted under division (E) of this section. 72146

(2) The department is proposing to terminate the 72147
corporation's medicaid provider agreement and the provisions of 72148
section 5111.06 of the Revised Code requiring an adjudication in 72149
accordance with Chapter 119. of the Revised Code are applicable. 72150

(J)(1) At the request of a medicaid corporation, the 72151
department shall grant the corporation a reconsideration of any 72152
issue that arises out of the provisions of this section and is not 72153
subject to division (I) of this section. The department's decision 72154
at the conclusion of the reconsideration is not subject to appeal 72155
under Chapter 119. of the Revised Code or any other provision of 72156
the Revised Code. 72157

(2) In conducting a reconsideration, the department shall do 72158
at least the following: 72159

(a) Specify the time frames within which a corporation must 72160
act in order to exercise its opportunity for a reconsideration; 72161

(b) Permit the corporation to present written arguments or 72162
other materials that support the corporation's position. 72163

(K) There is hereby created in the state treasury the managed 72164
care assessment fund. Money collected from the franchise permit 72165
fees and penalties imposed under this section shall be credited to 72166
the fund. The department shall use the money in the fund to pay 72167
for medicaid services, the department's administrative costs, and 72168
contracts with medicaid health insuring corporations. 72169

(L) The director of job and family services may adopt rules 72170
to implement and administer this section. The rules shall be 72171
adopted in accordance with Chapter 119. of the Revised Code. 72172

Sec. 5111.21. (A) In order to be eligible for medicaid 72173
payments, the operator of a nursing facility or intermediate care 72174
facility for the mentally retarded shall do all of the following: 72175

(1) Enter into a provider agreement with the department as 72176
provided in section 5111.22, 5111.671, or 5111.672 of the Revised 72177
Code; 72178

(2) Apply for and maintain a valid license to operate if so 72179
required by law; 72180

(3) ~~Comply~~ Subject to division (B) of this section, comply 72181
with all applicable state and federal laws and rules. 72182

(B) A state rule that requires the operator of an 72183
intermediate care facility for the mentally retarded to have 72184
received approval of a plan for the proposed facility pursuant to 72185
section 5123.042 of the Revised Code as a condition of the 72186
operator being eligible for medicaid payments for the facility 72187
does not apply if, under section 5123.193 of the Revised Code, a 72188
residential facility license was obtained for the facility without 72189
obtaining approval of such a plan. 72190

(C)(1) Except as provided in division ~~(B)~~(C)(2) of this 72191
section, the operator of a nursing facility that elects to obtain 72192
and maintain eligibility for payments under the medicaid program 72193
shall qualify all of the facility's medicaid-certified beds in the 72194
medicare program established by Title XVIII. The director of job 72195
and family services may adopt rules under section 5111.02 of the 72196
Revised Code to establish the time frame in which a nursing 72197
facility must comply with this requirement. 72198

(2) The Ohio veteran's home agency is not required to qualify 72199

all of the medicaid-certified beds in a nursing facility the 72200
agency maintains and operates under section 5907.01 of the Revised 72201
Code in the medicare program. 72202

Sec. 5111.211. (A) The Except as provided in division (C) of 72203
this section, the department of mental retardation and 72204
developmental disabilities is responsible for the nonfederal share 72205
of claims submitted for services that are covered by the medicaid 72206
program and provided to an eligible medicaid recipient by an 72207
intermediate care facility for the mentally retarded if all of the 72208
following are the case: 72209

(1) The services are provided on or after July 1, 2003; 72210

(2) The facility receives initial certification by the 72211
director of health as an intermediate care facility for the 72212
mentally retarded on or after June 1, 2003; 72213

(3) The facility, or a portion of the facility, is licensed 72214
by the director of mental retardation and developmental 72215
disabilities as a residential facility under section 5123.19 of 72216
the Revised Code; 72217

(4) There is a valid provider agreement for the facility. 72218

(B) Each month, the department of job and family services 72219
shall invoice the department of mental retardation and 72220
developmental disabilities by interagency transfer voucher for the 72221
claims for which the department of mental retardation and 72222
developmental disabilities is responsible pursuant to this 72223
section. 72224

(C) Division (A) of this section does not apply to claims 72225
submitted for an intermediate care facility for the mentally 72226
retarded if, under section 5123.193 of the Revised Code, a 72227
residential facility license was obtained for the facility without 72228
obtaining approval of a plan for the proposed residential facility 72229

pursuant to section 5123.042 of the Revised Code. 72230

Sec. 5111.222. (A) Except as otherwise provided by sections 72231
5111.20 to 5111.33 of the Revised Code and by division (B) of this 72232
section, the payments that the department of job and family 72233
services shall agree to make to the provider of a nursing facility 72234
pursuant to a provider agreement shall equal the sum of all of the 72235
following: 72236

(1) The rate for direct care costs determined for the nursing 72237
facility under section 5111.231 of the Revised Code; 72238

(2) The rate for ancillary and support costs determined for 72239
the nursing facility's ancillary and support cost peer group under 72240
section 5111.24 of the Revised Code; 72241

(3) The rate for tax costs determined for the nursing 72242
facility under section 5111.242 of the Revised Code; 72243

(4) The rate for franchise permit fees determined for the 72244
nursing facility under section 5111.243 of the Revised Code; 72245

(5) The quality incentive payment paid to the nursing 72246
facility under section 5111.244 of the Revised Code; 72247

(6) The ~~median~~ rate for capital costs determined for the 72248
~~nursing facilities in the nursing facility's capital costs peer~~ 72249
~~group as determined~~ facility under section 5111.25 of the Revised 72250
Code. 72251

(B) ~~The~~ For fiscal year 2013, and each fiscal year 72252
thereafter, the department shall adjust the ~~rates otherwise sum~~ 72253
~~determined under divisions (A)(1), (2), (3), and (6)~~ division (A) 72254
~~of this section as directed by the general assembly through the~~ 72255
~~enactment of law governing medicaid payments to providers of~~ 72256
~~nursing facilities, including any law that does either of the~~ 72257
~~following:~~ 72258

~~(1) Establishes factors by which the rates are to be~~ 72259

adjusted; 72260

~~(2) Establishes a methodology for phasing in the rates~~ 72261
~~determined for fiscal year 2006 under uncodified law the general~~ 72262
~~assembly enacts to rates determined for subsequent fiscal years~~ 72263
~~under sections 5111.20 to 5111.33 of the Revised Code by the~~ 72264
~~market basket index used in calculating the prospective payment~~ 72265
~~rates for skilled nursing facilities under the medicare program~~ 72266
~~established under Title XVIII. In making the adjustment under this~~ 72267
~~division for a fiscal year, the department shall use the skilled~~ 72268
~~nursing facility market basket index used in calculating the~~ 72269
~~prospective payment rates that went into effect the first day of~~ 72270
~~October preceding the fiscal year.~~ 72271

Sec. 5111.231. (A) As used in this section, "applicable 72272
calendar year" means the following: 72273

(1) For the purpose of the department of job and family 72274
services' ~~initial determination~~ determinations under division (D) 72275
of this section of each peer group's cost per case-mix unit for 72276
fiscal years preceding fiscal year 2015, calendar year 2003; 72277

(2) For the purpose of the department's ~~subsequent~~ 72278
determinations under division (D) of this section of each peer 72279
group's cost per case-mix unit for fiscal year 2015 and 72280
thereafter, the calendar year the department selects. 72281

(B) The department of job and family services shall pay a 72282
provider for each of the provider's eligible nursing facilities a 72283
per resident per day rate for direct care costs determined 72284
semiannually by multiplying the cost per case-mix unit determined 72285
under division (D) of this section for the facility's peer group 72286
by the facility's semiannual case-mix score determined under 72287
section 5111.232 of the Revised Code. 72288

(C) For the purpose of determining nursing facilities' rate 72289

for direct care costs, the department shall establish three peer groups. 72290
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Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. 72292
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Each nursing facility located in any of the following counties shall be placed in peer group two: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, and Wood. 72295
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Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, Allen, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. 72302
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(D)(1) ~~At least once every ten years, the~~ The department shall determine a cost per case-mix unit for each peer group established under division (C) of this section. The department shall make the determination at least once every ten years except that the department shall make the determination more often as necessary to implement the amendments that Am. Sub. H.B. 1 of the 128th general assembly makes to divisions (D)(1)(b) and (c) of this section. A cost per case-mix unit determined under this division for a peer group shall be used for subsequent years until the department redetermines it. To determine a peer group's cost per case-mix unit, the department shall do all of the following: 72311
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(a) Determine the cost per case-mix unit for each nursing facility in the peer group for the applicable calendar year by dividing each facility's desk-reviewed, actual, allowable, per diem direct care costs for the applicable calendar year by the facility's annual average case-mix score determined under section 5111.232 of the Revised Code for the applicable calendar year.

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(b) Subject to division (D)(2) of this section, identify which nursing facility in the peer group is at the ~~twenty-fifth percentile~~ median of the cost per case-mix units determined under division (D)(1)(a) of this section.

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(c) Calculate the amount that is ~~seven per cent~~ the following percentage above the cost per case-mix unit determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section:

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(i) For each peer group in fiscal year 2010, zero per cent;

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(ii) For peer group one in fiscal year 2011, six and one-half per cent;

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(iii) For peer group two in fiscal year 2011, six and three-quarters per cent;

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(iv) For peer group three in fiscal year 2011, seven and one-half per cent;

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(v) For peer group one in fiscal year 2012 and each fiscal year thereafter, ten per cent;

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(vi) For peer group two in fiscal year 2012 and each fiscal year thereafter, eleven per cent;

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(vii) For peer group three in fiscal year 2012 and each fiscal year thereafter, fifteen per cent.

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(d) Multiply the amount calculated under division (D)(1)(c) of this section by the rate of inflation for the eighteen-month

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period beginning on the first day of July of the applicable 72352
calendar year and ending the last day of December of the calendar 72353
year immediately following the applicable calendar year using the 72354
following: 72355

(i) The employment cost index for total compensation, health 72356
services component nursing and residential care facilities 72357
occupational group, published by the United States bureau of labor 72358
statistics; 72359

(ii) If the United States bureau of labor statistics ceases 72360
to publish the index specified in division (D)(1)(d)(i) of this 72361
section, the index the bureau subsequently publishes that covers 72362
nursing facilities' staff costs. 72363

(2) In making the identification under division (D)(1)(b) of 72364
this section, the department shall exclude both of the following: 72365

(a) Nursing facilities that participated in the medicaid 72366
program under the same provider for less than twelve months in the 72367
applicable calendar year; 72368

(b) Nursing facilities whose cost per case-mix unit is more 72369
than one standard deviation from the mean cost per case-mix unit 72370
for all nursing facilities in the nursing facility's peer group 72371
for the applicable calendar year. 72372

(3) The department shall not redetermine a peer group's cost 72373
per case-mix unit under this division based on additional 72374
information that it receives after the peer group's per case-mix 72375
unit is determined. The department shall redetermine a peer 72376
group's cost per case-mix unit only if it made an error in 72377
determining the peer group's cost per case-mix unit based on 72378
information available to the department at the time of the 72379
original determination. 72380

Sec. 5111.232. (A)(1) The department of job and family 72381

services shall determine semiannual and annual average case-mix scores for nursing facilities by using all of the following: 72382
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(a) Data from a resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents: 72384
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(i) When determining ~~semi-annual~~ semiannual case-mix scores, each resident who is a medicaid recipient; 72389
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(ii) When determining annual average case-mix scores, each resident regardless of payment source. 72391
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(b) Except as provided in rules authorized by ~~division~~ divisions (A)(2)(a) and (b) of this section, the case-mix values established by the United States department of health and human services; 72393
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(c) Except as modified in rules authorized by division (A)(2)(c) of this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program established by Title XVIII. 72397
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(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following: 72402
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(a) Adjust the case-mix values specified in division (A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state; 72405
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(b) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another; 72408
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(c) Modify the grouper methodology specified in division 72412
(A)(1)(c) of this section as follows: 72413

(i) Establish a different hierarchy for assigning residents 72414
to case-mix categories under the methodology; 72415

(ii) Prohibit the use of the index maximizer element of the 72416
methodology; 72417

(iii) Incorporate changes to the methodology the United 72418
States department of health and human services makes after June 72419
30, 1999; 72420

(iv) Make other changes the department determines are 72421
necessary. 72422

(B) The department shall determine case-mix scores for 72423
intermediate care facilities for the mentally retarded using data 72424
for each resident, regardless of payment source, from a resident 72425
assessment instrument and grouper methodology prescribed in rules 72426
adopted under section 5111.02 of the Revised Code and expressed in 72427
case-mix values established by the department in those rules. 72428

(C) Each calendar quarter, each provider shall compile 72429
complete assessment data, from the resident assessment instrument 72430
specified in rules authorized by division (A) or (B) of this 72431
section, for each resident of each of the provider's facilities, 72432
regardless of payment source, who was in the facility or on 72433
hospital or therapeutic leave from the facility on the last day of 72434
the quarter. Providers of a nursing facility shall submit the data 72435
to the department of health and, if required by rules, the 72436
department of job and family services. Providers of an 72437
intermediate care facility for the mentally retarded shall submit 72438
the data to the department of job and family services. The data 72439
shall be submitted not later than fifteen days after the end of 72440
the calendar quarter for which the data is compiled. 72441

Except as provided in division (D) of this section, the 72442

department, every six months and after the end of each calendar 72443
year, shall calculate a semiannual and annual average case-mix 72444
score for each nursing facility using the facility's quarterly 72445
case-mix scores for that six-month period or calendar year. Also 72446
except as provided in division (D) of this section, the 72447
department, after the end of each calendar year, shall calculate 72448
an annual average case-mix score for each intermediate care 72449
facility for the mentally retarded using the facility's quarterly 72450
case-mix scores for that calendar year. The department shall make 72451
the calculations pursuant to procedures specified in rules adopted 72452
under section 5111.02 of the Revised Code. 72453

(D)(1) If a provider does not timely submit information for a 72454
calendar quarter necessary to calculate a facility's case-mix 72455
score, or submits incomplete or inaccurate information for a 72456
calendar quarter, the department may assign the facility a 72457
quarterly average case-mix score that is five per cent less than 72458
the facility's quarterly average case-mix score for the preceding 72459
calendar quarter. If the facility was subject to an exception 72460
review under division (C) of section 5111.27 of the Revised Code 72461
for the preceding calendar quarter, the department may assign a 72462
quarterly average case-mix score that is five per cent less than 72463
the score determined by the exception review. If the facility was 72464
assigned a quarterly average case-mix score for the preceding 72465
quarter, the department may assign a quarterly average case-mix 72466
score that is five per cent less than that score assigned for the 72467
preceding quarter. 72468

The department may use a quarterly average case-mix score 72469
assigned under division (D)(1) of this section, instead of a 72470
quarterly average case-mix score calculated based on the 72471
provider's submitted information, to calculate the facility's rate 72472
for direct care costs being established under section 5111.23 or 72473
5111.231 of the Revised Code for one or more months, as specified 72474

in rules authorized by division (E) of this section, of the 72475
quarter for which the rate established under section 5111.23 or 72476
5111.231 of the Revised Code will be paid. 72477

Before taking action under division (D)(1) of this section, 72478
the department shall permit the provider a reasonable period of 72479
time, specified in rules authorized by division (E) of this 72480
section, to correct the information. In the case of an 72481
intermediate care facility for the mentally retarded, the 72482
department shall not assign a quarterly average case-mix score due 72483
to late submission of corrections to assessment information unless 72484
the provider fails to submit corrected information prior to the 72485
eighty-first day after the end of the calendar quarter to which 72486
the information pertains. In the case of a nursing facility, the 72487
department shall not assign a quarterly average case-mix score due 72488
to late submission of corrections to assessment information unless 72489
the provider fails to submit corrected information prior to the 72490
earlier of the ~~eighty-first~~ forty-sixth day after the end of the 72491
calendar quarter to which the information pertains or the deadline 72492
for submission of such corrections established by regulations 72493
adopted by the United States department of health and human 72494
services under Titles XVIII and XIX. 72495

(2) If a provider is paid a rate for a facility calculated 72496
using a quarterly average case-mix score assigned under division 72497
(D)(1) of this section for more than six months in a calendar 72498
year, the department may assign the facility a cost per case-mix 72499
unit that is five per cent less than the facility's actual or 72500
assigned cost per case-mix unit for the preceding calendar year. 72501
The department may use the assigned cost per case-mix unit, 72502
instead of calculating the facility's actual cost per case-mix 72503
unit in accordance with section 5111.23 or 5111.231 of the Revised 72504
Code, to establish the facility's rate for direct care costs for 72505
the following fiscal year. 72506

(3) The department shall take action under division (D)(1) or 72507
(2) of this section only in accordance with rules authorized by 72508
division (E) of this section. The department shall not take an 72509
action that affects rates for prior payment periods except in 72510
accordance with sections 5111.27 and 5111.28 of the Revised Code. 72511

(E) The director shall adopt rules under section 5111.02 of 72512
the Revised Code that do all of the following: 72513

(1) Specify whether providers of a nursing facility must 72514
submit the assessment data to the department of job and family 72515
services; 72516

(2) Specify the medium or media through which the completed 72517
assessment data shall be submitted; 72518

(3) Establish procedures under which the assessment data 72519
shall be reviewed for accuracy and providers shall be notified of 72520
any data that requires correction; 72521

(4) Establish procedures for providers to correct assessment 72522
data and specify a reasonable period of time by which providers 72523
shall submit the corrections. The procedures may limit the content 72524
of corrections by providers of nursing facilities in the manner 72525
required by regulations adopted by the United States department of 72526
health and human services under Titles XVIII and XIX. 72527

(5) Specify when and how the department will assign case-mix 72528
scores or costs per case-mix unit under division (D) of this 72529
section if information necessary to calculate the facility's 72530
case-mix score is not provided or corrected in accordance with the 72531
procedures established by the rules. Notwithstanding any other 72532
provision of sections 5111.20 to 5111.33 of the Revised Code, the 72533
rules also may provide for the following: 72534

(a) Exclusion of case-mix scores assigned under division (D) 72535
of this section from calculation of an intermediate care facility 72536
for the mentally retarded's annual average case-mix score and the 72537

maximum cost per case-mix unit for the facility's peer group; 72538

(b) Exclusion of case-mix scores assigned under division (D) 72539
of this section from calculation of a nursing facility's 72540
semiannual or annual average case-mix score and the cost per 72541
case-mix unit for the facility's peer group. 72542

Sec. 5111.236. (A) As used in this section, "medically 72543
fragile child" means an individual under eighteen years of age who 72544
requires both of the following: 72545

(1) The services of a doctor of medicine or osteopathic 72546
medicine at least once a week due to the instability of the 72547
individual's medical condition; 72548

(2) The services of a registered nurse on a daily basis. 72549

(B) The medicaid program shall cover oxygen services that a 72550
medical supplier with a valid medicaid provider agreement provides 72551
to a medicaid recipient who is a medically fragile child and 72552
resides in an intermediate care facility for the mentally 72553
retarded. The medicaid program shall cover such oxygen services 72554
regardless of any of the following: 72555

(1) The percentage of the medicaid recipient's arterial 72556
oxygen saturation at rest, exercise, or sleep; 72557

(2) The type of system used in delivering the oxygen to the 72558
medicaid recipient; 72559

(3) Whether the intermediate care facility for the mentally 72560
retarded in which the medicaid recipient resides purchases or 72561
rents the equipment used in the delivery of the oxygen to the 72562
recipient. 72563

(C) A medical supplier of an oxygen service shall bill the 72564
department of job and family services directly for oxygen services 72565
the medicaid program covers under this section. The provider of an 72566
intermediate care facility for the mentally retarded may not 72567

include the cost of an oxygen service covered by the medicaid 72568
program under this section in the facility's cost report unless 72569
the facility is the medical supplier of the oxygen service. 72570

Sec. 5111.24. (A) As used in this section, "applicable 72571
calendar year" means the following: 72572

(1) For the purpose of the department of job and family 72573
services' ~~initial determination~~ determinations under division (D) 72574
of this section of each peer group's rate for ancillary and 72575
support costs for fiscal years preceding fiscal year 2015, 72576
calendar year 2003; 72577

(2) For the purpose of the department's ~~subsequent~~ 72578
determinations under division (D) of this section of each peer 72579
group's rate for ancillary and support costs for fiscal year 2015 72580
and thereafter, the calendar year the department selects. 72581

(B) The department of job and family services shall pay a 72582
provider for each of the provider's eligible nursing facilities a 72583
per resident per day rate for ancillary and support costs 72584
determined for the nursing facility's peer group under division 72585
(D) of this section. 72586

(C) For the purpose of determining nursing facilities' rate 72587
for ancillary and support costs, the department shall establish 72588
six peer groups. 72589

Each nursing facility located in any of the following 72590
counties shall be placed in peer group one or two: Brown, Butler, 72591
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 72592
located in any of those counties that has fewer than one hundred 72593
beds shall be placed in peer group one. Each nursing facility 72594
located in any of those counties that has one hundred or more beds 72595
shall be placed in peer group two. 72596

Each nursing facility located in any of the following 72597

counties shall be placed in peer group three or four: Ashtabula, 72598
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 72599
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 72600
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 72601
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 72602
Union, and Wood. Each nursing facility located in any of those 72603
counties that has fewer than one hundred beds shall be placed in 72604
peer group three. Each nursing facility located in any of those 72605
counties that has one hundred or more beds shall be placed in peer 72606
group four. 72607

Each nursing facility located in any of the following 72608
counties shall be placed in peer group five or six: Adams, Allen, 72609
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 72610
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 72611
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 72612
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 72613
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 72614
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 72615
Washington, Wayne, Williams, and Wyandot. Each nursing facility 72616
located in any of those counties that has fewer than one hundred 72617
beds shall be placed in peer group five. Each nursing facility 72618
located in any of those counties that has one hundred or more beds 72619
shall be placed in peer group six. 72620

(D)(1) ~~At least once every ten years, the~~ The department 72621
shall determine the rate for ancillary and support costs for each 72622
peer group established under division (C) of this section. The 72623
department shall make the determination at least once every ten 72624
years except that the department shall make the determination more 72625
often as necessary to implement the amendments that Am. Sub. H.B. 72626
1 of the 128th general assembly makes to division (D)(1)(b) and 72627
(c) of this section. The rate for ancillary and support costs 72628
determined under this division for a peer group shall be used for 72629

subsequent years until the department redetermines it. To 72630
determine a peer group's rate for ancillary and support costs, the 72631
department shall do all of the following: 72632

(a) Determine the rate for ancillary and support costs for 72633
each nursing facility in the peer group for the applicable 72634
calendar year by using the greater of the nursing facility's 72635
actual inpatient days for the applicable calendar year or the 72636
inpatient days the nursing facility would have had for the 72637
applicable calendar year if its occupancy rate had been ninety per 72638
cent. For the purpose of determining a nursing facility's 72639
occupancy rate under division (D)(1)(a) of this section, the 72640
department shall include any beds that the nursing facility 72641
removes from its medicaid-certified capacity unless the nursing 72642
facility also removes the beds from its licensed bed capacity. 72643

(b) Subject to division (D)(2) of this section, identify 72644
which nursing facility in the peer group is at the ~~twenty-fifth~~ 72645
following percentile of the rate for ancillary and support costs 72646
~~for the applicable calendar year~~ determined under division 72647
(D)(1)(a) of this section: 72648

(i) For fiscal years 2010 and 2011, the twenty-fifth 72649
percentile; 72650

(ii) For fiscal year 2012 and each fiscal year thereafter, 72651
the fiftieth percentile. 72652

(c) Calculate the amount that is ~~three per cent~~ the following 72653
percentage above the rate for ancillary and support costs 72654
determined under division (D)(1)(a) of this section for the 72655
nursing facility identified under division (D)(1)(b) of this 72656
section: 72657

(i) For fiscal years 2010 and 2011, three per cent; 72658

(ii) For fiscal year 2012, zero per cent; 72659

(iii) For fiscal year 2013 and each fiscal year thereafter, 72660
five per cent. 72661

(d) Multiply the amount calculated under division (D)(1)(c) 72662
of this section by the rate of inflation for the eighteen-month 72663
period beginning on the first day of July of the applicable 72664
calendar year and ending the last day of December of the calendar 72665
year immediately following the applicable calendar year using the 72666
following: 72667

(i) The consumer price index for all items for all urban 72668
consumers for the ~~north-central~~ midwest region, published by the 72669
United States bureau of labor statistics; 72670

(ii) If the United States bureau of labor statistics ceases 72671
to publish the index specified in division (D)(1)(d)(i) of this 72672
section, the index the bureau subsequently publishes that covers 72673
urban consumers' prices for items for the region that includes 72674
this state. 72675

(2) In making the identification under division (D)(1)(b) of 72676
this section, the department shall exclude both of the following: 72677

(a) Nursing facilities that participated in the medicaid 72678
program under the same provider for less than twelve months in the 72679
applicable calendar year; 72680

(b) Nursing facilities whose ancillary and support costs are 72681
more than one standard deviation from the mean desk-reviewed, 72682
actual, allowable, per diem ancillary and support cost for all 72683
nursing facilities in the nursing facility's peer group for the 72684
applicable calendar year. 72685

(3) The department shall not redetermine a peer group's rate 72686
for ancillary and support costs under this division based on 72687
additional information that it receives after the rate is 72688
determined. The department shall redetermine a peer group's rate 72689
for ancillary and support costs only if it made an error in 72690

determining the rate based on information available to the 72691
department at the time of the original determination. 72692

Sec. 5111.25. (A) As used in this section, "applicable 72693
calendar year" means the following: 72694

(1) For the purpose of the department of job and family 72695
services' initial determination under division (D) of this section 72696
of each peer group's median rate for capital costs, calendar year 72697
2003; 72698

(2) For the purpose of the department's subsequent 72699
determinations under division (D) of this section of each peer 72700
group's median rate for capital costs, the calendar year the 72701
department selects. 72702

(B) The department of job and family services shall pay a 72703
provider for each of the provider's eligible nursing facilities a 72704
per resident per day rate for capital costs. A nursing facility's 72705
rate for capital costs shall be the greater of the following: 72706

(1) The median rate for capital costs for the nursing 72707
facilities in the nursing facility's peer group as determined 72708
under division (D) of this section; 72709

(2) The sum of the following: 72710

(a) The capital costs portion of the nursing facility's 72711
medicaid reimbursement per diem rate on June 30, 2005, regardless 72712
of whether the nursing facility has undergone a change of 72713
operator, as defined in section 5111.65 of the Revised Code, after 72714
that date or, if the nursing facility did not have a medicaid 72715
reimbursement per diem rate on June 30, 2005, the capital costs 72716
portion of the nursing facility's initial rate established under 72717
section 5111.254 of the Revised Code; 72718

(b) Any per diem for which the nursing facility qualified 72719
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th general 72720

assembly, as amended by Am. Sub. H.B. 562 of the 127th general 72721
assembly. 72722

(C) For the purpose of determining nursing facilities' median 72723
rate for capital costs, the department shall establish six peer 72724
groups. 72725

Each nursing facility located in any of the following 72726
counties shall be placed in peer group one or two: Brown, Butler, 72727
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 72728
located in any of those counties that has fewer than one hundred 72729
beds shall be placed in peer group one. Each nursing facility 72730
located in any of those counties that has one hundred or more beds 72731
shall be placed in peer group two. 72732

Each nursing facility located in any of the following 72733
counties shall be placed in peer group three or four: Ashtabula, 72734
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 72735
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 72736
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 72737
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 72738
Union, and Wood. Each nursing facility located in any of those 72739
counties that has fewer than one hundred beds shall be placed in 72740
peer group three. Each nursing facility located in any of those 72741
counties that has one hundred or more beds shall be placed in peer 72742
group four. 72743

Each nursing facility located in any of the following 72744
counties shall be placed in peer group five or six: Adams, Allen, 72745
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 72746
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 72747
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 72748
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 72749
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 72750
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 72751
Washington, Wayne, Williams, and Wyandot. Each nursing facility 72752

located in any of those counties that has fewer than one hundred 72753
beds shall be placed in peer group five. Each nursing facility 72754
located in any of those counties that has one hundred or more beds 72755
shall be placed in peer group six. 72756

(D)(1) At least once every ten years, the department shall 72757
determine the median rate for capital costs for each peer group 72758
established under division (C) of this section. The median rate 72759
for capital costs determined under this division for a peer group 72760
shall be used for subsequent years until the department 72761
redetermines it. To determine a peer group's median rate for 72762
capital costs, the department shall do both of the following: 72763

(a) Subject to division (D)(2) of this section, use the 72764
greater of each nursing facility's actual inpatient days for the 72765
applicable calendar year or the inpatient days the nursing 72766
facility would have had for the applicable calendar year if its 72767
occupancy rate had been one hundred per cent. 72768

(b) Exclude both of the following: 72769

(i) Nursing facilities that participated in the medicaid 72770
program under the same provider for less than twelve months in the 72771
applicable calendar year; 72772

(ii) Nursing facilities whose capital costs are more than one 72773
standard deviation from the mean desk-reviewed, actual, allowable, 72774
per diem capital cost for all nursing facilities in the nursing 72775
facility's peer group for the applicable calendar year. 72776

(2) For the purpose of determining a nursing facility's 72777
occupancy rate under division (D)(1)(a) of this section, the 72778
department shall include any beds that the nursing facility 72779
removes from its medicaid-certified capacity after June 30, 2005, 72780
unless the nursing facility also removes the beds from its 72781
licensed bed capacity. 72782

(E) Buildings shall be depreciated using the straight line 72783

method over forty years or over a different period approved by the 72784
department. Components and equipment shall be depreciated using 72785
the straight-line method over a period designated in rules adopted 72786
under section 5111.02 of the Revised Code, consistent with the 72787
guidelines of the American hospital association, or over a 72788
different period approved by the department. Any rules authorized 72789
by this division that specify useful lives of buildings, 72790
components, or equipment apply only to assets acquired on or after 72791
July 1, 1993. Depreciation for costs paid or reimbursed by any 72792
government agency shall not be included in capital costs unless 72793
that part of the payment under sections 5111.20 to 5111.33 of the 72794
Revised Code is used to reimburse the government agency. 72795

(F) The capital cost basis of nursing facility assets shall 72796
be determined in the following manner: 72797

(1) Except as provided in division (F)(3) of this section, 72798
for purposes of calculating the rates to be paid for facilities 72799
with dates of licensure on or before June 30, 1993, the capital 72800
cost basis of each asset shall be equal to the desk-reviewed, 72801
actual, allowable, capital cost basis that is listed on the 72802
facility's cost report for the calendar year preceding the fiscal 72803
year during which the rate will be paid. 72804

(2) For facilities with dates of licensure after June 30, 72805
1993, the capital cost basis shall be determined in accordance 72806
with the principles of the medicare program established under 72807
Title XVIII, except as otherwise provided in sections 5111.20 to 72808
5111.33 of the Revised Code. 72809

(3) Except as provided in division (F)(4) of this section, if 72810
a provider transfers an interest in a facility to another provider 72811
after June 30, 1993, there shall be no increase in the capital 72812
cost basis of the asset if the providers are related parties or 72813
the provider to which the interest is transferred authorizes the 72814
provider that transferred the interest to continue to operate the 72815

facility under a lease, management agreement, or other 72816
arrangement. If the previous sentence does not prohibit the 72817
adjustment of the capital cost basis under this division, the 72818
basis of the asset shall be adjusted by the lesser of the 72819
following: 72820

(a) One-half of the change in construction costs during the 72821
time that the transferor held the asset, as calculated by the 72822
department of job and family services using the "Dodge building 72823
cost indexes, northeastern and north central states," published by 72824
Marshall and Swift; 72825

(b) One-half of the change in the consumer price index for 72826
all items for all urban consumers, as published by the United 72827
States bureau of labor statistics, during the time that the 72828
transferor held the asset. 72829

(4) If a provider transfers an interest in a facility to 72830
another provider who is a related party, the capital cost basis of 72831
the asset shall be adjusted as specified in division (F)(3) of 72832
this section if all of the following conditions are met: 72833

(a) The related party is a relative of owner; 72834

(b) Except as provided in division (F)(4)(c)(ii) of this 72835
section, the provider making the transfer retains no ownership 72836
interest in the facility; 72837

(c) The department of job and family services determines that 72838
the transfer is an arm's length transaction pursuant to rules 72839
adopted under section 5111.02 of the Revised Code. The rules shall 72840
provide that a transfer is an arm's length transaction if all of 72841
the following apply: 72842

(i) Once the transfer goes into effect, the provider that 72843
made the transfer has no direct or indirect interest in the 72844
provider that acquires the facility or the facility itself, 72845
including interest as an owner, officer, director, employee, 72846

independent contractor, or consultant, but excluding interest as a creditor. 72847
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(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs. 72849
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(iii) The transfer satisfies any other criteria specified in the rules. 72856
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(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable cost of ownership was determined most recently under division (G)(9) of this section. 72858
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(G) As used in this division: 72866

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent. 72867
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"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease. 72869
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"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease. 72872
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(1) Subject to division (B) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of 72874
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the existing lease. The entire lease expense also is an actual, 72877
allowable capital cost if a lease in existence on May 27, 1992, is 72878
renewed under either of the following circumstances: 72879

(a) The renewal is pursuant to a renewal option that was in 72880
existence on May 27, 1992; 72881

(b) The renewal is for the same lease payment amount and 72882
between the same parties as the lease in existence on May 27, 72883
1992. 72884

(2) Subject to division (B) of this section, for a lease of a 72885
facility that was in existence but not operated under a lease on 72886
May 27, 1992, actual, allowable capital costs shall include the 72887
lesser of the annual lease expense or the annual depreciation 72888
expense and imputed interest expense that would be calculated at 72889
the inception of the lease using the lessor's entire historical 72890
capital asset cost basis, adjusted by the lesser of the following 72891
amounts: 72892

(a) One-half of the change in construction costs during the 72893
time the lessor held each asset until the beginning of the lease, 72894
as calculated by the department using the "Dodge building cost 72895
indexes, northeastern and north central states," published by 72896
Marshall and Swift; 72897

(b) One-half of the change in the consumer price index for 72898
all items for all urban consumers, as published by the United 72899
States bureau of labor statistics, during the time the lessor held 72900
each asset until the beginning of the lease. 72901

(3) Subject to division (B) of this section, for a lease of a 72902
facility with a date of licensure on or after May 27, 1992, that 72903
is initially operated under a lease, actual, allowable capital 72904
costs shall include the annual lease expense if there was a 72905
substantial commitment of money for construction of the facility 72906
after December 22, 1992, and before July 1, 1993. If there was not 72907

a substantial commitment of money after December 22, 1992, and 72908
before July 1, 1993, actual, allowable capital costs shall include 72909
the lesser of the annual lease expense or the sum of the 72910
following: 72911

(a) The annual depreciation expense that would be calculated 72912
at the inception of the lease using the lessor's entire historical 72913
capital asset cost basis; 72914

(b) The greater of the lessor's actual annual amortization of 72915
financing costs and interest expense at the inception of the lease 72916
or the imputed interest expense calculated at the inception of the 72917
lease using seventy per cent of the lessor's historical capital 72918
asset cost basis. 72919

(4) Subject to division (B) of this section, for a lease of a 72920
facility with a date of licensure on or after May 27, 1992, that 72921
was not initially operated under a lease and has been in existence 72922
for ten years, actual, allowable capital costs shall include the 72923
lesser of the annual lease expense or the annual depreciation 72924
expense and imputed interest expense that would be calculated at 72925
the inception of the lease using the entire historical capital 72926
asset cost basis of the lessor, adjusted by the lesser of the 72927
following: 72928

(a) One-half of the change in construction costs during the 72929
time the lessor held each asset until the beginning of the lease, 72930
as calculated by the department using the "Dodge building cost 72931
indexes, northeastern and north central states," published by 72932
Marshall and Swift; 72933

(b) One-half of the change in the consumer price index for 72934
all items for all urban consumers, as published by the United 72935
States bureau of labor statistics, during the time the lessor held 72936
each asset until the beginning of the lease. 72937

(5) Subject to division (B) of this section, for a new lease 72938

of a facility that was operated under a lease on May 27, 1992, 72939
actual, allowable capital costs shall include the lesser of the 72940
annual new lease expense or the annual old lease payment. If the 72941
old lease was in effect for ten years or longer, the old lease 72942
payment from the beginning of the old lease shall be adjusted by 72943
the lesser of the following: 72944

(a) One-half of the change in construction costs from the 72945
beginning of the old lease to the beginning of the new lease, as 72946
calculated by the department using the "Dodge building cost 72947
indexes, northeastern and north central states," published by 72948
Marshall and Swift; 72949

(b) One-half of the change in the consumer price index for 72950
all items for all urban consumers, as published by the United 72951
States bureau of labor statistics, from the beginning of the old 72952
lease to the beginning of the new lease. 72953

(6) Subject to division (B) of this section, for a new lease 72954
of a facility that was not in existence or that was in existence 72955
but not operated under a lease on May 27, 1992, actual, allowable 72956
capital costs shall include the lesser of annual new lease expense 72957
or the annual amount calculated for the old lease under division 72958
(G)(2), (3), (4), or (6) of this section, as applicable. If the 72959
old lease was in effect for ten years or longer, the lessor's 72960
historical capital asset cost basis shall be adjusted by the 72961
lesser of the following for purposes of calculating the annual 72962
amount under division (G)(2), (3), (4), or (6) of this section: 72963

(a) One-half of the change in construction costs from the 72964
beginning of the old lease to the beginning of the new lease, as 72965
calculated by the department using the "Dodge building cost 72966
indexes, northeastern and north central states," published by 72967
Marshall and Swift; 72968

(b) One-half of the change in the consumer price index for 72969

all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (G)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount.

(7) For any revision of a lease described in division (G)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable capital costs attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (G)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party or previously operated the facility, the related party's or previous operator's actual, allowable capital costs shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (G)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (G)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department of job and family services determines that

the lease is an arm's length transaction pursuant to rules adopted 73001
under section 5111.02 of the Revised Code. The rules shall provide 73002
that a lease is an arm's length transaction if all of the 73003
following apply: 73004

(i) Once the lease goes into effect, the lessor has no direct 73005
or indirect interest in the lessee or, except as provided in 73006
division (G)(9)(b) of this section, the facility itself, including 73007
interest as an owner, officer, director, employee, independent 73008
contractor, or consultant, but excluding interest as a lessor. 73009

(ii) The lessor does not reacquire an interest in the 73010
facility except through the exercise of a lessor's rights in the 73011
event of a default. If the lessor reacquires an interest in the 73012
facility in this manner, the department shall treat the facility 73013
as if the lease never occurred when the department calculates its 73014
reimbursement rates for capital costs. 73015

(iii) The lease satisfies any other criteria specified in the 73016
rules. 73017

(d) Except in the case of hardship caused by a catastrophic 73018
event, as determined by the department, or in the case of a lessor 73019
who is at least sixty-five years of age, not less than twenty 73020
years have elapsed since, for the same facility, the capital cost 73021
basis was adjusted most recently under division (F)(4) of this 73022
section or actual, allowable capital costs were determined most 73023
recently under division (G)(9) of this section. 73024

(10) This division does not apply to leases of specific items 73025
of equipment. 73026

(H) After the date on which a transaction of sale is closed, 73027
the provider shall refund to the department the amount of excess 73028
depreciation paid to the provider for the facility by the 73029
department for each year the provider has operated the facility 73030
under a provider agreement and prorated according to the number of 73031

medicaid patient days for which the provider has received payment 73032
for the facility. The provider of a facility that is sold or that 73033
voluntarily terminates participation in the medicaid program also 73034
shall refund any other amount that the department properly finds 73035
to be due after the audit conducted under this division. For the 73036
purposes of this division, "depreciation paid to the provider for 73037
the facility" means the amount paid to the provider for the 73038
nursing facility for capital costs pursuant to this section less 73039
any amount paid for interest costs, amortization of financing 73040
costs, and lease expenses. For the purposes of this division, 73041
"excess depreciation" is the nursing facility's depreciated basis, 73042
which is the provider's cost less accumulated depreciation, 73043
subtracted from the purchase price net of selling costs but not 73044
exceeding the amount of depreciation paid to the provider for the 73045
facility. 73046

Sec. 5111.261. Except as otherwise provided in section 73047
5111.264 of the Revised Code, the department of job and family 73048
services, in determining whether an intermediate care facility for 73049
the mentally retarded's direct care costs and indirect care costs 73050
are allowable, shall place no limit on specific categories of 73051
reasonable costs other than compensation of owners, compensation 73052
of relatives of owners, and compensation of administrators and 73053
~~costs for resident meals that are prepared and consumed outside~~ 73054
~~the facility.~~ 73055

Compensation cost limits for owners and relatives of owners 73056
shall be based on compensation costs for individuals who hold 73057
comparable positions but who are not owners or relatives of 73058
owners, as reported on facility cost reports. As used in this 73059
section, "comparable position" means the position that is held by 73060
the owner or the owner's relative, if that position is listed 73061
separately on the cost report form, or if the position is not 73062
listed separately, the group of positions that is listed on the 73063

cost report form and that includes the position held by the owner 73064
or the owner's relative. In the case of an owner or owner's 73065
relative who serves the facility in a capacity such as corporate 73066
officer, proprietor, or partner for which no comparable position 73067
or group of positions is listed on the cost report form, the 73068
compensation cost limit shall be based on civil service 73069
equivalents and shall be specified in rules adopted under section 73070
5111.02 of the Revised Code. 73071

Compensation cost limits for administrators shall be based on 73072
compensation costs for administrators who are not owners or 73073
relatives of owners, as reported on facility cost reports. 73074
Compensation cost limits for administrators of four or more 73075
intermediate care facilities for the mentally retarded shall be 73076
the same as the limits for administrators of intermediate care 73077
facilities for the mentally retarded with one hundred fifty or 73078
more beds. 73079

Sec. 5111.65. As used in sections 5111.65 to ~~5111.688~~ 73080
5111.689 of the Revised Code: 73081

(A) "Change of operator" means an entering operator becoming 73082
the operator of a nursing facility or intermediate care facility 73083
for the mentally retarded in the place of the exiting operator. 73084

(1) Actions that constitute a change of operator include the 73085
following: 73086

(a) A change in an exiting operator's form of legal 73087
organization, including the formation of a partnership or 73088
corporation from a sole proprietorship; 73089

(b) A transfer of all the exiting operator's ownership 73090
interest in the operation of the facility to the entering 73091
operator, regardless of whether ownership of any or all of the 73092
real property or personal property associated with the facility is 73093

also transferred; 73094

(c) A lease of the facility to the entering operator or the exiting operator's termination of the exiting operator's lease; 73095
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(d) If the exiting operator is a partnership, dissolution of the partnership; 73097
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(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 73099
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(i) The change in composition does not cause the partnership's dissolution under state law. 73101
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(ii) The partners agree that the change in composition does not constitute a change in operator. 73103
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 73105
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(2) The following, alone, do not constitute a change of operator: 73109
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(a) A contract for an entity to manage a nursing facility or intermediate care facility for the mentally retarded as the operator's agent, subject to the operator's approval of daily operating and management decisions; 73111
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(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility or intermediate care facility for the mentally retarded if an entering operator does not become the operator in place of an exiting operator; 73115
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(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 73120
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(B) "Effective date of a change of operator" means the day 73124
the entering operator becomes the operator of the nursing facility 73125
or intermediate care facility for the mentally retarded. 73126

(C) "Effective date of a facility closure" means the last day 73127
that the last of the residents of the nursing facility or 73128
intermediate care facility for the mentally retarded resides in 73129
the facility. 73130

(D) "Effective date of a voluntary termination" means the day 73131
the intermediate care facility for the mentally retarded ceases to 73132
accept medicaid patients. 73133

(E) "Effective date of a voluntary withdrawal of 73134
participation" means the day the nursing facility ceases to accept 73135
new medicaid patients other than the individuals who reside in the 73136
nursing facility on the day before the effective date of the 73137
voluntary withdrawal of participation. 73138

(F) "Entering operator" means the person or government entity 73139
that will become the operator of a nursing facility or 73140
intermediate care facility for the mentally retarded when a change 73141
of operator occurs. 73142

(G) "Exiting operator" means any of the following: 73143

(1) An operator that will cease to be the operator of a 73144
nursing facility or intermediate care facility for the mentally 73145
retarded on the effective date of a change of operator; 73146

(2) An operator that will cease to be the operator of a 73147
nursing facility or intermediate care facility for the mentally 73148
retarded on the effective date of a facility closure; 73149

(3) An operator of an intermediate care facility for the 73150
mentally retarded that is undergoing or has undergone a voluntary 73151
termination; 73152

(4) An operator of a nursing facility that is undergoing or 73153

has undergone a voluntary withdrawal of participation. 73154

(H)(1) "Facility closure" means discontinuance of the use of 73155
the building, or part of the building, that houses the facility as 73156
a nursing facility or intermediate care facility for the mentally 73157
retarded that results in the relocation of all of the facility's 73158
residents. A facility closure occurs regardless of any of the 73159
following: 73160

(a) The operator completely or partially replacing the 73161
facility by constructing a new facility or transferring the 73162
facility's license to another facility; 73163

(b) The facility's residents relocating to another of the 73164
operator's facilities; 73165

(c) Any action the department of health takes regarding the 73166
facility's certification under Title XIX of the "Social Security 73167
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may 73168
result in the transfer of part of the facility's survey findings 73169
to another of the operator's facilities; 73170

(d) Any action the department of health takes regarding the 73171
facility's license under Chapter 3721. of the Revised Code; 73172

(e) Any action the department of mental retardation and 73173
developmental disabilities takes regarding the facility's license 73174
under section 5123.19 of the Revised Code. 73175

(2) A facility closure does not occur if all of the 73176
facility's residents are relocated due to an emergency evacuation 73177
and one or more of the residents return to a medicaid-certified 73178
bed in the facility not later than thirty days after the 73179
evacuation occurs. 73180

(I) "Fiscal year," "intermediate care facility for the 73181
mentally retarded," "nursing facility," "operator," "owner," and 73182
"provider agreement" have the same meanings as in section 5111.20 73183

of the Revised Code. 73184

(J) "Voluntary termination" means an operator's voluntary 73185
election to terminate the participation of an intermediate care 73186
facility for the mentally retarded in the medicaid program but to 73187
continue to provide service of the type provided by a residential 73188
facility as defined in section 5123.19 of the Revised Code. 73189

(K) "Voluntary withdrawal of participation" means an 73190
operator's voluntary election to terminate the participation of a 73191
nursing facility in the medicaid program but to continue to 73192
provide service of the type provided by a nursing facility. 73193

Sec. 5111.651. Sections 5111.65 to ~~5111.688~~ 5111.689 of the 73194
Revised Code do not apply to a nursing facility or intermediate 73195
care facility for the mentally retarded that undergoes a facility 73196
closure, voluntary termination, voluntary withdrawal of 73197
participation, or change of operator on or before September 30, 73198
2005, if the exiting operator provided written notice of the 73199
facility closure, voluntary termination, voluntary withdrawal of 73200
participation, or change of operator to the department of job and 73201
family services on or before June 30, 2005. 73202

Sec. 5111.688. (A) All amounts withheld under section 73203
5111.681 of the Revised Code from payment due an exiting operator 73204
under the medicaid program shall be deposited into the medicaid 73205
payment withholding fund created by the controlling board pursuant 73206
to section 131.35 of the Revised Code. Money in the fund shall be 73207
used as follows: 73208

(1) To pay an exiting operator when a withholding is released 73209
to the exiting operator under section 5111.686 or 5111.687 of the 73210
Revised Code; 73211

(2) To pay the department of job and family services and 73212
United States centers for medicare and medicaid services the 73213

amount an exiting operator owes the department and United States 73214
centers under the medicaid program. 73215

(B) Amounts paid from the medicaid payment withholding fund 73216
pursuant to division (A)(2) of this section shall be deposited 73217
into the appropriate department fund. 73218

Sec. ~~5111.688~~ 5111.689. The director of job and family 73219
services may adopt rules under section 5111.02 of the Revised Code 73220
to implement sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised 73221
Code, including rules applicable to an exiting operator that 73222
provides written notification under section 5111.66 of the Revised 73223
Code of a voluntary withdrawal of participation. Rules adopted 73224
under this section shall comply with section 1919(c)(2)(F) of the 73225
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 73226
1396r(c)(2)(F), regarding restrictions on transfers or discharges 73227
of nursing facility residents in the case of a voluntary 73228
withdrawal of participation. The rules may prescribe a medicaid 73229
reimbursement methodology and other procedures that are applicable 73230
after the effective date of a voluntary withdrawal of 73231
participation that differ from the reimbursement methodology and 73232
other procedures that would otherwise apply. 73233

Sec. 5111.705. No individual shall be denied eligibility for 73234
the medicaid buy-in for workers with disabilities program on the 73235
basis that the individual receives services under a home and 73236
community-based services medicaid waiver component as defined in 73237
section ~~5111.851~~ 5111.85 of the Revised Code. 73238

Sec. 5111.85. (A) As used in this section and sections 73239
5111.851 to 5111.856 of the Revised Code, ~~"medicaid:~~ 73240

"Home and community-based services medicaid waiver component" 73241
means a medicaid waiver component under which home and 73242
community-based services are provided as an alternative to 73243

hospital, nursing facility, or intermediate care facility for the 73244
mentally retarded services. 73245

"Hospital" has the same meaning as in section 3727.01 of the 73246
Revised Code. 73247

"Intermediate care facility for the mentally retarded" has 73248
the same meaning as in section 5111.20 of the Revised Code. 73249

"Medicaid waiver component" means a component of the medicaid 73250
program authorized by a waiver granted by the United States 73251
department of health and human services under section 1115 or 1915 73252
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 73253
1315 or 1396n. "Medicaid waiver component" does not include a care 73254
management system established under section 5111.16 of the Revised 73255
Code. 73256

"Nursing facility" has the same meaning as in section 5111.20 73257
of the Revised Code. 73258

(B) The director of job and family services may adopt rules 73259
under Chapter 119. of the Revised Code governing medicaid waiver 73260
components that establish all of the following: 73261

(1) Eligibility requirements for the medicaid waiver 73262
components; 73263

(2) The type, amount, duration, and scope of services the 73264
medicaid waiver components provide; 73265

(3) The conditions under which the medicaid waiver components 73266
cover services; 73267

(4) The amount the medicaid waiver components pay for 73268
services or the method by which the amount is determined; 73269

(5) The manner in which the medicaid waiver components pay 73270
for services; 73271

(6) Safeguards for the health and welfare of medicaid 73272
recipients receiving services under a medicaid waiver component; 73273

(7) <u>Procedures for both of the following:</u>	73274
(a) <u>Identifying individuals who meet all of the following requirements:</u>	73275
(i) <u>Are eligible for a home and community-based services medicaid waiver component and on a waiting list for the component;</u>	73276
(ii) <u>Are receiving inpatient hospital services or residing in an intermediate care facility for the mentally retarded or nursing facility (as appropriate for the component);</u>	73277
(iii) <u>Choose to be enrolled in the component.</u>	73278
(b) <u>Approving the enrollment of individuals identified under the procedures established under division (B)(7)(a) of this section into the home and community-based services medicaid waiver component.</u>	73279
(8) <u>Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating medicaid provider agreements. The procedures shall include due process protections.</u>	73280
(9) <u>Other policies necessary for the efficient administration of the medicaid waiver components.</u>	73281
(C) <u>The director of job and family services may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component.</u>	73282
(D) <u>Any procedures established under division (B)(7) of this section for the PASSPORT program shall be consistent with section 173.401 of the Revised Code. Any procedures established under division (B)(7) of this section for the assisted living program shall be consistent with section 5111.894 of the Revised Code.</u>	73287
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Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 73304
of the Revised Code: 73305

"Administrative agency" means, with respect to a home and 73306
community-based services medicaid waiver component, the department 73307
of job and family services or, if a state agency or political 73308
subdivision contracts with the department under section 5111.91 of 73309
the Revised Code to administer the component, that state agency or 73310
political subdivision. 73311

~~"Home and community based services medicaid waiver component"~~ 73312
~~means a medicaid waiver component under which home and~~ 73313
~~community based services are provided as an alternative to~~ 73314
~~hospital, nursing facility, or intermediate care facility for the~~ 73315
~~mentally retarded services.~~ 73316

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 73317
~~Revised Code.~~ 73318

~~"Intermediate care facility for the mentally retarded" has~~ 73319
~~the same meaning as in section 5111.20 of the Revised Code.~~ 73320

"Level of care determination" means a determination of 73321
whether an individual needs the level of care provided by a 73322
hospital, nursing facility, or intermediate care facility for the 73323
mentally retarded and whether the individual, if determined to 73324
need that level of care, would receive hospital, nursing facility, 73325
or intermediate care facility for the mentally retarded services 73326
if not for a home and community-based services medicaid waiver 73327
component. 73328

"Medicaid buy-in for workers with disabilities program" means 73329
the component of the medicaid program established under sections 73330
5111.70 to 5111.7011 of the Revised Code. 73331

~~"Nursing facility" has the same meaning as in section 5111.20~~ 73332
~~of the Revised Code.~~ 73333

"Skilled nursing facility" means a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

(B) The following requirements apply to each home and community-based services medicaid waiver component:

(1) Only an individual who qualifies for a component shall receive that component's services.

(2) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed.

(3) A written plan of care or individual service plan based on an individual assessment of the services that an individual needs to avoid needing admission to a hospital, nursing facility, or intermediate care facility for the mentally retarded shall be created for each individual determined eligible for a component.

(4) Each individual determined eligible for a component shall receive that component's services in accordance with the individual's level of care determination and written plan of care or individual service plan.

(5) No individual may receive services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or intermediate care facility for the mentally retarded.

(6) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended.

(7) Safeguards shall be taken to protect the health and welfare of individuals receiving services under a component, including safeguards established in rules adopted under section 5111.85 of the Revised Code and safeguards established by licensing and certification requirements that are applicable to the providers of that component's services.

(8) No services may be provided under a component by a provider that is subject to standards that 42 U.S.C. 1382e(e)(1) requires be established if the provider fails to comply with the standards applicable to the provider.

(9) Individuals determined to be eligible for a component, or such individuals' representatives, shall be informed of that component's services, including any choices that the individual or representative may make regarding the component's services, and given the choice of either receiving services under that component or, as appropriate, hospital, nursing facility, or intermediate care facility for the mentally retarded services.

(10) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual also receives services under the medicaid buy-in for workers with disabilities program.

(11) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual's income or resources increase to an amount above the eligibility limit for the component if the individual is participating in the medicaid buy-in for workers with disabilities program and the amount of the individual's income or resources does not exceed the eligibility limit for the medicaid buy-in for workers with disabilities program.

(12) No individual receiving services under a component shall be required to pay any cost sharing expenses for the services for

any period during which the individual also participates in the 73396
medicaid buy-in for workers with disabilities program. 73397

Sec. 5111.861. (A) As used in this section: 73398

(1) "Assisted living program" means the medicaid waiver 73399
component created under section 5111.89 of the Revised Code. 73400

(2) "Choices program" means the medicaid waiver component 73401
created under section 173.403 of the Revised Code. 73402

(3) "Medicaid waiver component" has the same meaning as in 73403
section 5111.85 of the Revised Code. 73404

(4) "PASSPORT program" means the medicaid waiver component 73405
created under section 173.40 of the Revised Code. 73406

(B) The director of job and family services shall submit a 73407
request to the United States secretary of health and human 73408
services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid 73409
waiver that consolidates the following medicaid waiver components 73410
into one medicaid waiver component: 73411

(1) The assisted living program; 73412

(2) The choices program; 73413

(3) The PASSPORT program. 73414

(C) In seeking a consolidated federal medicaid waiver under 73415
this section, the director of job and family services shall work 73416
with the director of aging and provide for the waiver to do all of 73417
the following: 73418

(1) For the part of the waiver that concerns the assisted 73419
living program, include the provisions that sections 5111.89 to 73420
5111.894 of the Revised Code establish for the assisted living 73421
program; 73422

(2) For the part of the waiver that concerns the choices 73423
program, include the provisions that sections 173.403 and 173.404 73424

of the Revised Code establishes for the choices program; 73425

(3) For the part of the waiver that concerns the PASSPORT program, include the provisions that sections 173.40 to 173.402 and 173.404 of the Revised Code establish for the PASSPORT program; 73426
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(4) For each part of the waiver, including the part that concerns the choices program, be available statewide. 73430
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(D) If the United States secretary approves the consolidated federal medicaid waiver sought under this section, all of the following shall apply: 73432
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(1) The department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code for the department of aging to administer the consolidated federal medicaid waiver, except that the department of job and family services, rather than the department of aging, shall administer the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract; 73435
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(2) The director of job and family services shall adopt rules under section 5111.85 of the Revised Code to authorize the director of aging to adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement the consolidated federal medicaid waiver, except that the director of job and family services shall adopt rules under section 5111.85 of the Revised Code that are needed to implement the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract the departments of job and family services and aging enter into under division (D)(1) of this section; 73443
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(3) Any statutory reference to the assisted living program shall mean the part of the consolidated federal medicaid waiver 73454
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that concerns the assisted living program; 73456

(4) Any statutory reference to the choices program shall mean 73457
the part of the consolidated federal medicaid waiver that concerns 73458
the choices program; 73459

(5) Any statutory references to the PASSPORT program shall 73460
mean the part of the consolidated federal medicaid waiver that 73461
concerns the PASSPORT program. 73462

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 73463
of the Revised Code: 73464

"Home and community-based services" has the same meaning as 73465
in section 5123.01 of the Revised Code. 73466

"ICF/MR services" means intermediate care facility for the 73467
mentally retarded services covered by the medicaid program that an 73468
intermediate care facility for the mentally retarded provides to a 73469
resident of the facility who is a medicaid recipient eligible for 73470
medicaid-covered intermediate care facility for the mentally 73471
retarded services. 73472

"Intermediate care facility for the mentally retarded" means 73473
an intermediate care facility for the mentally retarded that is 73474
certified as in compliance with applicable standards for the 73475
medicaid program by the director of health in accordance with 73476
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 73477
U.S.C. 1396, as amended, and licensed as a residential facility 73478
under section 5123.19 of the Revised Code. 73479

"Residential facility" has the same meaning as in section 73480
5123.19 of the Revised Code. 73481

(B) For the purpose of increasing the number of slots 73482
available for home and community-based services and subject to 73483
sections 5111.877 and 5111.878 of the Revised Code, the operator 73484
of an intermediate care facility for the mentally retarded may 73485

convert all of the beds in the facility from providing ICF/MR 73486
services to providing home and community-based services if all of 73487
the following requirements are met: 73488

(1) The operator provides the directors of health, job and 73489
family services, and mental retardation and developmental 73490
disabilities at least ninety days' notice of the operator's intent 73491
to relinquish the facility's certification as an intermediate care 73492
facility for the mentally retarded and to begin providing home and 73493
community-based services. 73494

(2) The operator complies with the requirements of sections 73495
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 73496
voluntary termination as defined in section 5111.65 of the Revised 73497
Code if those requirements are applicable. 73498

(3) The operator notifies each of the facility's residents 73499
that the facility is to cease providing ICF/MR services and inform 73500
each resident that the resident may do either of the following: 73501

(a) Continue to receive ICF/MR services by transferring to 73502
another facility that is an intermediate care facility for the 73503
mentally retarded willing and able to accept the resident if the 73504
resident continues to qualify for ICF/MR services; 73505

(b) Begin to receive home and community-based services 73506
instead of ICF/MR services from any provider of home and 73507
community-based services that is willing and able to provide the 73508
services to the resident if the resident is eligible for the 73509
services and a slot for the services is available to the resident. 73510

(4) The operator meets the requirements for providing home 73511
and community-based services, including the following: 73512

(a) Such requirements applicable to a residential facility if 73513
the operator maintains the facility's license as a residential 73514
facility; 73515

(b) Such requirements applicable to a facility that is not 73516
licensed as a residential facility if the operator surrenders the 73517
facility's residential facility license under section 5123.19 of 73518
the Revised Code. 73519

(5) The director of mental retardation and developmental 73520
disabilities approves the conversion. 73521

(C) The notice to the director of mental retardation and 73522
developmental disabilities under division (B)(1) of this section 73523
shall specify whether the operator wishes to surrender the 73524
facility's license as a residential facility under section 5123.19 73525
of the Revised Code. 73526

(D) If the director of mental retardation and developmental 73527
disabilities approves a conversion under division (B) of this 73528
section, the director of health shall terminate the certification 73529
of the intermediate care facility for the mentally retarded to be 73530
converted. The director of health shall notify the director of job 73531
and family services of the termination. On receipt of the director 73532
of health's notice, the director of job and family services shall 73533
terminate the operator's medicaid provider agreement that 73534
authorizes the operator to provide ICF/MR services at the 73535
facility. The operator is not entitled to notice or a hearing 73536
under Chapter 119. of the Revised Code before the director of job 73537
and family services terminates the medicaid provider agreement. 73538
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Sec. 5111.875. (A) For the purpose of increasing the number 73540
of slots available for home and community-based services and 73541
subject to sections 5111.877 and 5111.878 of the Revised Code, a 73542
person who acquires, through a request for proposals issued by the 73543
director of mental retardation and developmental disabilities, a 73544
residential facility that is an intermediate care facility for the 73545
mentally retarded and for which the license as a residential 73546

facility was previously surrendered or revoked may convert some or 73547
all of the facility's beds from providing ICF/MR services to 73548
providing home and community-based services if all of the 73549
following requirements are met: 73550

(1) The person provides the directors of health, job and 73551
family services, and mental retardation and developmental 73552
disabilities at least ninety days' notice of the person's intent 73553
to make the conversion. 73554

(2) The person complies with the requirements of sections 73555
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 73556
voluntary termination as defined in section 5111.65 of the Revised 73557
Code if those requirements are applicable. 73558

(3) If the person intends to convert all of the facility's 73559
beds, the person notifies each of the facility's residents that 73560
the facility is to cease providing ICF/MR services and informs 73561
each resident that the resident may do either of the following: 73562

(a) Continue to receive ICF/MR services by transferring to 73563
another facility that is an intermediate care facility for the 73564
mentally retarded willing and able to accept the resident if the 73565
resident continues to qualify for ICF/MR services; 73566

(b) Begin to receive home and community-based services 73567
instead of ICF/MR services from any provider of home and 73568
community-based services that is willing and able to provide the 73569
services to the resident if the resident is eligible for the 73570
services and a slot for the services is available to the resident. 73571

(4) If the person intends to convert some but not all of the 73572
facility's beds, the person notifies each of the facility's 73573
residents that the facility is to convert some of its beds from 73574
providing ICF/MR services to providing home and community-based 73575
services and inform each resident that the resident may do either 73576

of the following: 73577

(a) Continue to receive ICF/MR services from any provider of ICF/MR services that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/MR services; 73578
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(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident. 73582
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(5) The person meets the requirements for providing home and community-based services at a residential facility. 73587
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(B) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the facility's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the facility's beds are to be converted and how many of the beds are to continue to provide ICF/MR services. 73589
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(C) On receipt of a notice under division (A)(1) of this section, the director of health shall do the following: 73595
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(1) Terminate the certification of the intermediate care facility for the mentally retarded if the notice specifies that all of the facility's beds are to be converted; 73597
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(2) Reduce the facility's certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 73600
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(D) The director of health shall notify the director of job and family services of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the director of job and family services shall do the 73603
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following: 73607

(1) Terminate the person's medicaid provider agreement that 73608
authorizes the person to provide ICF/MR services at the facility 73609
if the facility's certification was terminated; 73610

(2) Amend the person's medicaid provider agreement to reflect 73611
the facility's reduced certified capacity if the facility's 73612
certified capacity is reduced. 73613

The person is not entitled to notice or a hearing under 73614
Chapter 119. of the Revised Code before the director of job and 73615
family services terminates or amends the medicaid provider 73616
agreement. 73617

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of 73618
the Revised Code: 73619

(1) "Adult" means an individual at least eighteen years of 73620
age. 73621

(2) "Authorized representative" means the following: 73622

(a) In the case of a consumer who is a minor, the consumer's 73623
parent, custodian, or guardian; 73624

(b) In the case of a consumer who is an adult, an individual 73625
selected by the consumer pursuant to section 5111.8810 of the 73626
Revised Code to act on the consumer's behalf for purposes 73627
regarding home care attendant services. 73628

(3) "Authorizing health care professional" means a health 73629
care professional who, pursuant to section 5111.887 of the Revised 73630
Code, authorizes a home care attendant to assist a consumer with 73631
self-administration of medication, nursing tasks, or both. 73632

(4) "Consumer" means an individual to whom all of the 73633
following apply: 73634

(a) The individual is enrolled in a participating medicaid 73635

waiver component. 73636

(b) The individual has a medically determinable physical impairment to which both of the following apply: 73637

(i) It is expected to last for a continuous period of not less than twelve months. 73638

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. 73639

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant. 73640

(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant. 73641

(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 73642

(6) "Custodian" has the same meaning as in section 2151.011 of the Revised Code. 73643

(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 73644

(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 73645

(9) "Health care professional" means a physician or registered nurse. 73646

(10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to 73647

<u>provide home care attendant services to consumers.</u>	73666
<u>(11) "Home care attendant services" means all of the following as provided by a home care attendant:</u>	73667
<u>(a) Personal care aide services;</u>	73668
<u>(b) Assistance with the self-administration of medication;</u>	73669
<u>(c) Assistance with nursing tasks.</u>	73670
<u>(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.</u>	73671
<u>(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</u>	73672
<u>(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.</u>	73673
<u>(15) "Minor" means an individual under eighteen years of age.</u>	73674
<u>(16) "Participating medicaid waiver component" means both of the following:</u>	73675
<u>(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers;</u>	73676
<u>(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers.</u>	73677
<u>(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u>	73678
<u>(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code.</u>	73679
<u>(19) "Schedule II," "schedule III," "schedule IV," and</u>	73680
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"schedule V" have the same meanings as in section 3719.01 of the Revised Code. 73695
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(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating medicaid waiver components to have those components cover home care attendant services in accordance with sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component. 73697
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Sec. 5111.881. The director of job and family services shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following: 73707
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(A) Agrees to comply with the requirements of sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code; 73711
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(B) Provides the director evidence satisfactory to the director of all of the following: 73714
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(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following: 73716
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(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code; 73719
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(b) A training program approved by the department of job and family services that includes training in at least all of the following and provides training equivalent to a training and 73722
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competency evaluation program specified in division (B)(1)(a) of 73725
this section or meets the requirements of 42 C.F.R. 484.36(a): 73726

(i) Basic home safety; 73727

(ii) Universal precautions for the prevention of disease 73728
transmission, including hand-washing and proper disposal of bodily 73729
waste and medical instruments that are sharp or may produce sharp 73730
pieces if broken; 73731

(iii) Personal care aide services; 73732

(iv) The labeling, counting, and storage requirements for 73733
schedule II, III, IV, and V medications. 73734

(2) That the individual has obtained a certificate of 73735
completion of a course in first aid from a first aid course to 73736
which all of the following apply: 73737

(a) It is not provided solely through the internet. 73738

(b) It includes hands-on training provided by a first aid 73739
instructor who is qualified to provide such training according to 73740
standards set in rules adopted under section 5111.8811 of the 73741
Revised Code. 73742

(c) It requires the individual to demonstrate successfully 73743
that the individual has learned the first aid taught in the 73744
course. 73745

(3) That the individual meets any other requirements for the 73746
medicaid provider agreement specified in rules adopted under 73747
section 5111.8811 of the Revised Code. 73748

Sec. 5111.882. A home care attendant shall complete not less 73749
than twelve hours of in-service continuing education regarding 73750
home care attendant services each year and provide the director of 73751
job and family services evidence satisfactory to the director that 73752
the attendant satisfied this requirement. The evidence shall be 73753

submitted to the director not later than the annual anniversary of 73754
the issuance of the home care attendant's initial medicaid 73755
provider agreement. 73756

Sec. 5111.883. A home care attendant shall do all of the 73757
following: 73758

(A) Maintain a clinical record for each consumer to whom the 73759
attendant provides home care attendant services in a manner that 73760
protects the consumer's privacy; 73761

(B) Participate in a face-to-face visit every ninety days 73762
with all of the following to monitor the health and welfare of 73763
each of the consumers to whom the attendant provides home care 73764
attendant services: 73765

(1) The consumer; 73766

(2) The consumer's authorized representative, if any; 73767

(3) A registered nurse who agrees to answer any questions 73768
that the attendant, consumer, or authorized representative has 73769
about consumer care needs, medications, and other issues. 73770

(C) Document the activities of each visit required by 73771
division (B) of this section in the consumer's clinical record 73772
with the assistance of the registered nurse. 73773

Sec. 5111.884. (A) A home care attendant may assist a 73774
consumer with nursing tasks or self-administration of medication 73775
only after the attendant does both of the following: 73776

(1) Subject to division (B) of this section, completes 73777
consumer-specific training in how to provide the assistance that 73778
the authorizing health care professional authorizes the attendant 73779
to provide to the consumer; 73780

(2) At the request of the consumer, consumer's authorized 73781

representative, or authorizing health care professional, 73782
successfully demonstrates that the attendant has learned how to 73783
provide the authorized assistance to the consumer. 73784

(B) The training required by division (A)(1) of this section 73785
shall be provided by either of the following: 73786

(1) The authorizing health care professional; 73787

(2) The consumer or consumer's authorized representative in 73788
cooperation with the authorizing health care professional. 73789

Sec. 5111.885. A home care attendant shall comply with both 73790
of the following when assisting a consumer with nursing tasks or 73791
self-administration of medication: 73792

(A) The written consent of the consumer or consumer's 73793
authorized representative provided to the director of job and 73794
family services under section 5111.886 of the Revised Code; 73795

(B) The authorizing health care professional's written 73796
authorization provided to the director under section 5111.887 of 73797
the Revised Code. 73798

Sec. 5111.886. To consent to a home care attendant assisting 73799
a consumer with nursing tasks or self-administration of 73800
medication, the consumer or consumer's authorized representative 73801
shall provide the director of job and family services a written 73802
statement signed by the consumer or authorized representative 73803
under which the consumer or authorized representative consents to 73804
both of the following: 73805

(A) Having the attendant assist the consumer with nursing 73806
tasks or self-administration of medication; 73807

(B) Assuming responsibility for directing the attendant when 73808
the attendant assists the consumer with nursing tasks or 73809
self-administration of medication. 73810

Sec. 5111.887. To authorize a home care attendant to assist a consumer with nursing tasks or self-administration of medication, a health care professional shall provide the director of job and family services a written statement signed by the health care professional that includes all of the following:

(A) The consumer's name and address;

(B) A description of the nursing tasks or self-administration of medication with which the attendant is to assist the consumer, including, in the case of assistance with self-administration of medication, the name and dosage of the medication;

(C) The times or intervals when the attendant is to assist the consumer with the self-administration of each dosage of the medication or nursing tasks;

(D) The dates the attendant is to begin and cease providing the assistance;

(E) A list of severe adverse reactions the attendant must report to the health care professional should the consumer experience one or more of the reactions;

(F) At least one telephone number at which the attendant can reach the health care professional in an emergency;

(G) Instructions the attendant is to follow when assisting the consumer with nursing tasks or self-administration of medication, including instructions for maintaining sterile conditions and for storage of task-related equipment and supplies;

(H) The health care professional's attestation of both of the following:

(1) That the consumer or consumer's authorized representative has demonstrated to the health care professional the ability to direct the attendant;

(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 73840
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Sec. 5111.888. When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication a health care professional may not authorize a home care attendant to do any of the following: 73848
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(A) Perform a task that is outside of the health care professional's scope of practice; 73852
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(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or schedule V drug unless both of the following apply: 73854
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(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of the following: 73857
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(a) In the case of an oral medication, a metered dose inhaler; 73860
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(b) In the case of a topical medication, including a transdermal medication, either of the following: 73862
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(i) An eye, ear, or nose drop or spray; 73864

(ii) A vaginal or rectal suppository. 73865

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump. 73866
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(2) The medication is in its original container and the label 73868

attached to the container displays all of the following: 73869

(a) The consumer's full name in print; 73870

(b) The medication's dispensing date, which must not be more 73871
than twelve months before the date the attendant assists the 73872
consumer with self-administration of the medication; 73873

(c) The exact dosage and means of administration that match 73874
the health care professional's authorization to the attendant. 73875

(C) Assist the consumer with the self-administration of a 73876
schedule II, schedule III, schedule IV, or schedule V medication 73877
unless, in addition to meeting the requirements of division (B) of 73878
this section, all of the following apply: 73879

(1) The medication has a warning label on its container. 73880

(2) The attendant counts the medication in the consumer's or 73881
authorized representative's presence when the medication is 73882
administered to the consumer and records the count on a form used 73883
for the count as specified in rules adopted under section 73884
5111.8811 of the Revised Code. 73885

(3) The attendant recounts the medication in the consumer's 73886
or authorized representative's presence at least monthly and 73887
reconciles the recount on a log located in the consumer's clinical 73888
record. 73889

(4) The medication is stored separately from all other 73890
medications and is secured and locked at all times when not being 73891
administered to the consumer to prevent unauthorized access. 73892

(D) Perform an intramuscular injection; 73893

(E) Perform a subcutaneous injection unless it is for a 73894
routine dose of insulin; 73895

(F) Program a pump used to deliver a medication unless the 73896
pump is used to deliver a routine dose of insulin; 73897

<u>(G) Insert, remove, or discontinue an intravenous access device;</u>	73898
	73899
<u>(H) Engage in intravenous medication administration;</u>	73900
<u>(I) Insert or initiate an infusion therapy;</u>	73901
<u>(J) Perform a central line dressing change.</u>	73902
<u>Sec. 5111.889. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code.</u>	73903
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<u>A consumer or the consumer's authorized representative shall report to the director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The director shall forward a copy of each report to the board of nursing.</u>	73909
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<u>Sec. 5111.8810. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the director of job and family services. The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative.</u>	73916
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Sec. 5111.8811. The director of job and family services shall 73927
adopt rules under section 5111.85 of the Revised Code as necessary 73928
for the implementation of sections 5111.88 to 5111.8810 of the 73929
Revised Code. The rules shall be consistent with federal and state 73930
law. 73931

Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 73932
the Revised Code: 73933

"Area agency on aging" has the same meaning as in section 73934
173.14 of the Revised Code. 73935

"Assisted living program" means the ~~medicaid waiver component~~ 73936
~~for which the director of job and family services is authorized by~~ 73937
~~program created under this section to request a medicaid waiver.~~ 73938

"Assisted living services" means the following home and 73939
community-based services: personal care, homemaker, chore, 73940
attendant care, companion, medication oversight, and therapeutic 73941
social and recreational programming. 73942

"County or district home" means a county or district home 73943
operated under Chapter 5155. of the Revised Code. 73944

"Long-term care consultation program" means the program the 73945
department of aging is required to develop under section 173.42 of 73946
the Revised Code. 73947

"Long-term care consultation program administrator" or 73948
"administrator" means the department of aging or, if the 73949
department contracts with an area agency on aging or other entity 73950
to administer the long-term care consultation program for a 73951
particular area, that agency or entity. 73952

"Medicaid waiver component" has the same meaning as in 73953
section 5111.85 of the Revised Code. 73954

"Nursing facility" has the same meaning as in section 5111.20 73955

of the Revised Code. 73956

"Residential care facility" has the same meaning as in 73957
section 3721.01 of the Revised Code. 73958

"State administrative agency" means the department of job and 73959
family services if the department of job and family services 73960
administers the assisted living program or the department of aging 73961
if the department of aging administers the assisted living 73962
program. 73963

~~(B) The director of job and family services may submit a 73964
request to the United States secretary of health and human 73965
services under 42 U.S.C. 1396n to obtain a waiver of federal 73966
medicaid requirements that would otherwise be violated in the 73967
creation and implementation of a program under which There is 73968
hereby created the assisted living program. The program shall 73969
provide assisted living services ~~are provided to not more than one 73970
thousand eight hundred~~ individuals who meet the program's 73971
eligibility requirements established under section 5111.891 of the 73972
Revised Code. The program may not serve more individuals than the 73973
number that is set by the United States secretary of health and 73974
human services when the medicaid waiver authorizing the program is 73975
approved. The program shall be operated as a separate medicaid 73976
waiver component until the United States secretary approves the 73977
consolidated federal medicaid waiver sought under section 5111.861 73978
of the Revised Code. The program shall be part of the consolidated 73979
federal medicaid waiver sought under that section if the United 73980
States secretary approves the waiver. 73981~~

~~If the secretary approves the medicaid waiver requested under 73982
this section and the director of budget and management approves 73983
the contract, the department of job and family services shall 73984
enter into a contract with the department of aging under section 73985
5111.91 of the Revised Code that provides for the department of 73986
aging to administer the assisted living program. The contract 73987~~

shall include an estimate of the program's costs. 73988

The director of job and family services may adopt rules under 73989
section 5111.85 of the Revised Code regarding the assisted living 73990
program. The director of aging may adopt rules under Chapter 119. 73991
of the Revised Code regarding the program that the rules adopted 73992
by the director of job and family services authorize the director 73993
of aging to adopt. 73994

Sec. 5111.891. To be eligible for the assisted living 73995
program, an individual must meet all of the following 73996
requirements: 73997

(A) Need an intermediate level of care as determined under 73998
rule 5101:3-3-06 of the Administrative Code; 73999

(B) At the time the individual applies for the assisted 74000
living program, be one of the following: 74001

(1) A nursing facility resident who is seeking to move to a 74002
residential care facility and would remain in a nursing facility 74003
for long term care if not for the assisted living program; 74004

(2) A participant of any of the following medicaid waiver 74005
components who would move to a nursing facility if not for the 74006
assisted living program: 74007

(a) The PASSPORT program created under section 173.40 of the 74008
Revised Code; 74009

(b) The ~~medicaid waiver component called the choices program~~ 74010
~~that the department of aging administers~~ created under section 74011
173.403 of the Revised Code; 74012

(c) A medicaid waiver component that the department of job 74013
and family services administers. 74014

(3) A resident of a residential care facility who has resided 74015
in a residential care facility for at least six months immediately 74016

before the date the individual applies for the assisted living program. 74017
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(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the assisted living program, including both of the following: 74019
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(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 74024
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(2) A county or district home licensed as a residential care facility. 74029
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(D) Meet all other eligibility requirements for the assisted living program established in rules adopted under section 5111.85 of the Revised Code. 74031
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Sec. 5111.894. The state administrative agency may establish one or more waiting lists for the assisted living program. Only individuals eligible for the medicaid program may be placed on a waiting list. 74034
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Each month, each area agency on aging shall determine whether any individual who resides in the area that the area agency on aging serves and is on a waiting list for the assisted living program has been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility and that there is a vacancy in a residential care facility participating in the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area 74038
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in which the individual resides about the determination. The 74047
administrator shall determine whether the assisted living program 74048
is appropriate for the individual and whether the individual would 74049
rather participate in the assisted living program than continue 74050
residing in the nursing facility. If the administrator determines 74051
that the assisted living program is appropriate for the individual 74052
and the individual would rather participate in the assisted living 74053
program than continue residing in the nursing facility, the 74054
administrator shall so notify the state administrative agency. 74055

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On receipt of the notice from the administrator, the state 74057
administrative agency shall approve the individual's enrollment in 74058
the assisted living program regardless of any waiting list for the 74059
assisted living program, unless the enrollment would cause the 74060
assisted living program to exceed ~~the~~ any limit on the number of 74061
individuals who may participate in the program as set by ~~section~~ 74062
~~5111.89 of the Revised Code~~ the United States secretary of health 74063
and human services when the medicaid waiver authorizing the 74064
program is approved. Each quarter, the state administrative agency 74065
shall certify to the director of budget and management the 74066
estimated increase in costs of the assisted living program 74067
resulting from enrollment of individuals in the assisted living 74068
program pursuant to this section. 74069

~~Not later than the last day of each calendar year, the 74070
director of job and family services shall submit to the general 74071
assembly a report regarding the number of individuals enrolled in 74072
the assisted living program pursuant to this section and the costs 74073
incurred and savings achieved as a result of the enrollments.~~ 74074

Sec. 5111.971. (A) As used in this section, "long-term care 74075
medicaid waiver component" means any of the following: 74076

(1) The PASSPORT program created under section 173.40 of the 74077

Revised Code; 74078

(2) The ~~medicaid waiver component called the choices program~~ 74079
~~that the department of aging administers~~ created under section 74080
173.403 of the Revised Code; 74081

(3) A medicaid waiver component that the department of job 74082
and family services administers. 74083

(B) The director of job and family services shall submit a 74084
request to the United States secretary of health and human 74085
services for a waiver of federal medicaid requirements that would 74086
be otherwise violated in the creation of a pilot program under 74087
which not more than two hundred individuals who meet the pilot 74088
program's eligibility requirements specified in division (D) of 74089
this section receive a spending authorization to pay for the cost 74090
of medically necessary home and community-based services that the 74091
pilot program covers. The spending authorization shall be in an 74092
amount not exceeding seventy per cent of the average cost under 74093
the medicaid program for providing nursing facility services to an 74094
individual. An individual participating in the pilot program shall 74095
also receive necessary support services, including fiscal 74096
intermediary and other case management services, that the pilot 74097
program covers. 74098

(C) If the United States secretary of health and human 74099
services approves the waiver submitted under division (B) of this 74100
section, the department of job and family services shall enter 74101
into a contract with the department of aging under section 5111.91 74102
of the Revised Code that provides for the department of aging to 74103
administer the pilot program that the waiver authorizes. 74104

(D) To be eligible to participate in the pilot program 74105
created under division (B) of this section, an individual must 74106
meet all of the following requirements: 74107

(1) Need an intermediate level of care as determined under 74108

rule 5101:3-3-06 of the Administrative Code or a skilled level of 74109
care as determined under rule 5101:3-3-05 of the Administrative 74110
Code; 74111

(2) At the time the individual applies to participate in the 74112
pilot program, be one of the following: 74113

(a) A nursing facility resident who would remain in a nursing 74114
facility if not for the pilot program; 74115

(b) A participant of any long-term care medicaid waiver 74116
component who would move to a nursing facility if not for the 74117
pilot program. 74118

(3) Meet all other eligibility requirements for the pilot 74119
program established in rules adopted under section 5111.85 of the 74120
Revised Code. 74121

(E) The director of job and family services may adopt rules 74122
under section 5111.85 of the Revised Code as the director 74123
considers necessary to implement the pilot program created under 74124
division (B) of this section. The director of aging may adopt 74125
rules under Chapter 119. of the Revised Code as the director 74126
considers necessary for the pilot program's implementation. The 74127
rules may establish a list of medicaid-covered services not 74128
covered by the pilot program that an individual participating in 74129
the pilot program may not receive if the individual also receives 74130
medicaid-covered services outside of the pilot program. 74131

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the 74132
Revised Code: 74133

(A) "Intermediate care facility for the mentally retarded" 74134
has the same meaning as in section 5111.20 of the Revised Code, 74135
~~except that it does not include any such facility operated by the~~ 74136
~~department of mental retardation and developmental disabilities.~~ 74137

(B) "Medicaid" has the same meaning as in section 5111.01 of 74138

the Revised Code. 74139

Sec. 5112.31. The department of job and family services shall 74140
do all of the following: 74141

(A) For the purposes specified in sections 5112.37 ~~and~~, 74142
5112.371, and 5112.372 of the Revised Code, annually assess each 74143
intermediate care facility for the mentally retarded a franchise 74144
permit fee equal to ~~eleven~~ fourteen dollars and ~~ninety-eight~~ 74145
twenty-five cents multiplied by the product of the following: 74146

(1) The number of beds certified under Title XIX of the 74147
"Social Security Act" on the first day of May of the calendar year 74148
in which the assessment is determined pursuant to division (A) of 74149
section 5112.33 of the Revised Code; 74150

(2) The number of days in the fiscal year beginning on the 74151
first day of July of the same calendar year. 74152

(B) Beginning July 1, ~~2009~~ 2011, and the first day of each 74153
July thereafter, adjust fees determined under division (A) of this 74154
section in accordance with the composite inflation factor 74155
established in rules adopted under section 5112.39 of the Revised 74156
Code. 74157

(C) If the United States secretary of health and human 74158
services determines that the franchise permit fee established by 74159
sections 5112.30 to 5112.39 of the Revised Code would be an 74160
impermissible health care-related tax under section 1903(w) of the 74161
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 74162
necessary actions to cease implementation of those sections in 74163
accordance with rules adopted under section 5112.39 of the Revised 74164
Code. 74165

Sec. 5112.37. There is hereby created in the state treasury 74166
the home and community-based services for the mentally retarded 74167
and developmentally disabled fund. ~~Ninety-four~~ Seventy-four and 74168

~~twenty-eight~~ eighty-nine hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2010 shall be deposited into the fund. Seventy and sixty-seven hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2011 and thereafter shall be deposited into the fund. The department of job and family services shall distribute the money in the fund in accordance with rules adopted under section 5112.39 of the Revised Code. The departments of job and family services and mental retardation and developmental disabilities shall use the money for the medicaid program established under Chapter 5111. of the Revised Code and home and community-based services to mentally retarded and developmentally disabled persons.

Sec. 5112.371. There is hereby created in the state treasury the children with intensive behavioral needs programs fund. ~~Five~~ Three and ~~seventy-two~~ seventy-eight hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2010 shall be deposited in the fund. Three and fifty-seven hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2011 and thereafter shall be deposited into the fund. The money in the fund shall be used for the programs the director of mental retardation and developmental disabilities establishes under section 5123.0417 of the Revised Code.

Sec. 5112.372. There is hereby created in the state treasury

the ODMR/DD operating and services fund. Twenty-one and 74200
thirty-three hundredths per cent of all installment payments and 74201
penalties paid by an intermediate care facility for the mentally 74202
retarded under sections 5112.33 and 5112.34 of the Revised Code 74203
for state fiscal year 2010 shall be deposited into the fund. 74204
Twenty-five and seventy-six hundredths per cent of all installment 74205
payments and penalties paid by an intermediate care facility for 74206
the mentally retarded under sections 5112.33 and 5112.34 of the 74207
Revised Code for state fiscal year 2011 and thereafter shall be 74208
deposited into the fund. The money in the fund shall be used for 74209
the expenses of the programs that the department of mental 74210
retardation and developmental disabilities administers and the 74211
department's administrative expenses. 74212

Sec. 5112.40. As used in sections 5112.40 to 5112.48 of the 74213
Revised Code: 74214

(A) "Assessment program year" means the twelve-month period 74215
beginning the first day of October of a calendar year and ending 74216
the last day of September of the following calendar year. 74217

(B) "Cost reporting period" means the period of time used by 74218
a hospital in reporting costs for purposes of the medicare 74219
program. 74220

(C) "Federal fiscal year" means the twelve-month period 74221
beginning the first day of October of a calendar year and ending 74222
the last day of September of the following calendar year. 74223

(D) "Hospital" means a nonfederal hospital to which any of 74224
the following applies: 74225

(1) The hospital is registered under section 3701.07 of the 74226
Revised Code as a general medical and surgical hospital or a 74227
pediatric general hospital and provides inpatient hospital 74228
services, as defined in 42 C.F.R. 440.10. 74229

(2) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system. 74230
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(3) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code. 74233
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(E) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code. 74235
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(F) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 74237
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(G) "Medicare" means the program established under Title XVIII of the Social Security Act. 74239
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(H) "State fiscal year" means the twelve-month period beginning the first day of July of a calendar year and ending the last day of June of the following calendar year. 74241
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(I)(1) Except as provided in divisions (I)(2) and (3) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation. 74244
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(2) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under section 5112.41 of the Revised Code: 74251
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(a) Skilled nursing services provided in distinct-part nursing facility units; 74255
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(b) Home health services; 74257

(c) Hospice services; 74258

(d) Ambulance services; 74259

(e) Renting durable medical equipment; 74260

(f) Buying durable medical equipment. 74261

(3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B) of section 5112.46 of the Revised Code. 74262
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Sec. 5112.41. (A) For the purposes specified in section 5112.45 of the Revised Code and subject to section 5112.48 of the Revised Code, there is hereby imposed an assessment on all hospitals each assessment program year. The amount of a hospital's assessment for an assessment program year shall equal the percentage specified in division (B) of this section of the hospital's total facility costs for the period of time specified in division (C) of this section. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the department of job and family services for purposes of the hospital care assurance program. The cost-reporting data used to determine a hospital's assessment is subject to the same type of adjustments made to the data under the hospital care assurance program. 74265
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(B) The percentage specified in this division is the following: 74279
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(1) For the first assessment program year beginning after the effective date of this section, one and fifty-two hundredths per cent; 74281
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(2) For the second assessment program year after the effective date of this section and each successive assessment program year, one and sixty-one hundredths per cent. 74284
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(C) The period of time specified in this division is the hospital's cost reporting period that ends in the state fiscal year that ends in the federal fiscal year that precedes the 74287
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federal fiscal year that precedes the assessment program year for 74290
which the assessment is imposed. 74291

(D) The assessment imposed by this section on a hospital is 74292
in addition to the assessment imposed by section 5112.06 of the 74293
Revised Code. 74294

Sec. 5112.42. (A) Before or during each assessment program 74295
year, the department of job and family services shall mail to each 74296
hospital by certified mail, return receipt requested, the 74297
preliminary determination of the amount that the hospital is 74298
assessed under section 5112.41 of the Revised Code for the 74299
assessment program year. Except as provided in division (B) of 74300
this section, the preliminary determination becomes the final 74301
determination for the assessment program year fifteen days after 74302
the preliminary determination is mailed to the hospital. 74303

(B) A hospital may request that the department reconsider the 74304
preliminary determination mailed to the hospital under division 74305
(A) of this section by submitting to the department a written 74306
request for a reconsideration not later than fourteen days after 74307
the hospital's preliminary determination is mailed to the 74308
hospital. The request must be accompanied by written materials 74309
setting forth the basis for the reconsideration. On receipt of the 74310
timely request, the department shall reconsider the preliminary 74311
determination and may adjust the preliminary determination on the 74312
basis of the written materials accompanying the request. The 74313
result of the reconsideration is the final determination of the 74314
hospital's assessment under section 5112.41 of the Revised Code 74315
for the assessment program year. 74316

(C) The department shall mail to each hospital a written 74317
notice of the final determination of its assessment for the 74318
assessment program year. A hospital may appeal the final 74319
determination to the court of common pleas of Franklin county. 74320

While a judicial appeal is pending, the hospital shall pay, in accordance with section 5112.43 of the Revised Code, any amount of its assessment that is not in dispute. 74321
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Sec. 5112.43. Each hospital shall pay the amount it is assessed under section 5112.41 of the Revised Code in three equal installments due on the fifteenth day of December, the fifteenth day of March, and the fifteenth day of June of each assessment program year unless rules adopted under section 5112.46 of the Revised Code establish a different payment schedule. 74324
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Sec. 5112.44. The department of job and family services may audit a hospital to ensure that the hospital properly pays the amount it is assessed under section 5112.41 of the Revised Code. The department shall take action to recover from a hospital any amount the audit reveals that the hospital should have paid but did not pay. 74330
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Sec. 5112.45. There is hereby created in the state treasury the hospital assessment fund. All installment payments made by hospitals under section 5112.43 of the Revised Code and all recoveries the department of job and family services makes under section 5112.44 of the Revised Code shall be deposited into the fund. All investment earnings of the fund shall be credited to the fund. The department shall use money in the fund to pay for the costs of the medicaid program, including the program's administrative costs. Of the amounts deposited into the fund during the first assessment program year beginning after the effective date of this section, sixteen and forty-five hundredths per cent shall be used for the hospital inpatient and outpatient supplemental upper payment limit program created under section 5112.451 of the Revised Code. Of the amounts deposited into the fund during the second assessment program year beginning after the 74336
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effective date of this section and each successive assessment 74351
program year, fourteen and ninety-one hundredths per cent shall be 74352
used for the hospital inpatient and outpatient supplemental upper 74353
payment limit program. 74354

Sec. 5112.451. The director of job and family services shall 74355
submit a medicaid state plan amendment to the United States 74356
secretary of health and human services to create the hospital 74357
inpatient and outpatient supplemental upper payment limit program. 74358
If the United States secretary approves the medicaid state plan 74359
amendment, the program shall make supplemental medicaid payments 74360
to hospitals for inpatient services and outpatient services 74361
covered by medicaid with funds made available for the program 74362
under section 5112.45 of the Revised Code and federal matching 74363
funds available for the program. 74364

Sec. 5112.46. (A) The director of job and family services may 74365
adopt, amend, and rescind rules in accordance with Chapter 119. of 74366
the Revised Code as necessary to implement sections 5112.40 to 74367
5112.48 of the Revised Code. 74368

(B) The rules adopted under this section may provide that a 74369
hospital's total facility costs for the purpose of the assessment 74370
under section 5112.41 of the Revised Code exclude any of the 74371
following: 74372

(1) A hospital's costs associated with providing care to 74373
recipients of any of the following: 74374

(a) The medicaid program; 74375

(b) The medicare program; 74376

(c) The disability financial assistance program established 74377
under Chapter 5115. of the Revised Code; 74378

(d) The disability medical assistance program established 74379

under Chapter 5115. of the Revised Code; 74380

(e) The program for medically handicapped children 74381
established under section 3701.023 of the Revised Code; 74382

(f) Services provided under the maternal and child health 74383
services block grant established under Title V of the Social 74384
Security Act. 74385

(2) Any other category of hospital costs the director deems 74386
appropriate under federal law and regulations governing the 74387
medicaid program. 74388

Sec. 5112.47. The director of job and family services shall 74389
implement the assessment imposed by section 5112.41 of the Revised 74390
Code in a manner that does not cause a reduction in federal 74391
financial participation for the medicaid program under 42 U.S.C. 74392
1396b(w). 74393

Sec. 5112.48. If the United States secretary of health and 74394
human services determines that the assessment imposed by section 74395
5112.41 of the Revised Code is an impermissible health 74396
care-related tax under 42 U.S.C. 1396b(w), the director of job and 74397
family services shall take all necessary actions to cease 74398
implementation of sections 5112.40 to 5112.47 of the Revised Code 74399
and shall promptly refund to each hospital the amount of money in 74400
the hospital assessment fund at the time the refund is to be made 74401
that the hospital paid under section 5112.43 of the Revised Code, 74402
plus any corresponding investment earnings on that amount. 74403

Sec. 5119.16. As used in this section, "free clinic" has the 74404
same meaning as in section 2305.2341 of the Revised Code. 74405

(A) The department of mental health ~~is hereby designated to~~ 74406
may provide certain goods and services for the department of 74407
mental health, the department of mental retardation and 74408

developmental disabilities, the department of rehabilitation and 74409
correction, the department of youth services, and other state, 74410
county, or municipal agencies requesting such goods and services 74411
when the department of mental health determines that it is in the 74412
public interest, and considers it advisable, to provide these 74413
goods and services. The department of mental health also may 74414
provide goods and services to agencies operated by the United 74415
States government and to public or private nonprofit agencies, 74416
other than free clinics, that are funded in whole or in part by 74417
the state if the public or private nonprofit agencies are 74418
designated for participation in this program by the director of 74419
mental health for community mental health agencies, the director 74420
of mental retardation and developmental disabilities for community 74421
mental retardation and developmental disabilities agencies, the 74422
director of rehabilitation and correction for community 74423
rehabilitation and correction agencies, or the director of youth 74424
services for community youth services agencies. 74425

Designated community agencies shall receive goods and 74426
services through the department of mental health only in those 74427
cases where the designating state agency certifies that providing 74428
such goods and services to the agency will conserve public 74429
resources to the benefit of the public and where the provision of 74430
such goods and services is considered feasible by the department 74431
of mental health. 74432

(B) The department of mental health may permit free clinics 74433
to purchase certain goods and services to the extent the purchases 74434
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 74435
et seq., applicable to ~~non-profit~~ nonprofit institutions, in 15 74436
U.S.C. 13c, as amended. 74437

(C) The goods and services ~~to~~ that may be provided by the 74438
department of mental health under divisions (A) and (B) of this 74439
section may include: 74440

(1) Procurement, storage, processing, and distribution of food and professional consultation on food operations;	74441 74442
(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, subject to section 5120.135 of the Revised Code;	74443 74444 74445 74446
(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;	74447 74448 74449
(4) Other goods and services as may be agreed to.	74450
(D) The department of mental health shall <u>may</u> provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health services.	74451 74452 74453 74454
(E) After consultation with and advice from the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health shall <u>may</u> provide the goods and services designated in division (C) of this section to the department of mental retardation and developmental disabilities, the department of rehabilitation and correction, and the department of youth services.	74455 74456 74457 74458 74459 74460 74461 74462
(F) The cost of administration of this section shall be determined by the department of mental health and paid by the agencies or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the mental health fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.	74463 74464 74465 74466 74467 74468 74469
(G) If the goods or services designated in division (C) of this section are not provided in a satisfactory manner by the	74470 74471

~~department of mental health to the agencies described in division 74472
(A) of this section, the director of mental retardation and 74473
developmental disabilities, the director of rehabilitation and 74474
correction, the director of youth services, or the managing 74475
officer of a department of mental health institution shall attempt 74476
to resolve unsatisfactory service with the director of mental 74477
health. If, after such attempt, the provision of goods or services 74478
continues to be unsatisfactory, the director or officer shall 74479
notify the director of mental health. If within thirty days of 74480
such notice the department of mental health does not provide the 74481
specified goods and services in a satisfactory manner, the 74482
director of mental retardation and developmental disabilities, the 74483
director of rehabilitation and correction, the director of youth 74484
services, or the managing officer of the department of mental 74485
health institution shall notify the director of mental health of 74486
the director's or managing officer's intent to cease purchasing 74487
goods and services from the department. Following a sixty day 74488
cancellation period from the date of such notice, the department 74489
of mental retardation, department of rehabilitation and 74490
correction, department of youth services, or the department of 74491
mental health institution may obtain the goods and services from a 74492
source other than the department of mental health, if the 74493
department certifies to the department of administrative services 74494
that the requirements of this division have been met. 74495~~

~~(H) Whenever a state agency fails to make a payment for goods 74496
and services provided under this section within thirty-one days 74497
after the date the payment was due, the office of budget and 74498
management may transfer moneys from the state agency to the 74499
department of mental health. The amount transferred shall not 74500
exceed the amount of overdue payments. Prior to making a transfer 74501
under this division, the office of budget and management shall 74502
apply any credits the state agency has accumulated in payments for 74503
goods and services provided under this section. 74504~~

~~(I)~~(H) Purchases of goods and services under this section are 74505
not subject to section 307.86 of the Revised Code. 74506

Sec. 5119.61. Any provision in this chapter that refers to a 74507
board of alcohol, drug addiction, and mental health services also 74508
refers to the community mental health board in an alcohol, drug 74509
addiction, and mental health service district that has a community 74510
mental health board. 74511

The director of mental health with respect to all facilities 74512
and programs established and operated under Chapter 340. of the 74513
Revised Code for mentally ill and emotionally disturbed persons, 74514
shall do all of the following: 74515

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 74516
that may be necessary to carry out the purposes of Chapter 340. 74517
and sections 5119.61 to 5119.63 of the Revised Code. 74518

(1) The rules shall include all of the following: 74519

(a) Rules governing a community mental health agency's 74520
services under section 340.091 of the Revised Code to an 74521
individual referred to the agency under division (C)(2) of section 74522
173.35 of the Revised Code; 74523

(b) For the purpose of division (A)(16) of section 340.03 of 74524
the Revised Code, rules governing the duties of mental health 74525
agencies and boards of alcohol, drug addiction, and mental health 74526
services under section 3722.18 of the Revised Code regarding 74527
referrals of individuals with mental illness or severe mental 74528
disability to adult care facilities and effective arrangements for 74529
ongoing mental health services for the individuals. The rules 74530
shall do at least the following: 74531

(i) Provide for agencies and boards to participate fully in 74532
the procedures owners and managers of adult care facilities must 74533
follow under division (A)~~(2)~~ of section 3722.18 of the Revised 74534

Code; 74535

(ii) Specify the manner in which boards are accountable for 74536
ensuring that ongoing mental health services are effectively 74537
arranged for individuals with mental illness or severe mental 74538
disability who are referred by the board or mental health agency 74539
under contract with the board to an adult care facility. 74540

(c) Rules governing a board of alcohol, drug addiction, and 74541
mental health services when making a report to the director of 74542
health under section 3722.17 of the Revised Code regarding the 74543
quality of care and services provided by an adult care facility to 74544
a person with mental illness or a severe mental disability. 74545

(2) Rules may be adopted to govern the method of paying a 74546
community mental health facility, as defined in section 5111.023 74547
of the Revised Code, for providing services listed in division (B) 74548
of that section. Such rules must be consistent with the contract 74549
entered into between the departments of job and family services 74550
and mental health under section 5111.91 of the Revised Code and 74551
include requirements ensuring appropriate service utilization. 74552

(B) Review and evaluate, and, taking into account the 74553
findings and recommendations of the board of alcohol, drug 74554
addiction, and mental health services of the district served by 74555
the program and the requirements and priorities of the state 74556
mental health plan, including the needs of residents of the 74557
district now residing in state mental institutions, approve and 74558
allocate funds to support community programs, and make 74559
recommendations for needed improvements to boards of alcohol, drug 74560
addiction, and mental health services; 74561

(C) Withhold state and federal funds for any program, in 74562
whole or in part, from a board of alcohol, drug addiction, and 74563
mental health services in the event of failure of that program to 74564
comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, 74565

or 5119.62 of the Revised Code or rules of the department of 74566
mental health. The director shall identify the areas of 74567
noncompliance and the action necessary to achieve compliance. The 74568
director shall offer technical assistance to the board to achieve 74569
compliance. The director shall give the board a reasonable time 74570
within which to comply or to present its position that it is in 74571
compliance. Before withholding funds, a hearing shall be conducted 74572
to determine if there are continuing violations and that either 74573
assistance is rejected or the board is unable to achieve 74574
compliance. Subsequent to the hearing process, if it is determined 74575
that compliance has not been achieved, the director may allocate 74576
all or part of the withheld funds to a public or private agency to 74577
provide the services not in compliance until the time that there 74578
is compliance. The director shall establish rules pursuant to 74579
Chapter 119. of the Revised Code to implement this division. 74580

(D) Withhold state or federal funds from a board of alcohol, 74581
drug addiction, and mental health services that denies available 74582
service on the basis of religion, race, color, creed, sex, 74583
national origin, age, disability as defined in section 4112.01 of 74584
the Revised Code, developmental disability, or the inability to 74585
pay; 74586

(E) Provide consultative services to community mental health 74587
agencies with the knowledge and cooperation of the board of 74588
alcohol, drug addiction, and mental health services; 74589

(F) Provide to boards of alcohol, drug addiction, and mental 74590
health services state or federal funds, in addition to those 74591
allocated under section 5119.62 of the Revised Code, for special 74592
programs or projects the director considers necessary but for 74593
which local funds are not available; 74594

(G) Establish criteria by which a board of alcohol, drug 74595
addiction, and mental health services reviews and evaluates the 74596
quality, effectiveness, and efficiency of services provided 74597

through its community mental health plan. The criteria shall 74598
include requirements ensuring appropriate service utilization. The 74599
department shall assess a board's evaluation of services and the 74600
compliance of each board with this section, Chapter 340. or 74601
section 5119.62 of the Revised Code, and other state or federal 74602
law and regulations. The department, in cooperation with the 74603
board, periodically shall review and evaluate the quality, 74604
effectiveness, and efficiency of services provided through each 74605
board. The department shall collect information that is necessary 74606
to perform these functions. 74607

(H) Develop and operate a community mental health information 74608
system or systems. 74609

Boards of alcohol, drug abuse, and mental health services 74610
shall submit information requested by the department in the form 74611
and manner prescribed by the department. Information collected by 74612
the department shall include, but not be limited to, all of the 74613
following: 74614

(1) Information regarding units of services provided in whole 74615
or in part under contract with a board, including diagnosis and 74616
special needs, demographic information, the number of units of 74617
service provided, past treatment, financial status, and service 74618
dates in accordance with rules adopted by the department in 74619
accordance with Chapter 119. of the Revised Code; 74620

(2) Financial information other than price or price-related 74621
data regarding expenditures of boards and community mental health 74622
agencies, including units of service provided, budgeted and actual 74623
expenses by type, and sources of funds. 74624

Boards shall submit the information specified in division 74625
(H)(1) of this section no less frequently than annually for each 74626
client, and each time the client's case is opened or closed. The 74627
department shall not collect any personal information ~~for the~~ 74628

~~purpose of identifying by name any person who receives a service through a board of alcohol, drug addiction, and mental health services, from the boards except as required or permitted by state or federal law to validate appropriate reimbursement. For the purposes of division (H)(1) of this section, the department shall use an identification system that is consistent with applicable nationally recognized standards for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.~~

(I) Review each board's community mental health plan submitted pursuant to section 340.03 of the Revised Code and approve or disapprove it in whole or in part. Periodically, in consultation with representatives of boards and after considering the recommendations of the medical director, the director shall issue criteria for determining when a plan is complete, criteria for plan approval or disapproval, and provisions for conditional approval. The factors that the director considers may include, but are not limited to, the following:

(1) The mental health needs of all persons residing within the board's service district, especially severely mentally disabled children, adolescents, and adults;

(2) The demonstrated quality, effectiveness, efficiency, and cultural relevance of the services provided in each service district, the extent to which any services are duplicative of other available services, and whether the services meet the needs identified above;

(3) The adequacy of the board's accounting for the expenditure of funds.

If the director disapproves all or part of any plan, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for

the disapproval and of the criteria that must be met before the 74660
plan may be approved. The director shall give the board a 74661
reasonable time within which to meet the criteria, and shall offer 74662
technical assistance to the board to help it meet the criteria. 74663

If the approval of a plan remains in dispute thirty days 74664
prior to the conclusion of the fiscal year in which the board's 74665
current plan is scheduled to expire, the board or the director may 74666
request that the dispute be submitted to a mutually agreed upon 74667
third-party mediator with the cost to be shared by the board and 74668
the department. The mediator shall issue to the board and the 74669
department recommendations for resolution of the dispute. Prior to 74670
the conclusion of the fiscal year in which the current plan is 74671
scheduled to expire, the director, taking into consideration the 74672
recommendations of the mediator, shall make a final determination 74673
and approve or disapprove the plan, in whole or in part. 74674

Sec. 5119.613. For purposes of Chapter 3722. of the Revised 74675
Code, the director of mental health shall approve a standardized 74676
form to be used in all areas of this state by adult care 74677
facilities and boards of alcohol, drug addiction, and mental 74678
health services when entering into mental health resident program 74679
participation agreements. As part of approving the form, the 74680
director shall specify the requirements that adult care facilities 74681
must meet in order to be authorized to admit residents who are 74682
receiving or are eligible for publicly funded mental health 74683
services. 74684

Sec. 5120.09. Under the supervision and control of the 74685
director of rehabilitation and correction, the division of 74686
business administration shall do all of the following: 74687

(A) Submit the budgets for the several divisions of the 74688
department of rehabilitation and correction, as prepared by the 74689

respective chiefs of those divisions, to the director. The 74690
director, with the assistance of the chief of the division of 74691
business administration, shall compile a departmental budget that 74692
contains all proposals submitted by the chiefs of the divisions 74693
and shall forward the departmental budget to the governor with 74694
comments and recommendations that the director considers 74695
necessary. 74696

(B) Maintain accounts and records and compile statistics that 74697
the director prescribes; 74698

(C) Under the control of the director, coordinate and make 74699
the necessary purchases and requisitions for the department and 74700
its divisions, except ~~as provided under~~ when goods and services 74701
are provided to the department as described in section 5119.16 of 74702
the Revised Code; 74703

(D) Administer within this state federal criminal justice 74704
acts that the governor requires the department to administer. In 74705
order to improve the criminal justice system of this state, the 74706
division of business administration shall apply for, allocate, 74707
disburse, and account for grants that are made available pursuant 74708
to those federal criminal justice acts and grants that are made 74709
available from other federal government sources, state government 74710
sources, or private sources. As used in this division, "criminal 74711
justice system" and "federal criminal justice acts" have the same 74712
meanings as in section 5502.61 of the Revised Code. 74713

(E) Audit the activities of governmental entities, persons as 74714
defined in section 1.59 of the Revised Code, and other types of 74715
nongovernmental entities that are financed in whole or in part by 74716
funds that the department allocates or disburses and that are 74717
derived from grants described in division (D) of this section; 74718

(F) Enter into contracts, including contracts with federal, 74719
state, or local governmental entities, persons as defined in 74720

section 1.59 of the Revised Code, foundations, and other types of 74721
nongovernmental entities, that are necessary for the department to 74722
carry out its duties and that neither the director nor another 74723
section of the Revised Code authorizes another division of the 74724
department to enter; 74725

(G) Exercise other powers and perform other duties that the 74726
director may assign to the division of business administration. 74727

Sec. 5122.31. (A) All certificates, applications, records, 74728
and reports made for the purpose of this chapter and sections 74729
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 74730
Code, other than court journal entries or court docket entries, 74731
and directly or indirectly identifying a patient or former patient 74732
or person whose hospitalization has been sought under this 74733
chapter, shall be kept confidential and shall not be disclosed by 74734
any person except: 74735

(1) If the person identified, or the person's legal guardian, 74736
if any, or if the person is a minor, the person's parent or legal 74737
guardian, consents, and if the disclosure is in the best interests 74738
of the person, as may be determined by the court for judicial 74739
records and by the chief clinical officer for medical records; 74740

(2) When disclosure is provided for in this chapter or 74741
section 5123.60 of the Revised Code; 74742

(3) That hospitals, boards of alcohol, drug addiction, and 74743
mental health services, and community mental health agencies may 74744
release necessary medical information to insurers and other 74745
third-party payers, including government entities responsible for 74746
processing and authorizing payment, to obtain payment for goods 74747
and services furnished to the patient; 74748

(4) Pursuant to a court order signed by a judge; 74749

(5) That a patient shall be granted access to the patient's 74750

own psychiatric and medical records, unless access specifically is 74751
restricted in a patient's treatment plan for clear treatment 74752
reasons; 74753

(6) That hospitals and other institutions and facilities 74754
within the department of mental health may exchange psychiatric 74755
records and other pertinent information with other hospitals, 74756
institutions, and facilities of the department, and with community 74757
mental health agencies and boards of alcohol, drug addiction, and 74758
mental health services with which the department has a current 74759
agreement for patient care or services. Records and information 74760
that may be released pursuant to this division shall be limited to 74761
medication history, physical health status and history, financial 74762
status, summary of course of treatment in the hospital, summary of 74763
treatment needs, and a discharge summary, if any. 74764

(7) That hospitals within the department, other institutions 74765
and facilities within the department, and community mental health 74766
agencies may exchange psychiatric records and other pertinent 74767
information with other providers of treatment and health services 74768
if the purpose of the exchange is to facilitate continuity of care 74769
for a patient; 74770

(8) That a patient's family member who is involved in the 74771
provision, planning, and monitoring of services to the patient may 74772
receive medication information, a summary of the patient's 74773
diagnosis and prognosis, and a list of the services and personnel 74774
available to assist the patient and the patient's family, if the 74775
patient's treating physician determines that the disclosure would 74776
be in the best interests of the patient. No such disclosure shall 74777
be made unless the patient is notified first and receives the 74778
information and does not object to the disclosure. 74779

~~(8)~~(9) That community mental health agencies may exchange 74780
psychiatric records and certain other information with the board 74781
of alcohol, drug addiction, and mental health services and other 74782

agencies in order to provide services to a person involuntarily 74783
committed to a board. Release of records under this division shall 74784
be limited to medication history, physical health status and 74785
history, financial status, summary of course of treatment, summary 74786
of treatment needs, and discharge summary, if any. 74787

~~(9)~~ (10) That information may be disclosed to the executor or 74788
the administrator of an estate of a deceased patient when the 74789
information is necessary to administer the estate; 74790

~~(10)~~ (11) That records in the possession of the Ohio 74791
historical society may be released to the closest living relative 74792
of a deceased patient upon request of that relative; 74793

~~(11)~~ (12) That information may be disclosed to staff members 74794
of the appropriate board or to staff members designated by the 74795
director of mental health for the purpose of evaluating the 74796
quality, effectiveness, and efficiency of services and determining 74797
if the services meet minimum standards. Information obtained 74798
during such evaluations shall not be retained with the name of any 74799
patient. 74800

~~(12)~~ (13) That records pertaining to the patient's diagnosis, 74801
course of treatment, treatment needs, and prognosis shall be 74802
disclosed and released to the appropriate prosecuting attorney if 74803
the patient was committed pursuant to section 2945.38, 2945.39, 74804
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 74805
attorney designated by the board for proceedings pursuant to 74806
involuntary commitment under this chapter. 74807

~~(13)~~ (14) That the department of mental health may exchange 74808
psychiatric hospitalization records, other mental health treatment 74809
records, and other pertinent information with the department of 74810
rehabilitation and correction to ensure continuity of care for 74811
inmates who are receiving mental health services in an institution 74812
of the department of rehabilitation and correction. The department 74813

shall not disclose those records unless the inmate is notified, 74814
receives the information, and does not object to the disclosure. 74815
The release of records under this division is limited to records 74816
regarding an inmate's medication history, physical health status 74817
and history, summary of course of treatment, summary of treatment 74818
needs, and a discharge summary, if any. 74819

~~(14)~~(15) That a community mental health agency that ceases to 74820
operate may transfer to either a community mental health agency 74821
that assumes its caseload or to the board of alcohol, drug 74822
addiction, and mental health services of the service district in 74823
which the patient resided at the time services were most recently 74824
provided any treatment records that have not been transferred 74825
elsewhere at the patient's request. 74826

(B) Before records are disclosed pursuant to divisions 74827
(A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the 74828
records shall attempt to obtain the patient's consent for the 74829
disclosure. No person shall reveal the contents of a medical 74830
record of a patient except as authorized by law. 74831

(C) The managing officer of a hospital who releases necessary 74832
medical information under division (A)(3) of this section to allow 74833
an insurance carrier or other third party payor to comply with 74834
section 5121.43 of the Revised Code shall neither be subject to 74835
criminal nor civil liability. 74836

Sec. 5123.049. The director of mental retardation and 74837
developmental disabilities shall adopt rules in accordance with 74838
Chapter 119. of the Revised Code governing the authorization and 74839
payment of home and community-based services and medicaid case 74840
management services. The rules shall provide for private providers 74841
of the services to receive one hundred per cent of the medicaid 74842
allowable payment amount and for government providers of the 74843
services to receive the federal share of the medicaid allowable 74844

payment, less the amount withheld as a fee under section 5123.0412 74845
of the Revised Code and any amount that may be required by rules 74846
~~adopted under section 5123.0413 of the Revised Code to be~~ 74847
~~deposited into the state MR/DD risk fund.~~ The rules shall 74848
establish the process by which county boards of mental retardation 74849
and developmental disabilities shall certify and provide the 74850
nonfederal share of medicaid expenditures that the county board is 74851
required by sections 5126.059 and 5126.0510 of the Revised Code to 74852
pay. The process shall require a county board to certify that the 74853
county board has funding available at one time for two months 74854
costs for those expenditures. The process may permit a county 74855
board to certify that the county board has funding available at 74856
one time for more than two months costs for those expenditures. 74857

Sec. 5123.0412. (A) The department of mental retardation and 74858
developmental disabilities shall charge each county board of 74859
mental retardation and developmental disabilities an annual fee 74860
equal to one and one-half per cent of the total value of all 74861
medicaid paid claims for home and community-based services 74862
provided during the year to an individual eligible for services 74863
from the county board. No county board shall pass the cost of a 74864
fee charged to the county board under this section on to another 74865
provider of these services. 74866

(B) The fees collected under this section shall be deposited 74867
into the ODMR/DD administration and oversight fund and the ODJFS 74868
administration and oversight fund, both of which are hereby 74869
created in the state treasury. The portion of the fees to be 74870
deposited into the ODMR/DD administration and oversight fund and 74871
the portion of the fees to be deposited into the ODJFS 74872
administration and oversight fund shall be the portion specified 74873
in an interagency agreement entered into under division (C) of 74874
this section. The department of mental retardation and 74875
developmental disabilities shall use the money in the ODMR/DD 74876

administration and oversight fund and the department of job and family services shall use the money in the ODJFS administration and oversight fund for both of the following purposes:

(1) The Medicaid administrative costs, including administrative and oversight costs of medicaid case management services and home and community-based services. The administrative and oversight costs of medicaid case management services and home and community-based services shall include costs for staff, systems, and other resources the departments need and dedicate solely to the following duties associated with the services:

- (a) Eligibility determinations;
- (b) Training;
- (c) Fiscal management;
- (d) Claims processing;
- (e) Quality assurance oversight;
- (f) Other duties the departments identify.

(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.

(C) The departments of mental retardation and developmental disabilities and job and family services shall enter into an interagency agreement to do both of the following:

(1) Specify which portion of the fees collected under this section is to be deposited into the ODMR/DD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;

(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.

(D) The departments shall submit an annual report to the 74907
director of budget and management certifying how the departments 74908
spent the money in the ODMR/DD administration and oversight fund 74909
and the ODJFS administration and oversight fund for the purposes 74910
specified in division (B) of this section. 74911

Sec. 5123.0413. ~~(A) The department of mental retardation and 74912
developmental disabilities, in consultation with the department of 74913
job and family services, office of budget and management, and 74914
county boards of mental retardation and developmental 74915
disabilities, shall adopt rules in accordance with Chapter 119. of 74916
the Revised Code no later than January 1, 2002, establishing a 74917
method of paying for extraordinary costs, including extraordinary 74918
costs for services to individuals with mental retardation or other 74919
developmental disability, and ensure the availability of adequate 74920
funds to establish both of the following in the event a county 74921
property tax levy for services for individuals with mental 74922
retardation or other developmental disability fails. The rules may 74923
provide for using and managing either or both of the following:~~ 74924

~~(1) A state MR/DD risk fund, which is hereby created in the 74925
state treasury;~~ 74926

~~(2) A state insurance against MR/DD risk fund, which is 74927
hereby created in the state treasury.~~ 74928

~~(B) Beginning January 1, 2002, the department of job and 74929
family services may not request approval from the United States 74930
secretary of health and human services to increase the number of 74931
slots for home and community based services until the rules 74932
required by division (A) of this section are in effect;~~ 74933

(A) A method of paying for home and community-based services; 74934

(B) A method of reducing the number of individuals a county 74935
board would otherwise be required by section 5126.0512 of the 74936

Revised Code to ensure are enrolled in a medicaid waiver component 74937
under which home and community-based services are provided. 74938

Sec. 5123.19. (A) As used in this section and in sections 74939
5123.191, 5123.193, 5123.194, 5123.196, 5123.198, and 5123.20 of 74940
the Revised Code: 74941

(1)(a) "Residential facility" means a home or facility in 74942
which a mentally retarded or developmentally disabled person 74943
resides, except the home of a relative or legal guardian in which 74944
a mentally retarded or developmentally disabled person resides, a 74945
respite care home certified under section 5126.05 of the Revised 74946
Code, a county home or district home operated pursuant to Chapter 74947
5155. of the Revised Code, or a dwelling in which the only 74948
mentally retarded or developmentally disabled residents are in an 74949
independent living arrangement or are being provided supported 74950
living. 74951

(b) "Intermediate care facility for the mentally retarded" 74952
means a residential facility that is considered an intermediate 74953
care facility for the mentally retarded for the purposes of 74954
Chapter 5111. of the Revised Code. 74955

(2) "Political subdivision" means a municipal corporation, 74956
county, or township. 74957

(3) "Independent living arrangement" means an arrangement in 74958
which a mentally retarded or developmentally disabled person 74959
resides in an individualized setting chosen by the person or the 74960
person's guardian, which is not dedicated principally to the 74961
provision of residential services for mentally retarded or 74962
developmentally disabled persons, and for which no financial 74963
support is received for rendering such service from any 74964
governmental agency by a provider of residential services. 74965

(4) "Licensee" means the person or government agency that has 74966

applied for a license to operate a residential facility and to 74967
which the license was issued under this section. 74968

(5) "Related party" has the same meaning as in section 74969
5123.16 of the Revised Code except that "provider" as used in the 74970
definition of "related party" means a person or government entity 74971
that held or applied for a license to operate a residential 74972
facility, rather than a person or government entity certified to 74973
provide supported living. 74974

(B) Every person or government agency desiring to operate a 74975
residential facility shall apply for licensure of the facility to 74976
the director of mental retardation and developmental disabilities 74977
unless the residential facility is subject to section 3721.02, 74978
3722.04, 5103.03, or 5119.20 of the Revised Code. Notwithstanding 74979
Chapter 3721. of the Revised Code, a nursing home that is 74980
certified as an intermediate care facility for the mentally 74981
retarded under Title XIX of the "Social Security Act," 79 Stat. 74982
286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 74983
licensure of the portion of the home that is certified as an 74984
intermediate care facility for the mentally retarded. 74985

(C) Subject to section 5123.196 of the Revised Code, the 74986
director of mental retardation and developmental disabilities 74987
shall license the operation of residential facilities. An initial 74988
license shall be issued for a period that does not exceed one 74989
year, unless the director denies the license under division (D) of 74990
this section. A license shall be renewed for a period that does 74991
not exceed three years, unless the director refuses to renew the 74992
license under division (D) of this section. The director, when 74993
issuing or renewing a license, shall specify the period for which 74994
the license is being issued or renewed. A license remains valid 74995
for the length of the licensing period specified by the director, 74996
unless the license is terminated, revoked, or voluntarily 74997
surrendered. 74998

(D) If it is determined that an applicant or licensee is not 74999
in compliance with a provision of this chapter that applies to 75000
residential facilities or the rules adopted under such a 75001
provision, the director may deny issuance of a license, refuse to 75002
renew a license, terminate a license, revoke a license, issue an 75003
order for the suspension of admissions to a facility, issue an 75004
order for the placement of a monitor at a facility, issue an order 75005
for the immediate removal of residents, or take any other action 75006
the director considers necessary consistent with the director's 75007
authority under this chapter regarding residential facilities. In 75008
the director's selection and administration of the sanction to be 75009
imposed, all of the following apply: 75010

(1) The director may deny, refuse to renew, or revoke a 75011
license, if the director determines that the applicant or licensee 75012
has demonstrated a pattern of serious noncompliance or that a 75013
violation creates a substantial risk to the health and safety of 75014
residents of a residential facility. 75015

(2) The director may terminate a license if more than twelve 75016
consecutive months have elapsed since the residential facility was 75017
last occupied by a resident or a notice required by division (K) 75018
of this section is not given. 75019

(3) The director may issue an order for the suspension of 75020
admissions to a facility for any violation that may result in 75021
sanctions under division (D)(1) of this section and for any other 75022
violation specified in rules adopted under division (H)(2) of this 75023
section. If the suspension of admissions is imposed for a 75024
violation that may result in sanctions under division (D)(1) of 75025
this section, the director may impose the suspension before 75026
providing an opportunity for an adjudication under Chapter 119. of 75027
the Revised Code. The director shall lift an order for the 75028
suspension of admissions when the director determines that the 75029
violation that formed the basis for the order has been corrected. 75030

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (H)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of mental retardation and developmental disabilities. The county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor. 75062
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(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents. 75064
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(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of mental retardation and developmental disabilities or other governmental agencies. 75069
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(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 75077
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(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken 75082
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for the same or a substantially similar violation of a provision 75094
of this chapter that applies to residential facilities or the 75095
rules adopted under such a provision. The rules shall specify a 75096
method for removing or amending the public notification if the 75097
director's action is found to have been unjustified or the 75098
violation at the residential facility has been corrected. 75099

(F)(1) Except as provided in division (F)(2) of this section, 75100
appeals from proceedings initiated to impose a sanction under 75101
division (D) of this section shall be conducted in accordance with 75102
Chapter 119. of the Revised Code. 75103

(2) Appeals from proceedings initiated to order the 75104
suspension of admissions to a facility shall be conducted in 75105
accordance with Chapter 119. of the Revised Code, unless the order 75106
was issued before providing an opportunity for an adjudication, in 75107
which case all of the following apply: 75108

(a) The licensee may request a hearing not later than ten 75109
days after receiving the notice specified in section 119.07 of the 75110
Revised Code. 75111

(b) If a timely request for a hearing that includes the 75112
licensee's current address is made, the hearing shall commence not 75113
later than thirty days after the department receives the request. 75114

(c) After commencing, the hearing shall continue 75115
uninterrupted, except for Saturdays, Sundays, and legal holidays, 75116
unless other interruptions are agreed to by the licensee and the 75117
director. 75118

(d) If the hearing is conducted by a hearing examiner, the 75119
hearing examiner shall file a report and recommendations not later 75120
than ten days after the last of the following: 75121

(i) The close of the hearing; 75122

(ii) If a transcript of the proceedings is ordered, the 75123

hearing examiner receives the transcript; 75124

(iii) If post-hearing briefs are timely filed, the hearing 75125
examiner receives the briefs. 75126

(e) A copy of the written report and recommendation of the 75127
hearing examiner shall be sent, by certified mail, to the licensee 75128
and the licensee's attorney, if applicable, not later than five 75129
days after the report is filed. 75130

(f) Not later than five days after the hearing examiner files 75131
the report and recommendations, the licensee may file objections 75132
to the report and recommendations. 75133

(g) Not later than fifteen days after the hearing examiner 75134
files the report and recommendations, the director shall issue an 75135
order approving, modifying, or disapproving the report and 75136
recommendations. 75137

(h) Notwithstanding the pendency of the hearing, the director 75138
shall lift the order for the suspension of admissions when the 75139
director determines that the violation that formed the basis for 75140
the order has been corrected. 75141

(G) Neither a person or government agency whose application 75142
for a license to operate a residential facility is denied nor a 75143
related party of the person or government agency may apply for a 75144
license to operate a residential facility before the date that is 75145
one year after the date of the denial. Neither a licensee whose 75146
residential facility license is revoked nor a related party of the 75147
licensee may apply for a residential facility license before the 75148
date that is five years after the date of the revocation. 75149

(H) In accordance with Chapter 119. of the Revised Code, the 75150
director shall adopt and may amend and rescind rules for licensing 75151
and regulating the operation of residential facilities, including 75152
intermediate care facilities for the mentally retarded. The rules 75153
for intermediate care facilities for the mentally retarded may 75154

differ from those for other residential facilities. The rules	75155
shall establish and specify the following:	75156
(1) Procedures and criteria for issuing and renewing	75157
licenses, including procedures and criteria for determining the	75158
length of the licensing period that the director must specify for	75159
each license when it is issued or renewed;	75160
(2) Procedures and criteria for denying, refusing to renew,	75161
terminating, and revoking licenses and for ordering the suspension	75162
of admissions to a facility, placement of a monitor at a facility,	75163
and the immediate removal of residents from a facility;	75164
(3) Fees for issuing and renewing licenses, which shall be	75165
deposited into the program fee fund created under section 5123.033	75166
of the Revised Code;	75167
(4) Procedures for surveying residential facilities;	75168
(5) Requirements for the training of residential facility	75169
personnel;	75170
(6) Classifications for the various types of residential	75171
facilities;	75172
(7) Certification procedures for licensees and management	75173
contractors that the director determines are necessary to ensure	75174
that they have the skills and qualifications to properly operate	75175
or manage residential facilities;	75176
(8) The maximum number of persons who may be served in a	75177
particular type of residential facility;	75178
(9) Uniform procedures for admission of persons to and	75179
transfers and discharges of persons from residential facilities;	75180
(10) Other standards for the operation of residential	75181
facilities and the services provided at residential facilities;	75182
(11) Procedures for waiving any provision of any rule adopted	75183
under this section.	75184

(I) Before issuing a license, the director of the department 75185
or the director's designee shall conduct a survey of the 75186
residential facility for which application is made. The director 75187
or the director's designee shall conduct a survey of each licensed 75188
residential facility at least once during the period the license 75189
is valid and may conduct additional inspections as needed. A 75190
survey includes but is not limited to an on-site examination and 75191
evaluation of the residential facility, its personnel, and the 75192
services provided there. 75193

In conducting surveys, the director or the director's 75194
designee shall be given access to the residential facility; all 75195
records, accounts, and any other documents related to the 75196
operation of the facility; the licensee; the residents of the 75197
facility; and all persons acting on behalf of, under the control 75198
of, or in connection with the licensee. The licensee and all 75199
persons on behalf of, under the control of, or in connection with 75200
the licensee shall cooperate with the director or the director's 75201
designee in conducting the survey. 75202

Following each survey, unless the director initiates a 75203
license revocation proceeding, the director or the director's 75204
designee shall provide the licensee with a report listing any 75205
deficiencies, specifying a timetable within which the licensee 75206
shall submit a plan of correction describing how the deficiencies 75207
will be corrected, and, when appropriate, specifying a timetable 75208
within which the licensee must correct the deficiencies. After a 75209
plan of correction is submitted, the director or the director's 75210
designee shall approve or disapprove the plan. A copy of the 75211
report and any approved plan of correction shall be provided to 75212
any person who requests it. 75213

The director shall initiate disciplinary action against any 75214
department employee who notifies or causes the notification to any 75215
unauthorized person of an unannounced survey of a residential 75216

facility by an authorized representative of the department. 75217

(J) In addition to any other information which may be 75218
required of applicants for a license pursuant to this section, the 75219
director shall require each applicant to provide a copy of an 75220
approved plan for a proposed residential facility pursuant to 75221
section 5123.042 of the Revised Code. This division does not apply 75222
to renewal of a license or to an applicant for a license who meets 75223
the requirements of section 5123.193 of the Revised Code. 75224

(K) A licensee shall notify the owner of the building in 75225
which the licensee's residential facility is located of any 75226
significant change in the identity of the licensee or management 75227
contractor before the effective date of the change if the licensee 75228
is not the owner of the building. 75229

Pursuant to rules which shall be adopted in accordance with 75230
Chapter 119. of the Revised Code, the director may require 75231
notification to the department of any significant change in the 75232
ownership of a residential facility or in the identity of the 75233
licensee or management contractor. If the director determines that 75234
a significant change of ownership is proposed, the director shall 75235
consider the proposed change to be an application for development 75236
by a new operator pursuant to section 5123.042 of the Revised Code 75237
and shall advise the applicant within sixty days of the 75238
notification that the current license shall continue in effect or 75239
a new license will be required pursuant to this section. If the 75240
director requires a new license, the director shall permit the 75241
facility to continue to operate under the current license until 75242
the new license is issued, unless the current license is revoked, 75243
refused to be renewed, or terminated in accordance with Chapter 75244
119. of the Revised Code. 75245

(L) A county board of mental retardation and developmental 75246
disabilities, the legal rights service, and any interested person 75247
may file complaints alleging violations of statute or department 75248

rule relating to residential facilities with the department. All 75249
complaints shall be in writing and shall state the facts 75250
constituting the basis of the allegation. The department shall not 75251
reveal the source of any complaint unless the complainant agrees 75252
in writing to waive the right to confidentiality or until so 75253
ordered by a court of competent jurisdiction. 75254

The department shall adopt rules in accordance with Chapter 75255
119. of the Revised Code establishing procedures for the receipt, 75256
referral, investigation, and disposition of complaints filed with 75257
the department under this division. 75258

(M) The department shall establish procedures for the 75259
notification of interested parties of the transfer or interim care 75260
of residents from residential facilities that are closing or are 75261
losing their license. 75262

(N) Before issuing a license under this section to a 75263
residential facility that will accommodate at any time more than 75264
one mentally retarded or developmentally disabled individual, the 75265
director shall, by first class mail, notify the following: 75266

(1) If the facility will be located in a municipal 75267
corporation, the clerk of the legislative authority of the 75268
municipal corporation; 75269

(2) If the facility will be located in unincorporated 75270
territory, the clerk of the appropriate board of county 75271
commissioners and the fiscal officer of the appropriate board of 75272
township trustees. 75273

The director shall not issue the license for ten days after 75274
mailing the notice, excluding Saturdays, Sundays, and legal 75275
holidays, in order to give the notified local officials time in 75276
which to comment on the proposed issuance. 75277

Any legislative authority of a municipal corporation, board 75278
of county commissioners, or board of township trustees that 75279

receives notice under this division of the proposed issuance of a 75280
license for a residential facility may comment on it in writing to 75281
the director within ten days after the director mailed the notice, 75282
excluding Saturdays, Sundays, and legal holidays. If the director 75283
receives written comments from any notified officials within the 75284
specified time, the director shall make written findings 75285
concerning the comments and the director's decision on the 75286
issuance of the license. If the director does not receive written 75287
comments from any notified local officials within the specified 75288
time, the director shall continue the process for issuance of the 75289
license. 75290

(O) Any person may operate a licensed residential facility 75291
that provides room and board, personal care, habilitation 75292
services, and supervision in a family setting for at least six but 75293
not more than eight persons with mental retardation or a 75294
developmental disability as a permitted use in any residential 75295
district or zone, including any single-family residential district 75296
or zone, of any political subdivision. These residential 75297
facilities may be required to comply with area, height, yard, and 75298
architectural compatibility requirements that are uniformly 75299
imposed upon all single-family residences within the district or 75300
zone. 75301

(P) Any person may operate a licensed residential facility 75302
that provides room and board, personal care, habilitation 75303
services, and supervision in a family setting for at least nine 75304
but not more than sixteen persons with mental retardation or a 75305
developmental disability as a permitted use in any multiple-family 75306
residential district or zone of any political subdivision, except 75307
that a political subdivision that has enacted a zoning ordinance 75308
or resolution establishing planned unit development districts may 75309
exclude these residential facilities from those districts, and a 75310
political subdivision that has enacted a zoning ordinance or 75311

resolution may regulate these residential facilities in 75312
multiple-family residential districts or zones as a conditionally 75313
permitted use or special exception, in either case, under 75314
reasonable and specific standards and conditions set out in the 75315
zoning ordinance or resolution to: 75316

(1) Require the architectural design and site layout of the 75317
residential facility and the location, nature, and height of any 75318
walls, screens, and fences to be compatible with adjoining land 75319
uses and the residential character of the neighborhood; 75320

(2) Require compliance with yard, parking, and sign 75321
regulation; 75322

(3) Limit excessive concentration of these residential 75323
facilities. 75324

(Q) This section does not prohibit a political subdivision 75325
from applying to residential facilities nondiscriminatory 75326
regulations requiring compliance with health, fire, and safety 75327
regulations and building standards and regulations. 75328

(R) Divisions (O) and (P) of this section are not applicable 75329
to municipal corporations that had in effect on June 15, 1977, an 75330
ordinance specifically permitting in residential zones licensed 75331
residential facilities by means of permitted uses, conditional 75332
uses, or special exception, so long as such ordinance remains in 75333
effect without any substantive modification. 75334

(S)(1) The director may issue an interim license to operate a 75335
residential facility to an applicant for a license under this 75336
section if either of the following is the case: 75337

(a) The director determines that an emergency exists 75338
requiring immediate placement of persons in a residential 75339
facility, that insufficient licensed beds are available, and that 75340
the residential facility is likely to receive a permanent license 75341
under this section within thirty days after issuance of the 75342

interim license. 75343

(b) The director determines that the issuance of an interim 75344
license is necessary to meet a temporary need for a residential 75345
facility. 75346

(2) To be eligible to receive an interim license, an 75347
applicant must meet the same criteria that must be met to receive 75348
a permanent license under this section, except for any differing 75349
procedures and time frames that may apply to issuance of a 75350
permanent license. 75351

(3) An interim license shall be valid for thirty days and may 75352
be renewed by the director for a period not to exceed one hundred 75353
fifty days. 75354

(4) The director shall adopt rules in accordance with Chapter 75355
119. of the Revised Code as the director considers necessary to 75356
administer the issuance of interim licenses. 75357

(T) Notwithstanding rules adopted pursuant to this section 75358
establishing the maximum number of persons who may be served in a 75359
particular type of residential facility, a residential facility 75360
shall be permitted to serve the same number of persons being 75361
served by the facility on the effective date of the rules or the 75362
number of persons for which the facility is authorized pursuant to 75363
a current application for a certificate of need with a letter of 75364
support from the department of mental retardation and 75365
developmental disabilities and which is in the review process 75366
prior to April 4, 1986. 75367

(U) The director or the director's designee may enter at any 75368
time, for purposes of investigation, any home, facility, or other 75369
structure that has been reported to the director or that the 75370
director has reasonable cause to believe is being operated as a 75371
residential facility without a license issued under this section. 75372

The director may petition the court of common pleas of the 75373

county in which an unlicensed residential facility is located for 75374
an order enjoining the person or governmental agency operating the 75375
facility from continuing to operate without a license. The court 75376
may grant the injunction on a showing that the person or 75377
governmental agency named in the petition is operating a 75378
residential facility without a license. The court may grant the 75379
injunction, regardless of whether the residential facility meets 75380
the requirements for receiving a license under this section. 75381

Sec. 5123.193. An applicant for a residential facility 75382
license under section 5123.19 of the Revised Code is not required 75383
to obtain approval of a plan for the proposed residential facility 75384
pursuant to section 5123.042 of the Revised Code if all of the 75385
following apply: 75386

(A) All of the following apply to the facility for which the 75387
residential facility license is sought: 75388

(1) It is licensed as a nursing home under section 3721.02 of 75389
the Revised Code on the effective date of this section and the 75390
nursing home license authorizes the facility to have fifty nursing 75391
home beds. 75392

(2) It was previously certified as an intermediate care 75393
facility for the mentally retarded before July 1, 1992. 75394

(3) It is operated as a nonprofit organization exempt from 75395
federal income tax under section 501(c)(3) of the Internal Revenue 75396
Code. 75397

(4) Its governing board has passed a resolution to close the 75398
facility unless a residential facility license is obtained for the 75399
facility. 75400

(B) The license application seeks authorization to operate a 75401
residential facility with not more than twenty-five beds on the 75402
same site on which the facility is operated under its nursing home 75403

license on the effective date of this section. 75404

(C) The applicant applies to the director of health to have the facility certified as an intermediate care facility for the mentally retarded. 75405
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(D) The applicant agrees to have the nursing home's licensed capacity reduced to not more than twenty-five nursing home beds effective on the date the director of mental retardation and developmental disabilities issues the residential facility license and agrees to surrender the nursing home license, ending the applicant's right to have any nursing home beds in the facility, effective on the date the director of health certifies the facility as an intermediate care facility for the mentally retarded. 75408
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(E) The applicant provides the director of mental retardation and developmental disabilities assurances that the applicant will cooperate with the department of job and family services in having each resident of the facility who needs a greater or lesser level of care than intermediate care facilities for the mentally retarded provide relocated to another facility or residence that is authorized to provide the level of care the resident needs and is willing to accept the resident's placement in the facility or residence. 75417
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(F) The applicant submits the application for the residential facility license to the director of mental retardation and developmental disabilities not later than one hundred twenty days after the effective date of this section. 75426
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Sec. 5126.044. (A) As used in this section, ~~"eligible:~~ 75430

(1) "Eligible person" has the same meaning as in section 5126.03 of the Revised Code. 75431
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(2) "Treatment" means the provision, coordination, or 75433

management of services provided to an eligible person. 75434

(3) "Payment" means activities undertaken by a service 75435
provider or governmental entity to obtain or provide reimbursement 75436
for services to an eligible person. 75437

(B) Except as provided in division ~~(D)~~(C) of this section, no 75438
person shall disclose the identity of an individual who requests 75439
programs or services under this chapter or release a record or 75440
report regarding an eligible person that is maintained by a county 75441
board of mental retardation and developmental disabilities or an 75442
entity under contract with a county board unless one of the 75443
following circumstances exists: 75444

(1) The individual, eligible person, or the individual's 75445
guardian, or, if the individual is a minor, the individual's 75446
parent or guardian, makes a written request to the county board or 75447
entity for or approves in writing disclosure of the individual's 75448
identity or release of the record or report regarding the eligible 75449
person. 75450

(2) Disclosure of the identity of an individual is needed for 75451
approval of a direct services contract under section 5126.032 or 75452
5126.033 of the Revised Code. The county board shall release only 75453
the individual's name and the general nature of the services to be 75454
provided. 75455

(3) Disclosure of the identity of the individual is needed to 75456
ascertain that the county board's waiting lists for programs or 75457
services are being maintained in accordance with section 5126.042 75458
of the Revised Code and the rules adopted under that section. The 75459
county board shall release only the individual's name, the general 75460
nature of the programs or services to be provided the individual, 75461
the individual's rank on each waiting list that includes the 75462
individual, and any circumstances under which the individual was 75463
given priority when placed on a waiting list. 75464

(4) Disclosure of the identity of an individual who is an eligible person is needed for treatment of or payment for services provided to the individual. 75465
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~~(C) A board or entity that discloses an individual's identity or releases a record or report regarding an eligible person shall maintain a record of when and to whom the disclosure or release was made.~~ 75468
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~~(D)~~(1) At the request of an eligible person or the person's guardian or, if the eligible person is a minor, the person's parent or guardian, a county board or entity under contract with a county board shall provide the person who made the request access to records and reports regarding the eligible person. On written request, the county board or entity shall provide copies of the records and reports to the eligible person, guardian, or parent. The county board or entity may charge a reasonable fee to cover the costs of copying. The county board or entity may waive the fee in cases of hardship. 75472
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(2) A county board shall provide access to any waiting list or record or report regarding an eligible person maintained by the board to any state agency responsible for monitoring and reviewing programs and services provided or arranged by the county board, any state agency involved in the coordination of services for an eligible person, and any agency under contract with the department of mental retardation and developmental disabilities for the provision of protective service pursuant to section 5123.56 of the Revised Code. 75482
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(3) When an eligible person who requests programs or services under this chapter dies, the county board or entity under contract with the county board, shall, on written request, provide to both of the following persons any reports and records in the board or entity's possession concerning the eligible person: 75491
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(a) If the report or records are necessary to administer the estate of the person who is the subject of the reports or records, to the executor or administrator of the person's estate;

(b) To the guardian of the person who is the subject of the reports or records or, if the individual had no guardian at the time of death, to a person in the first applicable of the following categories:

(i) The person's spouse;

(ii) The person's children;

(iii) The person's parents;

(iv) The person's brothers or sisters;

(v) The person's uncles or aunts;

(vi) The person's closest relative by blood or adoption;

(vii) The person's closest relative by marriage.

The county board or entity shall provide the reports and records as required by division ~~(D)~~(C)(3) of this section not later than thirty days after receipt of the request.

~~(E)~~(D) A county board shall notify an eligible person, the person's guardian, or, if the eligible person is a minor, the person's parent or guardian, prior to destroying any record or report regarding the eligible person.

Sec. 5126.054. (A) Each county board of mental retardation and developmental disabilities shall, by resolution, develop a three-calendar year plan that includes the following three components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with mental retardation or

other developmental disability residing in the county who need the 75524
level of care provided by an intermediate care facility for the 75525
mentally retarded, may seek home and community-based services, are 75526
given priority for the services pursuant to division (D) of 75527
section 5126.042 of the Revised Code; the service needs of those 75528
individuals; and the projected annualized cost for services; 75529

(b) The source of funds available to the county board to pay 75530
the nonfederal share of medicaid expenditures that the county 75531
board is required by sections 5126.059 and 5126.0510 of the 75532
Revised Code to pay; 75533

(c) Any other applicable information or conditions that the 75534
department of mental retardation and developmental disabilities 75535
requires as a condition of approving the component under section 75536
5123.046 of the Revised Code. 75537

(2) ~~A~~ preliminary implementation component that specifies 75538
the number of individuals to be provided, during the first year 75539
that the plan is in effect, home and community-based services 75540
pursuant to the priority given to them under divisions (D)(1) and 75541
(2) of section 5126.042 of the Revised Code and the types of home 75542
and community-based services the individuals are to receive; 75543

(3) A component that provides for the implementation of 75544
medicaid case management services and home and community-based 75545
services for individuals who begin to receive the services on or 75546
after the date the plan is approved under section 5123.046 of the 75547
Revised Code. A county board shall include all of the following in 75548
the component: 75549

(a) If the department of mental retardation and developmental 75550
disabilities or department of job and family services requires, an 75551
agreement to pay the nonfederal share of medicaid expenditures 75552
that the county board is required by sections 5126.059 and 75553
5126.0510 of the Revised Code to pay; 75554

(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals on a waiting list established under division (C) of section 5126.042 who are given priority status under division (D)(1) of that section;

(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component;

(d) Assurances adequate to the department that the county board will comply with all of the following requirements:

(i) To provide the types of home and community-based services specified in the preliminary implementation component required by division (A)(2) of this section to at least the number of individuals specified in that component;

(ii) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county;

(iii) ~~To employ or contract with a business manager who is either a new employee who has earned at least a bachelor's degree in business administration or a current employee who has the equivalent experience of a bachelor's degree in business administration or enter into an agreement with another county board of mental retardation and developmental disabilities that employs or contracts with a business manager to have the business manager serve both county boards. If the county board will employ a new employee, the county board shall include in the component a timeline for employing the employee. No superintendent of a county board may serve as the county board's business manager.~~

(iv) To employ or contract with a medicaid services manager 75586
~~who is either a new employee who has earned at least a bachelor's~~ 75587
~~degree or a current employee who has the equivalent experience of~~ 75588
~~a bachelor's degree~~ or enter into an agreement with another county 75589
board of mental retardation and developmental disabilities that 75590
employs or contracts with a medicaid services manager to have the 75591
medicaid services manager serve both county boards. ~~If the county~~ 75592
~~board will employ a new employee, the county board shall include~~ 75593
~~in the component a timeline for employing the employee. Two or~~ 75594
~~three county boards that have a combined total enrollment in~~ 75595
~~county board services not exceeding one thousand individuals as~~ 75596
~~determined pursuant to certifications made under division (B) of~~ 75597
~~section 5126.12 of the Revised Code may satisfy this requirement~~ 75598
~~by sharing the services of a medicaid services manager or using~~ 75599
~~the services of a medicaid services manager employed by or under~~ 75600
~~contract with a regional council that the county boards establish~~ 75601
~~under section 5126.13 of the Revised Code.~~ No superintendent of a 75602
county board may serve as the county board's medicaid services 75603
manager. 75604

(e) Programmatic and financial accountability measures and 75605
projected outcomes expected from the implementation of the plan; 75606

(f) Any other applicable information or conditions that the 75607
department requires as a condition of approving the component 75608
under section 5123.046 of the Revised Code. 75609

(B) A county board whose plan developed under division (A) of 75610
this section is approved by the department under section 5123.046 75611
of the Revised Code shall update and renew the plan in accordance 75612
with a schedule the department shall develop. 75613

Sec. 5126.055. (A) Except as provided in section 5126.056 of 75614
the Revised Code, a county board of mental retardation and 75615
developmental disabilities has medicaid local administrative 75616

authority to, and shall, do all of the following for an individual 75617
with mental retardation or other developmental disability who 75618
resides in the county that the county board serves and seeks or 75619
receives home and community-based services: 75620

(1) Perform assessments and evaluations of the individual. As 75621
part of the assessment and evaluation process, the county board 75622
shall do all of the following: 75623

(a) Make a recommendation to the department of mental 75624
retardation and developmental disabilities on whether the 75625
department should approve or deny the individual's application for 75626
the services, including on the basis of whether the individual 75627
needs the level of care an intermediate care facility for the 75628
mentally retarded provides; 75629

(b) If the individual's application is denied because of the 75630
county board's recommendation and the individual requests a 75631
hearing under section 5101.35 of the Revised Code, present, with 75632
the department of mental retardation and developmental 75633
disabilities or department of job and family services, whichever 75634
denies the application, the reasons for the recommendation and 75635
denial at the hearing; 75636

(c) If the individual's application is approved, recommend to 75637
the departments of mental retardation and developmental 75638
disabilities and job and family services the services that should 75639
be included in the individual's individualized service plan and, 75640
if either department approves, reduces, denies, or terminates a 75641
service included in the individual's individualized service plan 75642
under section 5111.871 of the Revised Code because of the county 75643
board's recommendation, present, with the department that made the 75644
approval, reduction, denial, or termination, the reasons for the 75645
recommendation and approval, reduction, denial, or termination at 75646
a hearing under section 5101.35 of the Revised Code. 75647

(2) In accordance with the rules adopted under section 75648
5126.046 of the Revised Code, perform the county board's duties 75649
under that section regarding assisting the individual's right to 75650
choose a qualified and willing provider of the services and, at a 75651
hearing under section 5101.35 of the Revised Code, present 75652
evidence of the process for appropriate assistance in choosing 75653
providers; 75654

(3) If the county board is certified under section 5123.161 75655
of the Revised Code to provide the services and agrees to provide 75656
the services to the individual and the individual chooses the 75657
county board to provide the services, furnish, in accordance with 75658
the county board's medicaid provider agreement and for the 75659
authorized reimbursement rate, the services the individual 75660
requires; 75661

(4) Monitor the services provided to the individual and 75662
ensure the individual's health, safety, and welfare. The 75663
monitoring shall include quality assurance activities. If the 75664
county board provides the services, the department of mental 75665
retardation and developmental disabilities shall also monitor the 75666
services. 75667

(5) Develop, with the individual and the provider of the 75668
individual's services, an effective individualized service plan 75669
that includes coordination of services, recommend that the 75670
departments of mental retardation and developmental disabilities 75671
and job and family services approve the plan, and implement the 75672
plan unless either department disapproves it. The individualized 75673
service plan shall include a summary page, agreed to by the county 75674
board, provider, and individual receiving services, that clearly 75675
outlines the amount, duration, and scope of services to be 75676
provided under the plan. 75677

(6) Have an investigative agent conduct investigations under 75678
section 5126.313 of the Revised Code that concern the individual; 75679

(7) Have a service and support administrator perform the 75680
duties under division (B)(9) of section 5126.15 of the Revised 75681
Code that concern the individual. 75682

(B) A county board shall perform its medicaid local 75683
administrative authority under this section in accordance with all 75684
of the following: 75685

(1) The county board's plan that the department of mental 75686
retardation and developmental disabilities approves under section 75687
5123.046 of the Revised Code; 75688

(2) All applicable federal and state laws; 75689

(3) All applicable policies of the departments of mental 75690
retardation and developmental disabilities and job and family 75691
services and the United States department of health and human 75692
services; 75693

(4) The department of job and family services' supervision 75694
under its authority under section 5111.01 of the Revised Code to 75695
act as the single state medicaid agency; 75696

(5) The department of mental retardation and developmental 75697
disabilities' oversight. 75698

(C) The departments of mental retardation and developmental 75699
disabilities and job and family services shall communicate with 75700
and provide training to county boards regarding medicaid local 75701
administrative authority granted by this section. The 75702
communication and training shall include issues regarding audit 75703
protocols and other standards established by the United States 75704
department of health and human services that the departments 75705
determine appropriate for communication and training. County 75706
boards shall participate in the training. The departments shall 75707
assess the county board's compliance against uniform standards 75708
that the departments shall establish. 75709

(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of mental retardation and developmental disabilities and job and family services, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of job and family services shall timely notify the department of mental retardation and developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of mental retardation and developmental disabilities, shall cooperate fully with the department of job and family services and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of mental retardation and developmental disabilities or department of job and family services determines

that a county board's implementation of its medicaid local 75742
administrative authority under this section is deficient, the 75743
department that makes the determination shall require that county 75744
board do the following: 75745

(1) If the deficiency affects the health, safety, or welfare 75746
of an individual with mental retardation or other developmental 75747
disability, correct the deficiency within twenty-four hours; 75748

(2) If the deficiency does not affect the health, safety, or 75749
welfare of an individual with mental retardation or other 75750
developmental disability, receive technical assistance from the 75751
department or submit a plan of correction to the department that 75752
is acceptable to the department within sixty days and correct the 75753
deficiency within the time required by the plan of correction. 75754

Sec. 5126.0512. (A) As used in this section, "medicaid waiver 75755
component" means a medicaid waiver component as defined in section 75756
5111.85 of the Revised Code under which home and community-based 75757
services are provided. 75758

(B) Effective July 1, 2007, and except as provided in rules 75759
adopted under section 5123.0413 of the Revised Code, each county 75760
board of mental retardation and developmental disabilities shall 75761
ensure, for each medicaid waiver component, that the number of 75762
individuals eligible under section 5126.041 of the Revised Code 75763
for services from the county board who are enrolled in a medicaid 75764
waiver component is no less than the sum of the following: 75765

(1) The number of individuals eligible for services from the 75766
county board who are enrolled in the medicaid waiver component on 75767
June 30, 2007; 75768

(2) The number of medicaid waiver component slots the county 75769
board requested before July 1, 2007, that were assigned to the 75770
county board before that date but in which no individual was 75771

enrolled before that date. 75772

(C) An individual enrolled in a medicaid waiver component 75773
after March 1, 2007, due to an emergency reserve capacity waiver 75774
assignment shall not be counted in determining the number of 75775
individuals a county board must ensure under division (B) of this 75776
section are enrolled in a medicaid waiver component. 75777

(D) An individual who is enrolled in a medicaid waiver 75778
component to comply with the terms of the consent order filed 75779
March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in 75780
the United States district court for the southern district of 75781
Ohio, eastern division, shall be excluded in determining whether a 75782
county board has complied with division (B) of this section. 75783

(E) A county board shall make as many requests for 75784
individuals to be enrolled in a medicaid waiver component as 75785
necessary for the county board to comply with division (B) of this 75786
section. 75787

Sec. 5126.19. (A) The director of mental retardation and 75788
developmental disabilities may grant temporary funding from the 75789
community mental retardation and developmental disabilities trust 75790
fund based on allocations to county boards of mental retardation 75791
and developmental disabilities. The director may distribute all or 75792
part of the funding directly to a county board, the persons who 75793
provide the services for which the funding is granted, or persons 75794
with mental retardation or developmental disabilities who are to 75795
receive those services. 75796

(B) Funding granted under division (A) of this section shall 75797
be granted according to the availability of moneys in the fund and 75798
priorities established by the director. Funding may be granted for 75799
any of the following purposes: 75800

(1) Behavioral or short-term interventions for persons with 75801

mental retardation or developmental disabilities that assist them 75802
in remaining in the community by preventing institutionalization; 75803

(2) Emergency respite care services, as defined in section 75804
5126.11 of the Revised Code; 75805

(3) Family support services provided under section 5126.11 of 75806
the Revised Code; 75807

(4) Supported living, as defined in section 5126.01 of the 75808
Revised Code; 75809

(5) Staff training for county board employees, employees of 75810
providers of residential services as defined in section 5126.01 of 75811
the Revised Code, and other personnel under contract with a county 75812
board, to provide the staff with necessary training in serving 75813
mentally retarded or developmentally disabled persons in the 75814
community; 75815

(6) Short-term provision of early childhood services provided 75816
under section 5126.05, adult services provided under sections 75817
5126.05 and 5126.051, and service and support administration 75818
provided under section 5126.15 of the Revised Code, when local 75819
moneys are insufficient to meet the need for such services due to 75820
the successive failure within a two-year period of three or more 75821
proposed levies for the services; 75822

(7) Contracts with providers of residential services to 75823
maintain persons with mental retardation and developmental 75824
disabilities in their programs and avoid institutionalization. 75825

(C) If the trust fund contains more than ten million dollars 75826
on the first day of July the director shall use one million 75827
dollars for payments under section 5126.18 of the Revised Code, 75828
two million dollars for subsidies to county boards for supported 75829
living, and one million dollars for subsidies to county boards for 75830
early childhood services and adult services provided under section 75831
5126.05 of the Revised Code. Distributions of funds under this 75832

division shall be made prior to August 31 of the state fiscal year 75833
in which the funds are available. The funds shall be allocated to 75834
a county board in an amount equal to the same percentage of the 75835
total amount allocated to the county board the immediately 75836
preceding state fiscal year. 75837

~~(D) In addition to making grants under division (A) of this 75838
section, the director may use money available in the trust fund 75839
for the same purposes that rules adopted under section 5123.0413 75840
of the Revised Code provide for money in the state MR/DD risk fund 75841
and the state insurance against MR/DD risk fund, both created 75842
under that section, to be used. 75843~~

Sec. 5139.43. (A) The department of youth services shall 75844
operate a felony delinquent care and custody program that shall be 75845
operated in accordance with the formula developed pursuant to 75846
section 5139.41 of the Revised Code, subject to the conditions 75847
specified in this section. 75848

(B)(1) Each juvenile court shall use the moneys disbursed to 75849
it by the department of youth services pursuant to division (B) of 75850
section 5139.41 of the Revised Code in accordance with the 75851
applicable provisions of division (B)(2) of this section and shall 75852
transmit the moneys to the county treasurer for deposit in 75853
accordance with this division. The county treasurer shall create 75854
in the county treasury a fund that shall be known as the felony 75855
delinquent care and custody fund and shall deposit in that fund 75856
the moneys disbursed to the juvenile court pursuant to division 75857
(B) of section 5139.41 of the Revised Code. The county treasurer 75858
also shall deposit into that fund the state subsidy funds granted 75859
to the county pursuant to section 5139.34 of the Revised Code. The 75860
moneys disbursed to the juvenile court pursuant to division (B) of 75861
section 5139.41 of the Revised Code and deposited pursuant to this 75862
division in the felony delinquent care and custody fund shall not 75863

be commingled with any other county funds except state subsidy 75864
funds granted to the county pursuant to section 5139.34 of the 75865
Revised Code; shall not be used for any capital construction 75866
projects; upon an order of the juvenile court and subject to 75867
appropriation by the board of county commissioners, shall be 75868
disbursed to the juvenile court for use in accordance with the 75869
applicable provisions of division (B)(2) of this section; shall 75870
not revert to the county general fund at the end of any fiscal 75871
year; and shall carry over in the felony delinquent care and 75872
custody fund from the end of any fiscal year to the next fiscal 75873
year. ~~At~~ The maximum balance carry-over at the end of each 75874
respective fiscal year, beginning June 30, 2008, the balance in 75875
the felony delinquent care and custody fund in any county shall 75876
not exceed the total moneys from funds allocated to the county 75877
pursuant to sections 5139.34 and 5139.41 of the Revised Code 75878
during in the previous fiscal year shall not exceed an amount to 75879
be calculated as provided in the formula set forth in this 75880
division, unless that county has applied for and been granted an 75881
exemption by the director of youth services. Beginning June 30, 75882
2008, the maximum balance carry-over at the end of each respective 75883
fiscal year shall be determined by the following formula: for 75884
fiscal year 2008, the maximum balance carry-over shall be one 75885
hundred per cent of the allocation for fiscal year 2007, to be 75886
applied in determining the fiscal year 2009 allocation; for fiscal 75887
year 2009, it shall be fifty per cent of the allocation for fiscal 75888
year 2008, to be applied in determining the fiscal year 2010 75889
allocation; for fiscal year 2010, it shall be twenty-five per cent 75890
of the allocation for fiscal year 2009, to be applied in 75891
determining the fiscal year 2011 allocation; and for each fiscal 75892
year subsequent to fiscal year 2010, it shall be twenty-five per 75893
cent of the allocation for the immediately preceding fiscal year, 75894
to be applied in determining the allocation for the next immediate 75895
fiscal year. The department shall withhold from future payments to 75896

a county an amount equal to any moneys in the felony delinquent care and custody fund of the county that exceed the total moneys allocated pursuant to those sections to the county during the preceding fiscal year maximum balance carry-over that applies for that county for the fiscal year in which the payments are being made and shall reallocate the withheld amount. The department shall adopt rules for the withholding and reallocation of moneys disbursed under sections 5139.34 and 5139.41 of the Revised Code and for the criteria and process for a county to obtain an exemption from the withholding requirement. The moneys disbursed to the juvenile court pursuant to division (B) of section 5139.41 of the Revised Code and deposited pursuant to this division in the felony delinquent care and custody fund shall be in addition to, and shall not be used to reduce, any usual annual increase in county funding that the juvenile court is eligible to receive or the current level of county funding of the juvenile court and of any programs or services for delinquent children, unruly children, or juvenile traffic offenders.

(2)(a) A county and the juvenile court that serves the county shall use the moneys in its felony delinquent care and custody fund in accordance with rules that the department of youth services adopts pursuant to division (D) of section 5139.04 of the Revised Code and as follows:

(i) The moneys in the fund that represent state subsidy funds granted to the county pursuant to section 5139.34 of the Revised Code shall be used to aid in the support of prevention, early intervention, diversion, treatment, and rehabilitation programs that are provided for alleged or adjudicated unruly children or delinquent children or for children who are at risk of becoming unruly children or delinquent children. The county shall not use for capital improvements more than fifteen per cent of the moneys in the fund that represent the applicable annual grant of those

state subsidy funds. 75929

(ii) The moneys in the fund that were disbursed to the 75930
juvenile court pursuant to division (B) of section 5139.41 of the 75931
Revised Code and deposited pursuant to division (B)(1) of this 75932
section in the fund shall be used to provide programs and services 75933
for the training, treatment, or rehabilitation of felony 75934
delinquents that are alternatives to their commitment to the 75935
department, including, but not limited to, community residential 75936
programs, day treatment centers, services within the home, and 75937
electronic monitoring, and shall be used in connection with 75938
training, treatment, rehabilitation, early intervention, or other 75939
programs or services for any delinquent child, unruly child, or 75940
juvenile traffic offender who is under the jurisdiction of the 75941
juvenile court. 75942

The fund also may be used for prevention, early intervention, 75943
diversion, treatment, and rehabilitation programs that are 75944
provided for alleged or adjudicated unruly children, delinquent 75945
children, or juvenile traffic offenders or for children who are at 75946
risk of becoming unruly children, delinquent children, or juvenile 75947
traffic offenders. Consistent with division (B)(1) of this 75948
section, a county and the juvenile court of a county shall not use 75949
any of those moneys for capital construction projects. 75950

(iii) Moneys in the fund shall not be used to support 75951
programs or services that do not comply with federal juvenile 75952
justice and delinquency prevention core requirements or to support 75953
programs or services that research has shown to be ineffective. 75954

(iv) The county and the juvenile court that serves the county 75955
may use moneys in the fund to provide out-of-home placement of 75956
children only in detention centers, community rehabilitation 75957
centers, or community corrections facilities approved by the 75958
department pursuant to standards adopted by the department, 75959
licensed by an authorized state agency, or accredited by the 75960

American correctional association or another national organization 75961
recognized by the department. 75962

(b) Each juvenile court shall comply with division (B)(3)(d) 75963
of this section as implemented by the department. If a juvenile 75964
court fails to comply with division (B)(3)(d) of this section, the 75965
department shall not be required to make any disbursements in 75966
accordance with division (C) or (D) of section 5139.41 or division 75967
(C)(2) of section 5139.34 of the Revised Code. 75968

(3) In accordance with rules adopted by the department 75969
pursuant to division (D) of section 5139.04 of the Revised Code, 75970
each juvenile court and the county served by that juvenile court 75971
shall do all of the following that apply: 75972

(a) The juvenile court shall prepare an annual grant 75973
agreement and application for funding that satisfies the 75974
requirements of this section and section 5139.34 of the Revised 75975
Code and that pertains to the use, upon an order of the juvenile 75976
court and subject to appropriation by the board of county 75977
commissioners, of the moneys in its felony delinquent care and 75978
custody fund for specified programs, care, and services as 75979
described in division (B)(2)(a) of this section, shall submit that 75980
agreement and application to the county family and children first 75981
council, the regional family and children first council, or the 75982
local intersystem services to children cluster as described in 75983
sections 121.37 and 121.38 of the Revised Code, whichever is 75984
applicable, and shall file that agreement and application with the 75985
department for its approval. The annual grant agreement and 75986
application for funding shall include a method of ensuring equal 75987
access for minority youth to the programs, care, and services 75988
specified in it. 75989

The department may approve an annual grant agreement and 75990
application for funding only if the juvenile court involved has 75991
complied with the preparation, submission, and filing requirements 75992

described in division (B)(3)(a) of this section. If the juvenile 75993
court complies with those requirements and the department approves 75994
that agreement and application, the juvenile court and the county 75995
served by the juvenile court may expend the state subsidy funds 75996
granted to the county pursuant to section 5139.34 of the Revised 75997
Code only in accordance with division (B)(2)(a) of this section, 75998
the rules pertaining to state subsidy funds that the department 75999
adopts pursuant to division (D) of section 5139.04 of the Revised 76000
Code, and the approved agreement and application. 76001

(b) By the thirty-first day of August of each year, the 76002
juvenile court shall file with the department a report that 76003
contains all of the statistical and other information for each 76004
month of the prior state fiscal year. If the juvenile court fails 76005
to file the report required by division (B)(3)(b) of this section 76006
by the thirty-first day of August of any year, the department 76007
shall not disburse any payment of state subsidy funds to which the 76008
county otherwise is entitled pursuant to section 5139.34 of the 76009
Revised Code and shall not disburse pursuant to division (B) of 76010
section 5139.41 of the Revised Code the applicable allocation 76011
until the juvenile court fully complies with division (B)(3)(b) of 76012
this section. 76013

(c) If the department requires the juvenile court to prepare 76014
monthly statistical reports and to submit the reports on forms 76015
provided by the department, the juvenile court shall file those 76016
reports with the department on the forms so provided. If the 76017
juvenile court fails to prepare and submit those monthly 76018
statistical reports within the department's timelines, the 76019
department shall not disburse any payment of state subsidy funds 76020
to which the county otherwise is entitled pursuant to section 76021
5139.34 of the Revised Code and shall not disburse pursuant to 76022
division (B) of section 5139.41 of the Revised Code the applicable 76023
allocation until the juvenile court fully complies with division 76024

(B)(3)(c) of this section. If the juvenile court fails to prepare 76025
and submit those monthly statistical reports within one hundred 76026
eighty days of the date the department establishes for their 76027
submission, the department shall not disburse any payment of state 76028
subsidy funds to which the county otherwise is entitled pursuant 76029
to section 5139.34 of the Revised Code and shall not disburse 76030
pursuant to division (B) of section 5139.41 of the Revised Code 76031
the applicable allocation, and the state subsidy funds and the 76032
remainder of the applicable allocation shall revert to the 76033
department. If a juvenile court states in a monthly statistical 76034
report that the juvenile court adjudicated within a state fiscal 76035
year five hundred or more children to be delinquent children for 76036
committing acts that would be felonies if committed by adults and 76037
if the department determines that the data in the report may be 76038
inaccurate, the juvenile court shall have an independent auditor 76039
or other qualified entity certify the accuracy of the data on a 76040
date determined by the department. 76041

(d) If the department requires the juvenile court and the 76042
county to participate in a fiscal monitoring program or another 76043
monitoring program that is conducted by the department to ensure 76044
compliance by the juvenile court and the county with division (B) 76045
of this section, the juvenile court and the county shall 76046
participate in the program and fully comply with any guidelines 76047
for the performance of audits adopted by the department pursuant 76048
to that program and all requests made by the department pursuant 76049
to that program for information necessary to reconcile fiscal 76050
accounting. If an audit that is performed pursuant to a fiscal 76051
monitoring program or another monitoring program described in this 76052
division determines that the juvenile court or the county used 76053
moneys in the county's felony delinquent care and custody fund for 76054
expenses that are not authorized under division (B) of this 76055
section, within forty-five days after the department notifies the 76056
county of the unauthorized expenditures, the county either shall 76057

repay the amount of the unauthorized expenditures from the county 76058
general revenue fund to the state's general revenue fund or shall 76059
file a written appeal with the department. If an appeal is timely 76060
filed, the director of the department shall render a decision on 76061
the appeal and shall notify the appellant county or its juvenile 76062
court of that decision within forty-five days after the date that 76063
the appeal is filed. If the director denies an appeal, the 76064
county's fiscal agent shall repay the amount of the unauthorized 76065
expenditures from the county general revenue fund to the state's 76066
general revenue fund within thirty days after receiving the 76067
director's notification of the appeal decision. 76068

(C) The determination of which county a reduction of the care 76069
and custody allocation will be charged against for a particular 76070
youth shall be made as outlined below for all youths who do not 76071
qualify as public safety beds. The determination of which county a 76072
reduction of the care and custody allocation will be charged 76073
against shall be made as follows until each youth is released: 76074

(1) In the event of a commitment, the reduction shall be 76076
charged against the committing county. 76077

(2) In the event of a recommitment, the reduction shall be 76078
charged against the original committing county until the 76079
expiration of the minimum period of institutionalization under the 76080
original order of commitment or until the date on which the youth 76081
is admitted to the department of youth services pursuant to the 76082
order of recommitment, whichever is later. Reductions of the 76083
allocation shall be charged against the county that recommitted 76084
the youth after the minimum expiration date of the original 76085
commitment. 76086

(3) In the event of a revocation of a release on parole, the 76087
reduction shall be charged against the county that revokes the 76088
youth's parole. 76089

(D) A juvenile court is not precluded by its allocation 76090
amount for the care and custody of felony delinquents from 76091
committing a felony delinquent to the department of youth services 76092
for care and custody in an institution or a community corrections 76093
facility when the juvenile court determines that the commitment is 76094
appropriate. 76095

Sec. 5155.38. As used in this section, "long-term care bed" 76096
has the same meaning as in section 3702.51 of the Revised Code. 76097

The operator of each county home and each county nursing home 76098
shall, not later than November 1, 2009, certify to the director of 76099
health the number of long-term care beds that were in operation in 76100
the home on July 1, 1993. The certification shall be accompanied 76101
by any documentation requested by the director. 76102

Sec. 5502.01. (A) The department of public safety shall 76103
administer and enforce the laws relating to the registration, 76104
licensing, sale, and operation of motor vehicles and the laws 76105
pertaining to the licensing of drivers of motor vehicles. 76106

The department shall compile, analyze, and publish statistics 76107
relative to motor vehicle accidents and the causes of them, 76108
prepare and conduct educational programs for the purpose of 76109
promoting safety in the operation of motor vehicles on the 76110
highways, and conduct research and studies for the purpose of 76111
promoting safety on the highways of this state. 76112

(B) The department shall administer the laws and rules 76113
relative to trauma and emergency medical services specified in 76114
Chapter 4765. of the Revised Code. 76115

(C) The department shall administer and enforce the laws 76116
contained in Chapters 4301. and 4303. of the Revised Code and 76117
enforce the rules and orders of the liquor control commission 76118
pertaining to retail liquor permit holders. 76119

(D) The department shall administer the laws governing the state emergency management agency and shall enforce all additional duties and responsibilities as prescribed in the Revised Code related to emergency management services.

(E) The department shall conduct investigations pursuant to Chapter 5101. of the Revised Code in support of the duty of the department of job and family services to administer ~~food stamp programs~~ the supplemental nutrition assistance program throughout this state. The department of public safety shall conduct investigations necessary to protect the state's property rights and interests in the ~~food stamp~~ supplemental nutrition assistance program.

(F) The department of public safety shall enforce compliance with orders and rules of the public utilities commission and applicable laws in accordance with Chapters 4919., 4921., and 4923. of the Revised Code regarding commercial motor vehicle transportation safety, economic, and hazardous materials requirements.

(G) Notwithstanding Chapter 4117. of the Revised Code, the department of public safety may establish requirements for its enforcement personnel, including its enforcement agents described in section 5502.14 of the Revised Code, that include standards of conduct, work rules and procedures, and criteria for eligibility as law enforcement personnel.

(H) The department shall administer, maintain, and operate the Ohio criminal justice network. The Ohio criminal justice network shall be a computer network that supports state and local criminal justice activities. The network shall be an electronic repository for various data, which may include arrest warrants, notices of persons wanted by law enforcement agencies, criminal records, prison inmate records, stolen vehicle records, vehicle operator's licenses, and vehicle registrations and titles.

(I) The department shall coordinate all homeland security 76152
activities of all state agencies and shall be a liaison between 76153
state agencies and local entities for those activities and related 76154
purposes. 76155

(J) Beginning July 1, 2004, the department shall administer 76156
and enforce the laws relative to private investigators and 76157
security service providers specified in Chapter 4749. of the 76158
Revised Code. 76159

(K) The department shall administer criminal justice services 76160
in accordance with sections 5502.61 to 5502.66 of the Revised 76161
Code. 76162

Sec. 5502.12. (A) The accident reports submitted pursuant to 76163
section 5502.11 of the Revised Code shall be for the use of the 76164
director of public safety for purposes of statistical, safety, and 76165
other studies. The law enforcement agency that submitted a report 76166
shall furnish a copy of such report and associated documents to 76167
any person claiming an interest arising out of a motor vehicle 76168
accident, or to the person's attorney, upon the payment of a 76169
nonrefundable fee ~~that shall not exceed~~ of four dollars or the 76170
amount approved by the board of county commissioners of the county 76171
in which the law enforcement agency is located as provided in 76172
division (B) of this section. With respect to accidents 76173
investigated by the state highway patrol, the director of public 76174
safety shall furnish to such person all related reports and 76175
statements upon the payment of a nonrefundable fee of four 76176
dollars. The cost of photographs or any other electronic format 76177
shall be a four-dollar fee in addition to the nonrefundable 76178
four-dollar fee for the accident report, whether the report was 76179
submitted by the state highway patrol or another law enforcement 76180
agency. A law enforcement agency may charge a fee that is in 76181
excess of four dollars for photographs and other electronic 76182

formats if such a fee is approved by a board of county 76183
commissioners of the county in which the law enforcement agency is 76184
located as provided in division (B) of this section. 76185

Such state highway patrol reports, statements, and 76186
photographs, in the discretion of the director of public safety, 76187
may be withheld until all criminal prosecution has been concluded; 76188
the director of public safety may require proof, satisfactory to 76189
the director, of the right of any applicant to be furnished such 76190
documents. 76191

(B) If, after the effective date of this amendment, the state 76192
highway patrol is authorized to charge a nonrefundable fee in 76193
excess of four dollars for an accident report relating to an 76194
accident investigated by the state highway patrol and all related 76195
reports and statements or a fee in excess of four dollars for 76196
photographs or other electronic formats related to an accident 76197
report, a law enforcement agency described in section 5502.11 of 76198
the Revised Code shall be authorized to charge that same fee for 76199
an accident report relating to an accident investigated by that 76200
law enforcement agency and all related reports and statements or 76201
for photographs or other electronic formats related to an accident 76202
report investigated by that law enforcement agency upon approval 76203
of the board of county commissioners of the county in which that 76204
law enforcement agency is located. 76205

Sec. 5502.14. (A) As used in this section, "felony" has the 76206
same meaning as in section 109.511 of the Revised Code. 76207

(B)(1) Any person who is employed by the department of public 76208
safety and designated by the director of public safety to enforce 76209
Title XLIII of the Revised Code, the rules adopted under it, and 76210
the laws and rules regulating the use of ~~food stamps~~ supplemental 76211
nutrition assistance program benefits shall be known as an 76212
enforcement agent. The employment by the department of public 76213

safety and the designation by the director of public safety of a 76214
person as an enforcement agent shall be subject to division (D) of 76215
this section. An enforcement agent has the authority vested in 76216
peace officers pursuant to section 2935.03 of the Revised Code to 76217
keep the peace, to enforce all applicable laws and rules on any 76218
retail liquor permit premises, or on any other premises of public 76219
or private property, where a violation of Title XLIII of the 76220
Revised Code or any rule adopted under it is occurring, and to 76221
enforce all laws and rules governing the use of ~~food stamp coupons~~ 76222
supplemental nutrition assistance program benefits, women, 76223
infants, and children's coupons, electronically transferred 76224
benefits, or any other access device that is used alone or in 76225
conjunction with another access device to obtain payments, 76226
allotments, benefits, money, goods, or other things of value, or 76227
that can be used to initiate a transfer of funds, pursuant to the 76228
~~food stamp~~ supplemental nutrition assistance program established 76229
under the "~~Food Stamp and Nutrition~~ Act of 1977," 91 Stat. 958, 76230
2008 (7 U.S.C.A. 2011, as amended, et seq.) or any supplemental 76231
food program administered by any department of this state pursuant 76232
to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 76233
1786. Enforcement agents, in enforcing compliance with the laws 76234
and rules described in this division, may keep the peace and make 76235
arrests for violations of those laws and rules. 76236

(2) In addition to the authority conferred by division (B)(1) 76237
of this section, an enforcement agent also may execute search 76238
warrants and seize and take into custody any contraband, as 76239
defined in section 2901.01 of the Revised Code, or any property 76240
that is otherwise necessary for evidentiary purposes related to 76241
any violations of the laws or rules described in division (B)(1) 76242
of this section. An enforcement agent may enter public or private 76243
premises where activity alleged to violate the laws or rules 76244
described in division (B)(1) of this section is occurring. 76245

(3) Enforcement agents who are on, immediately adjacent to, 76246
or across from retail liquor permit premises and who are 76247
performing investigative duties relating to that premises, 76248
enforcement agents who are on premises that are not liquor permit 76249
premises but on which a violation of Title XLIII of the Revised 76250
Code or any rule adopted under it allegedly is occurring, and 76251
enforcement agents who view a suspected violation of Title XLIII 76252
of the Revised Code, of a rule adopted under it, or of another law 76253
or rule described in division (B)(1) of this section have the 76254
authority to enforce the laws and rules described in division 76255
(B)(1) of this section, authority to enforce any section in Title 76256
XXIX of the Revised Code or any other section of the Revised Code 76257
listed in section 5502.13 of the Revised Code if they witness a 76258
violation of the section under any of the circumstances described 76259
in this division, and authority to make arrests for violations of 76260
the laws and rules described in division (B)(1) of this section 76261
and violations of any of those sections. 76262

(4) The jurisdiction of an enforcement agent under division 76263
(B) of this section shall be concurrent with that of the peace 76264
officers of the county, township, or municipal corporation in 76265
which the violation occurs. 76266

(C) Enforcement agents of the department of public safety who 76267
are engaged in the enforcement of the laws and rules described in 76268
division (B)(1) of this section may carry concealed weapons when 76269
conducting undercover investigations pursuant to their authority 76270
as law enforcement officers and while acting within the scope of 76271
their authority pursuant to this chapter. 76272

(D)(1) The department of public safety shall not employ, and 76273
the director of public safety shall not designate, a person as an 76274
enforcement agent on a permanent basis, on a temporary basis, for 76275
a probationary term, or on other than a permanent basis if the 76276
person previously has been convicted of or has pleaded guilty to a 76277

felony. 76278

(2)(a) The department of public safety shall terminate the 76279
employment of a person who is designated as an enforcement agent 76280
and who does either of the following: 76281

(i) Pleads guilty to a felony; 76282

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 76283
plea agreement as provided in division (D) of section 2929.43 of 76284
the Revised Code in which the enforcement agent agrees to 76285
surrender the certificate awarded to that agent under section 76286
109.77 of the Revised Code. 76287

(b) The department shall suspend the employment of a person 76288
who is designated as an enforcement agent if the person is 76289
convicted, after trial, of a felony. If the enforcement agent 76290
files an appeal from that conviction and the conviction is upheld 76291
by the highest court to which the appeal is taken or if no timely 76292
appeal is filed, the department shall terminate the employment of 76293
that agent. If the enforcement agent files an appeal that results 76294
in that agent's acquittal of the felony or conviction of a 76295
misdemeanor, or in the dismissal of the felony charge against the 76296
agent, the department shall reinstate the agent. An enforcement 76297
agent who is reinstated under division (D)(2)(b) of this section 76298
shall not receive any back pay unless the conviction of that agent 76299
of the felony was reversed on appeal, or the felony charge was 76300
dismissed, because the court found insufficient evidence to 76301
convict the agent of the felony. 76302

(3) Division (D) of this section does not apply regarding an 76303
offense that was committed prior to January 1, 1997. 76304

(4) The suspension or termination of the employment of a 76305
person designated as an enforcement agent under division (D)(2) of 76306
this section shall be in accordance with Chapter 119. of the 76307
Revised Code. 76308

Sec. 5502.15. Any funding provided or made available by the United States or by any agency designated and authorized by the United States government for the purposes of enforcing compliance with ~~feed stamp~~ supplemental nutrition assistance program laws shall be expended by the department of public safety for those purposes.

Sec. 5537.051. (A) The Ohio turnpike commission is responsible for the major maintenance and repair and replacement of grade separations at intersections of any turnpike project with county and township roads. The governmental entity with jurisdiction over the county or township road is responsible for routine maintenance of grade separations.

(B) As used in this section:

(1) "Major maintenance and repair and replacement" relates to all elements constructed as part of or required for a grade separation, including box culverts, bridges, pile, foundations, substructures, abutments, piers, superstructures, approach slabs, slopes, approaches, embankments, railing, guardrails, drainage facilities including headwalls, and underdrains, inlets, catch basins and grates, fences, and appurtenances. Major maintenance and repair includes the painting and the repair of deteriorated or damaged elements to restore the structural integrity of any grade separation including embankments.

(2) "Routine maintenance" includes, without limitation, clearing debris, sweeping, snow and ice removal, wearing surface improvements, marking for traffic control, minor and emergency repairs to railing and appurtenances, and emergency patching.

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by ~~Sub. H.B. 458~~ 1 of the ~~127th~~ 128th general assembly.

(A)(1) Except as provided under division (A)(2) or (B) of this section, any reference in Title LVII of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after December ~~21, 2007~~ 30, 2008, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 76370
of this section, no agent of the department of taxation, except in 76371
the agent's report to the department or when called on to testify 76372
in any court or proceeding, shall divulge any information acquired 76373
by the agent as to the transactions, property, or business of any 76374
person while acting or claiming to act under orders of the 76375
department. Whoever violates this provision shall thereafter be 76376
disqualified from acting as an officer or employee or in any other 76377
capacity under appointment or employment of the department. 76378

76379

(B)(1) For purposes of an audit pursuant to section 117.15 of 76380
the Revised Code, or an audit of the department pursuant to 76381
Chapter 117. of the Revised Code, or an audit, pursuant to that 76382
chapter, the objective of which is to express an opinion on a 76383
financial report or statement prepared or issued pursuant to 76384
division (A)(7) or (9) of section 126.21 of the Revised Code, the 76385
officers and employees of the auditor of state charged with 76386
conducting the audit shall have access to and the right to examine 76387
any state tax returns and state tax return information in the 76388
possession of the department to the extent that the access and 76389
examination are necessary for purposes of the audit. Any 76390
information acquired as the result of that access and examination 76391
shall not be divulged for any purpose other than as required for 76392
the audit or unless the officers and employees are required to 76393
testify in a court or proceeding under compulsion of legal 76394
process. Whoever violates this provision shall thereafter be 76395
disqualified from acting as an officer or employee or in any other 76396
capacity under appointment or employment of the auditor of state. 76397

(2) For purposes of an internal audit pursuant to section 76398
126.45 of the Revised Code, the officers and employees of the 76399
office of internal auditing in the office of budget and management 76400
charged with conducting the internal audit shall have access to 76401

and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal auditing.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the board of motor vehicle collision repair

registration any information in the possession of the department 76433
that is necessary for the board to verify the existence of an 76434
applicant's valid vendor's license and current state tax 76435
identification number under section 4775.07 of the Revised Code; 76436

(4) Providing information to the administrator of workers' 76437
compensation pursuant to sections 4123.271 and 4123.591 of the 76438
Revised Code; 76439

(5) Providing to the attorney general information the 76440
department obtains under division (J) of section 1346.01 of the 76441
Revised Code; 76442

(6) Permitting properly authorized officers, employees, or 76443
agents of a municipal corporation from inspecting reports or 76444
information pursuant to rules adopted under section 5745.16 of the 76445
Revised Code; 76446

(7) Providing information regarding the name, account number, 76447
or business address of a holder of a vendor's license issued 76448
pursuant to section 5739.17 of the Revised Code, a holder of a 76449
direct payment permit issued pursuant to section 5739.031 of the 76450
Revised Code, or a seller having a use tax account maintained 76451
pursuant to section 5741.17 of the Revised Code, or information 76452
regarding the active or inactive status of a vendor's license, 76453
direct payment permit, or seller's use tax account; 76454

(8) Releasing invoices or invoice information furnished under 76455
section 4301.433 of the Revised Code pursuant to that section; 76456

(9) Providing to a county auditor notices or documents 76457
concerning or affecting the taxable value of property in the 76458
county auditor's county. Unless authorized by law to disclose 76459
documents so provided, the county auditor shall not disclose such 76460
documents; 76461

(10) Providing to a county auditor sales or use tax return or 76462
audit information under section 333.06 of the Revised Code; 76463

(11) Subject to section 4301.441 of the Revised Code, 76464
disclosing to the appropriate state agency information in the 76465
possession of the department of taxation that is necessary to 76466
verify a permit holder's gallonage or noncompliance with taxes 76467
levied under Chapter 4301. or 4305. of the Revised Code; 76468

(12) Disclosing to the department of natural resources 76469
information in the possession of the department that is necessary 76470
to verify the taxpayer's compliance with division (A)(1), (8), or 76471
(9) of section 5749.02 of the Revised Code; 76472

(13) Disclosing to the department of job and family services, 76473
industrial commission, and bureau of workers' compensation 76474
information in the possession of the department of taxation solely 76475
for the purpose of identifying employers that misclassify 76476
employees as independent contractors or that fail to properly 76477
report and pay employer tax liabilities. The department of 76478
taxation shall disclose only such information that is necessary to 76479
verify employer compliance with law administered by those 76480
agencies. 76481

Sec. 5703.37. ~~Whenever~~ (A)(1) Except as provided in division 76482
(B) of this section, whenever service of a notice or order is 76483
required in the manner provided in this section, a ~~certified~~ copy 76484
of the ~~order or notice or order~~ shall be served upon the person 76485
affected thereby either by personal service or by certified mail- 76486
~~Within the time specified in an order of the department of~~ 76487
~~taxation, every person upon whom it is served, if required by the~~ 76488
~~order, shall notify the department, by personal service, certified~~ 76489
~~mail, or a delivery service authorized under section 5703.056 of~~ 76490
~~the Revised Code, whether the terms of the order are accepted and~~ 76491
~~will be obeyed~~ that notifies the tax commissioner of the date of 76492
delivery. 76493

(2) With the permission of the person affected by the notice 76494

or order, the commissioner may enter into a written agreement to 76495
deliver a notice or order by alternative means as provided in this 76496
section, including, but not limited to, delivery by secure 76497
electronic mail. Delivery by such means satisfies the requirements 76498
for delivery under this section. 76499

(B)(1)(a) If certified mail is returned because of an 76500
undeliverable address, the commissioner shall first utilize 76501
reasonable means to ascertain a new last known address, including 76502
the use of a change of address service offered by the United 76503
States postal service. If, after using reasonable means, the 76504
commissioner is unable to ascertain a new last known address, the 76505
assessment is final for purposes of section 131.02 of the Revised 76506
Code sixty days after the notice or order sent by certified mail 76507
is first returned to the commissioner, and the commissioner shall 76508
certify the notice or order, if applicable, to the attorney 76509
general for collection under section 131.02 of the Revised Code. 76510

(b) Notwithstanding certification to the attorney general 76511
under division (B)(1)(a) of this section, once the commissioner or 76512
attorney general, or the designee of either, makes an initial 76513
contact with the person to whom the notice or order is directed, 76514
the person may protest an assessment by filing a petition for 76515
reassessment within sixty days after the initial contact. The 76516
certification of an assessment under division (B)(1)(a) of this 76517
section is prima-facie evidence that delivery is complete and that 76518
the notice or order is served. 76519

(2) If mailing of a notice or order by certified mail is 76520
returned for some cause other than an undeliverable address, the 76521
tax commissioner shall resend the notice or order by ordinary 76522
mail. The notice or order shall show the date the commissioner 76523
sends the notice or order and include the following statement: 76524

"This notice or order is deemed to be served on the addressee 76525
under applicable law ten days from the date this notice or order 76526

was mailed by the commissioner as shown on the notice or order, 76527
and all periods within which an appeal may be filed apply from and 76528
after that date." 76529

Unless the mailing is returned because of an undeliverable 76530
address, the mailing of that information is prima-facie evidence 76531
that delivery of the notice or order was completed ten days after 76532
the commissioner sent the notice or order by ordinary mail and 76533
that the notice or order was served. 76534

If the ordinary mail is subsequently returned because of an 76535
undeliverable address, the commissioner shall proceed under 76536
division (B)(1)(a) of this section. A person may challenge the 76537
presumption of delivery and service under this division in 76538
accordance with division (C) of this section. 76539

(C)(1) A person disputing the presumption of delivery and 76540
service under division (B) of this section bears the burden of 76541
proving by a preponderance of the evidence that the address to 76542
which the notice or order was sent was not an address with which 76543
the person was associated at the time the commissioner originally 76544
mailed the notice or order by certified mail. For the purposes of 76545
this section, a person is associated with an address at the time 76546
the commissioner originally mailed the notice or order if, at that 76547
time, the person was residing, receiving legal documents, or 76548
conducting business at the address; or if, before that time, the 76549
person had conducted business at the address and, when the notice 76550
or order was mailed, the person's agent or the person's affiliate 76551
was conducting business at the address. For the purposes of this 76552
section, a person's affiliate is any other person that, at the 76553
time the notice or order was mailed, owned or controlled at least 76554
twenty per cent, as determined by voting rights, of the 76555
addressee's business. 76556

(2) If the person elects to protest an assessment certified 76557
to the attorney general for collection, the person must do so 76558

within sixty days after the attorney general's initial contact 76559
with the person. The attorney general may enter into a compromise 76560
with the person under sections 131.02 and 5703.06 of the Revised 76561
Code if the person does not file a petition for reassessment with 76562
the tax commissioner. 76563

(D) Nothing in this section prohibits the tax commissioner or 76564
the commissioner's designee from delivering a notice or order by 76565
personal service. 76566

(E) Collection actions taken pursuant to section 131.02 of 76567
the Revised Code upon any assessment being challenged under 76568
division (B)(1)(b) of this section shall be stayed upon the 76569
pendency of an appeal under this section. If a petition for 76570
reassessment is filed pursuant to this section on a claim that has 76571
been certified to the attorney general for collection, the claim 76572
shall be uncertified. 76573

(F) As used in this section: 76574

(1) "Last known address" means the address the department has 76575
at the time the document is originally sent by certified mail, or 76576
any address the department can ascertain using reasonable means 76577
such as the use of a change of address service offered by the 76578
United States postal service. 76579

(2) "Undeliverable address" means an address to which the 76580
United States postal service is not able to deliver a notice or 76581
order, except when the reason for nondelivery is because the 76582
addressee fails to acknowledge or accept the notice or order. 76583

Sec. 5703.80. There is hereby created in the state treasury 76584
the property tax administration fund. All money to the credit of 76585
the fund shall be used to defray the costs incurred by the 76586
department of taxation in administering the taxation of property 76587
and the equalization of real property valuation. 76588

Each fiscal year between the first and fifteenth days of July, the tax commissioner shall compute the following amounts for the property in each taxing district in each county, and certify to the director of budget and management the sum of those amounts for all taxing districts in all counties:

(A) For fiscal year ~~2006~~ 2010, ~~thirty-three~~ forty-two hundredths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section 319.302 of the Revised Code for the preceding tax year;

(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ forty-eight hundredths of one per cent of the total amount by which taxes charged against real property on the general tax list of real and public utility property were reduced under section 319.302 of the Revised Code for the preceding tax year;

(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ eight-tenths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code;

(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six hundredths~~ nine hundred fifty-one thousandths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code;

~~(E) For fiscal year 2008, six tenths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code;~~

~~(F) For fiscal year 2009 and thereafter, seven hundred twenty five one thousandths of one per cent of the total amount of taxes charged and payable against public utility personal property on the general tax list of real and public utility property for the preceding tax year and of the total amount of taxes charged and payable against tangible personal property on the general tax list of personal property of the preceding tax year and for which returns were filed with the tax commissioner under section 5711.13 of the Revised Code.~~

After receiving the tax commissioner's certification, the director of budget and management shall transfer from the general revenue fund to the property tax administration fund one-fourth of the amount certified on or before each of the following days: the first days of August, November, February, and May.

On or before the thirtieth day of June of the fiscal year, the tax commissioner shall certify to the director of budget and management the sum of the amounts by which the amounts computed for a taxing district under this section exceeded the distributions to the taxing district under division (F) of section 321.24 of the Revised Code, and the director shall transfer that sum from the property tax administration fund to the general revenue fund.

Sec. 5705.214. Not more than three elections during any

calendar year shall include the questions by a school district of 76652
tax levies proposed under any one or any combination of the 76653
following sections: sections 5705.194, 5705.199, 5705.21, 76654
5705.212, 5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the 76655
Revised Code. 76656

Sec. 5705.219. (A) As used in this section: 76657

(1) "Eligible school district" means a city, local, or 76658
exempted village school district in which the taxes charged and 76659
payable for current expenses on residential/agricultural real 76660
property in the tax year preceding the year in which the levy 76661
authorized by this section will be submitted for elector approval 76662
or rejection are greater than two per cent of the taxable value of 76663
the residential/agricultural real property. 76664

(2) "Residential/agricultural real property" and 76665
"nonresidential/agricultural real property" means the property 76666
classified as such under section 5713.041 of the Revised Code. 76667

(3) "Effective tax rate" and "taxes charged and payable" have 76668
the same meanings as in division (B) of section 319.301 of the 76669
Revised Code. 76670

(B) On or after January 1, 2010, the board of education of an 76671
eligible school district, by a vote of two-thirds of all its 76672
members, may adopt a resolution proposing to convert existing 76673
levies imposed for the purpose of current expenses into a levy 76674
raising a specified amount of tax money by repealing all or a 76675
portion of one or more of those existing levies and imposing a 76676
levy in excess of the ten-mill limitation that will raise a 76677
specified amount of money for current expenses of the district. 76678

The board of education shall certify a copy of the resolution 76679
to the tax commissioner not later than ninety days before the 76680
election upon which the repeal and levy authorized by this section 76681

will be proposed to the electors. Within ten days after receiving 76682
the copy of the resolution, the tax commissioner shall determine 76683
each of the following and certify the determinations to the board 76684
of education: 76685

(1) The dollar amount to be raised by the proposed levy, 76686
which shall be the product of: 76687

(a) The difference between the aggregate effective tax rate 76688
for residential/agricultural real property for the tax year 76689
preceding the year in which the repeal and levy will be proposed 76690
to the electors and twenty mills per dollar of taxable value; 76691

(b) The total taxable value of all property on the tax list 76692
of real and public utility property for the tax year preceding the 76693
year in which the repeal and levy will be proposed to the 76694
electors. 76695

(2) The estimated tax rate of the proposed levy. 76696

(3) The existing levies and any portion of an existing levy 76697
to be repealed upon approval of the question. Levies shall be 76698
repealed in reverse chronological order from most recently imposed 76699
to least recently imposed until the sum of the effective tax rates 76700
repealed for residential/agricultural real property is equal to 76701
the difference calculated in division (B)(1)(a) of this section. 76702

(4) The sum of the following: 76703

(a) The total taxable value of nonresidential/agricultural 76704
real property for the tax year preceding the year in which the 76705
repeal and levy will be proposed to the electors multiplied by the 76706
difference between (i) the aggregate effective tax rate for 76707
nonresidential/agricultural real property for the existing levies 76708
and any portion of an existing levy to be repealed and (ii) the 76709
amount determined under division (B)(1)(a) of this section, but 76710
not less than zero; 76711

(b) The total taxable value of public utility tangible personal property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied by the difference between (i) the aggregate voted tax rate for the existing levies and any portion of an existing levy to be repealed and (ii) the amount determined under division (B)(1)(a) of this section, but not less than zero. 76712
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(C) Upon receipt of the certification from the tax commissioner under division (B) of this section, a majority of the members of the board of education may adopt a resolution proposing the repeal of the existing levies as identified in the certification and the imposition of a levy in excess of the ten-mill limitation that will raise annually the amount certified by the commissioner. If the board determines that the tax should be for an amount less than that certified by the commissioner, the board may request that the commissioner redetermine the rate under division (B)(2) of this section on the basis of the lesser amount the levy is to raise as specified by the board. The amount certified under division (B)(4) and the levies to be repealed as certified under division (B)(3) of this section shall not be redetermined. Within ten days after receiving a timely request specifying the lesser amount to be raised by the levy, the commissioner shall redetermine the rate and recertify it to the board as otherwise provided in division (B) of this section. Only one such request may be made by the board of education of an eligible school district. 76719
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The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election, which 76738
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shall be the date of a primary or general election. 76744

Immediately upon its passage, the resolution shall go into 76745
effect and shall be certified by the board of education to the 76746
county auditor of the proper county. The county auditor and the 76747
board of education shall proceed as required under section 76748
5705.195 of the Revised Code. No publication of the resolution is 76749
necessary other than that provided for in the notice of election. 76750
Section 5705.196 of the Revised Code shall govern the matters 76751
concerning the election. The submission of a question to the 76752
electors under this section is subject to the limitation on the 76753
number of election dates established by section 5705.214 of the 76754
Revised Code. 76755

(D) The form of the ballot to be used at the election 76756
provided for in this section shall be as follows: 76757

"Shall the existing levy of . . . (insert the voted millage 76758
rate of the levy to be repealed), currently being charged against 76759
residential and agricultural property by the . . . (insert the 76760
name of school district) at a rate of . . . (insert the 76761
residential/agricultural real property effective tax rate of the 76762
levy being repealed) for the purpose of . . . (insert the purpose 76763
of the existing levy) be repealed, and shall a levy be imposed by 76764
the . . . (insert the name of school district) in excess of the 76765
ten-mill limitation for the necessary requirements of the school 76766
district in the sum of . . . (insert the annual amount the levy is 76767
to produce), estimated by the tax commissioner to require . . . 76768
(insert the number of mills) mills for each one dollar of 76769
valuation, which amounts to . . . (insert the rate expressed in 76770
dollars and cents) for each one hundred dollars of valuation for 76771
the initial year of the tax, for a period of . . . (insert the 76772
number of years the levy is to be imposed, or that it will be 76773
levied for a continuing period of time), commencing in . . . 76774
(insert the first year the tax is to be levied), first due in 76775

calendar year . . . (insert the first calendar year in which the tax shall be due)? 76776
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	<u>FOR THE REPEAL AND TAX</u>	
	<u>AGAINST THE REPEAL AND TAX</u>	"

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If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed. 76781
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(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission. 76788
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(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B)(4) of this section and paid under section 5705.2110 of the Revised Code shall be decreased by the same proportion as the levy is decreased. If the levy is repealed, no further payments shall be made to the district under that section. 76798
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(G) At any time, the board of education, by a vote of 76806

two-thirds of all of its members, may adopt a resolution to renew 76807
a tax levied under this section. The resolution shall provide for 76808
levying the tax and specifically all of the following: 76809

(1) That the tax shall be called, and designated on the 76810
ballot as, a renewal levy; 76811

(2) The amount of the renewal tax, which shall be no more 76812
than the amount of tax previously collected; 76813

(3) The number of years, not to exceed ten, that the renewal 76814
tax will be levied, or that it will be levied for a continuing 76815
period of time; 76816

(4) That the purpose of the renewal tax is for current 76817
expenses. 76818

The board shall certify a copy of the resolution to the board 76819
of elections not later than seventy-five days before the date of 76820
the election at which the question is to be submitted, which shall 76821
be the date of a primary or general election. 76822

(H) The form of the ballot to be used at the election on the 76823
question of renewing a levy under this section shall be as 76824
follows: 76825

"Shall a tax levy renewing an existing levy of . . . (insert 76826
the annual dollar amount the levy is to produce each year), 76827
estimated to require . . . (insert the number of mills) mills for 76828
each one dollar of valuation be imposed by the . . . (insert the 76829
name of school district) for the purpose of current expenses for a 76830
period of . . . (insert the number of years the levy is to be 76831
imposed, or that it will be levied for a continuing period of 76832
time), commencing in . . . (insert the first year the tax is to be 76833
levied), first due in calendar year . . . (insert the first 76834
calendar year in which the tax shall be due)? 76835

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	<u>FOR THE RENEWAL OF THE TAX LEVY</u>	76837
	<u>AGAINST THE RENEWAL OF THE TAX LEVY</u> "	76838

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If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before "estimated to require" the statement "be approved at a tax rate necessary to produce . . . (insert the lower annual dollar amount the levy is to produce each year)."

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Sec. 5705.2110. (A) For purposes of this section: 76846

(1) "Carryover property" has the same meaning as in section 319.301 of the Revised Code.

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(2) "Residential/agricultural real property" has the same meaning as in section 5705.219 of the Revised Code.

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(B) For each city, local, or exempted village school district in which the tax authorized by section 5705.219 of the Revised Code has been approved by electors in the preceding year, the tax commissioner, not later than the twenty-eighth day of February, shall certify to the department of education the amount determined in division (B)(4) of section 5705.219 of the Revised Code. Not later than the twenty-eighth day of February of each year thereafter for twelve years, the commissioner shall certify an amount equal to the difference between the amount certified in the preceding year under this division and the product of ten mills per dollar multiplied by the excess, if any, of the value of carryover property for residential/agricultural real property for the preceding tax year over the value of carryover property for residential/agricultural real property in the second preceding tax year. If the amount to be certified in any year is zero, in the

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commissioner's certification the commissioner shall state that no 76866
further certifications shall be forthcoming. 76867

(C) Not later than the last day of April and of October 76868
beginning in the first year in which a certification under 76869
division (B) of this section is received, the department of 76870
education shall pay to the school district for which the 76871
certification is made one-half of the amount most recently 76872
certified by the tax commissioner. 76873

Sec. 5705.29. This section does not apply to a subdivision or 76874
taxing unit for which the county budget commission has waived the 76875
requirement to adopt a tax budget pursuant to section 5705.281 of 76876
the Revised Code. The tax budget shall present the following 76877
information in such detail as is prescribed by the auditor of 76878
state: 76879

(A)(1) A statement of the necessary current operating 76880
expenses for the ensuing fiscal year for each department and 76881
division of the subdivision, classified as to personal services 76882
and other expenses, and the fund from which such expenditures are 76883
to be made. Except in the case of a school district, this estimate 76884
may include a contingent expense not designated for any particular 76885
purpose, and not to exceed three per cent of the total amount of 76886
appropriations for current expenses. In the case of a school 76887
district, this estimate may include a contingent expense not 76888
designated for any particular purpose and not to exceed thirteen 76889
per cent of the total amount of appropriations for current 76890
expenses. 76891

(2) A statement of the expenditures for the ensuing fiscal 76892
year necessary for permanent improvements, exclusive of any 76893
expense to be paid from bond issues, classified as to the 76894
improvements contemplated by the subdivision and the fund from 76895
which such expenditures are to be made; 76896

(3) The amounts required for the payment of final judgments;	76897
(4) A statement of expenditures for the ensuing fiscal year	76898
necessary for any purpose for which a special levy is authorized,	76899
and the fund from which such expenditures are to be made;	76900
(5) Comparative statements, so far as possible, in parallel	76901
columns of corresponding items of expenditures for the current	76902
fiscal year and the two preceding fiscal years.	76903
(B)(1) An estimate of receipts from other sources than the	76904
general property tax during the ensuing fiscal year, which shall	76905
include an estimate of unencumbered balances at the end of the	76906
current fiscal year, and the funds to which such estimated	76907
receipts are credited;	76908
(2) The amount each fund requires from the general property	76909
tax, which shall be the difference between the contemplated	76910
expenditure from the fund and the estimated receipts, as provided	76911
in this section. The section of the Revised Code under which the	76912
tax is authorized shall be set forth.	76913
(3) Comparative statements, so far as possible, in parallel	76914
columns of taxes and other revenues for the current fiscal year	76915
and the two preceding fiscal years.	76916
(C)(1) The amount required for debt charges;	76917
(2) The estimated receipts from sources other than the tax	76918
levy for payment of such debt charges, including the proceeds of	76919
refunding bonds to be issued to refund bonds maturing in the next	76920
succeeding fiscal year;	76921
(3) The net amount for which a tax levy shall be made,	76922
classified as to bonds authorized and issued prior to January 1,	76923
1922, and those authorized and issued subsequent to such date, and	76924
as to what portion of the levy will be within and what in excess	76925
of the ten-mill limitation.	76926

(D) An estimate of amounts from taxes authorized to be levied 76927
in excess of the ten-mill limitation on the tax rate, and the fund 76928
to which such amounts will be credited, together with the sections 76929
of the Revised Code under which each such tax is exempted from all 76930
limitations on the tax rate. 76931

(E)(1) A board of education may include in its budget for the 76932
fiscal year in which a levy proposed under section 5705.194, 76933
5705.199, 5705.21, ~~or~~ 5705.213, or 5705.219, or the original levy 76934
under section 5705.212 of the Revised Code is first extended on 76935
the tax list and duplicate an estimate of expenditures to be known 76936
as a voluntary contingency reserve balance, which shall not be 76937
greater than twenty-five per cent of the total amount of the levy 76938
estimated to be available for appropriation in such year. 76939

(2) A board of education may include in its budget for the 76940
fiscal year following the year in which a levy proposed under 76941
section 5705.194, 5705.199, 5705.21, ~~or~~ 5705.213, or 5705.219, or 76942
the original levy under section 5705.212 of the Revised Code is 76943
first extended on the tax list and duplicate an estimate of 76944
expenditures to be known as a voluntary contingency reserve 76945
balance, which shall not be greater than twenty per cent of the 76946
amount of the levy estimated to be available for appropriation in 76947
such year. 76948

(3) Except as provided in division (E)(4) of this section, 76949
the full amount of any reserve balance the board includes in its 76950
budget shall be retained by the county auditor and county 76951
treasurer out of the first semiannual settlement of taxes until 76952
the beginning of the next succeeding fiscal year, and thereupon, 76953
with the depository interest apportioned thereto, it shall be 76954
turned over to the board of education, to be used for the purposes 76955
of such fiscal year. 76956

(4) A board of education, by a two-thirds vote of all members 76957
of the board, may appropriate any amount withheld as a voluntary 76958

contingency reserve balance during the fiscal year for any lawful purpose, provided that prior to such appropriation the board of education has authorized the expenditure of all amounts appropriated for contingencies under section 5705.40 of the Revised Code. Upon request by the board of education, the county auditor shall draw a warrant on the district's account in the county treasury payable to the district in the amount requested.

(F)(1) A board of education may include a spending reserve in its budget for fiscal years ending on or before June 30, 2002. The spending reserve shall consist of an estimate of expenditures not to exceed the district's spending reserve balance. A district's spending reserve balance is the amount by which the designated percentage of the district's estimated personal property taxes to be settled during the calendar year in which the fiscal year ends exceeds the estimated amount of personal property taxes to be so settled and received by the district during that fiscal year. Moneys from a spending reserve shall be appropriated in accordance with section 133.301 of the Revised Code.

(2) For the purposes of computing a school district's spending reserve balance for a fiscal year, the designated percentage shall be as follows:

Fiscal year ending in:	Designated percentage	
1998	50%	
1999	40%	
2000	30%	
2001	20%	
2002	10%	

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve

balance account of a township, county, or municipal corporation as 76991
an unencumbered balance or as revenue for the purposes of division 76992
(E)(3) or (4) of section 5747.51 of the Revised Code. The county 76993
budget commission may require documentation of the reasonableness 76994
of the reserve balance held in any reserve balance account. The 76995
commission shall consider any amount in a reserve balance account 76996
that it determines to be unreasonable as unencumbered and as 76997
revenue for the purposes of section 5747.51 of the Revised Code 76998
and may take such amounts into consideration when determining 76999
whether to reduce the taxing authority of a subdivision. 77000

Sec. 5705.341. Any person required to pay taxes on real, 77001
public utility, or tangible personal property in any taxing 77002
district or other political subdivision of this state may appeal 77003
to the board of tax appeals from the action of the county budget 77004
commission of any county which relates to the fixing of uniform 77005
rates of taxation and the rate necessary to be levied by each 77006
taxing authority within its subdivision or taxing unit and which 77007
action has been certified by the county budget commission to the 77008
taxing authority of any political subdivision or other taxing 77009
district within the county. 77010

Such appeal shall be in writing and shall set forth the tax 77011
rate complained of and the reason that such a tax rate is not 77012
necessary to produce the revenue needed by the taxing district or 77013
political subdivision for the ensuing fiscal year as those needs 77014
are set out in the tax budget of said taxing unit or, if adoption 77015
of a tax budget was waived under section 5705.281 of the Revised 77016
Code, as set out in such other information the district or 77017
subdivision was required to provide under that section, or that 77018
the action of the budget commission appealed from does not 77019
otherwise comply with sections 5705.01 to 5705.47 of the Revised 77020
Code. The notice of appeal shall be filed with the board of tax 77021
appeals, and a true copy thereof shall be filed with the tax 77022

commissioner, the county auditor, and with the fiscal officer of 77023
each taxing district or political subdivision authorized to levy 77024
the tax complained of, and such notice of appeal and copies 77025
thereof must be filed within thirty days after the budget 77026
commission has certified its action as provided by section 5705.34 77027
of the Revised Code. Such notice of appeal and the copies thereof 77028
may be filed either in person or by certified mail. If filed by 77029
certified mail, the date of the United States postmark placed on 77030
the sender's receipt by the postal employee to whom the notice of 77031
appeal is presented shall be treated as the date of filing. 77032

Prior to filing the appeal provided by this section, the 77033
appellant shall deposit with the county auditor of the county or, 77034
in the event the appeal concerns joint taxing districts in two or 77035
more counties, with the county auditor of the county with the 77036
greatest valuation of taxable property the sum of five hundred 77037
dollars to cover the costs of the proceeding. The county auditor 77038
shall forthwith issue a pay-in order and pay such money into the 77039
county treasury to the credit of the general fund. The appellant 77040
shall produce the receipt of the county treasurer for such deposit 77041
and shall file such receipt with the notice of appeal. 77042

The board of tax appeals shall forthwith consider the matter 77043
presented on appeal from the action of the county budget 77044
commission and may modify any action of the commission with 77045
reference to the fixing of tax rates, to the end that no tax rate 77046
shall be levied above that necessary to produce the revenue needed 77047
by the taxing district or political subdivision for the ensuing 77048
fiscal year and to the end that the action of the budget 77049
commission appealed from shall otherwise be in conformity with 77050
sections 5705.01 to 5705.47 of the Revised Code. The findings of 77051
the board of tax appeals shall be substituted for the findings of 77052
the budget commission and shall be ~~certified~~ sent to the county 77053
auditor and the taxing authority of the taxing district or 77054

political subdivision affected as the action of such budget 77055
commission under sections 5705.01 to 5705.47 of the Revised Code 77056
and to the tax commissioner. At the request of an appellant, the 77057
findings of the board of tax appeals shall be sent by certified 77058
mail at the appellant's expense. 77059

The board of tax appeals shall promptly prepare a cost bill 77060
listing the expenses incurred by the board in conducting any 77061
hearing on the appeal and certify the cost bill to the county 77062
auditor of the county receiving the deposit for costs, who shall 77063
forthwith draw a warrant on the general fund of the county in 77064
favor of the person or persons named in the bill of costs 77065
certified by the board of tax appeals. 77066

In the event the appellant prevails, the board of tax appeals 77067
promptly shall direct the county auditor to refund the deposit to 77068
the appellant and the costs shall be taxed to the taxing district 77069
or political subdivision involved in the appeal. The county 77070
auditor shall withhold from any funds then or thereafter in the 77071
auditor's possession belonging to the taxing district or political 77072
subdivision named in the order of the board of tax appeals and 77073
shall reimburse the general fund of the county. 77074

If the appellant fails, the costs shall be deducted from the 77075
deposit provided for in this section and any balance which remains 77076
shall be refunded promptly to the appellant by warrant of the 77077
county auditor drawn on the general fund of the county. 77078

Nothing in this section or any section of the Revised Code 77079
shall permit or require the levying of any rate of taxation, 77080
whether within the ten-mill limitation or whether the levy has 77081
been approved by the electors of the taxing district, the 77082
political subdivision, or the charter of a municipal corporation 77083
in excess of such ten-mill limitation, unless such rate of 77084
taxation for the ensuing fiscal year is clearly required by a 77085
budget of the taxing district or political subdivision properly 77086

and lawfully adopted under this chapter, or by other information 77087
that must be provided under section 5705.281 of the Revised Code 77088
if a tax budget was waived. 77089

In the event more than one appeal is filed involving the same 77090
taxing district or political subdivision, all such appeals may be 77091
consolidated by the board of tax appeals and heard at the same 77092
time. 77093

Nothing herein contained shall be construed to bar or 77094
prohibit the tax commissioner from initiating an investigation or 77095
hearing on the commissioner's own motion. 77096

The tax commissioner shall adopt and issue such orders, 77097
rules, and instructions, not inconsistent with law, as the 77098
commissioner deems necessary, as to the exercise of the powers and 77099
the discharge of the duties of any particular county budget 77100
commission, county auditor, or other officer which relate to the 77101
budget, the assessment of property, or the levy and collection of 77102
taxes. The commissioner shall cause the orders and instructions 77103
issued by the commissioner to be obeyed. 77104

Sec. 5705.37. The taxing authority of any subdivision, or the 77105
board of trustees of any public library, nonprofit corporation, or 77106
library association maintaining a free public library that has 77107
adopted and certified rules under section 5705.28 of the Revised 77108
Code, that is dissatisfied with any action of the county budget 77109
commission may, through its fiscal officer, appeal to the board of 77110
tax appeals within thirty days after the receipt by the 77111
subdivision of the official certificate or notice of the 77112
commission's action. In like manner, but through its clerk, any 77113
park district may appeal to the board of tax appeals. An appeal 77114
under this section shall be taken by the filing of a notice of 77115
appeal, either in person or by certified mail, express mail, or 77116
authorized delivery service as provided in section 5703.056 of the 77117

Revised Code, with the board and with the commission. If notice of appeal is filed by certified mail, express mail, or authorized delivery service, date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service shall be treated as the date of filing. Upon receipt of the notice of appeal, the commission, by certified mail, shall notify all persons who were parties to the proceeding before the commission of the filing of the notice of appeal and shall file proof of notice with the board of tax appeals. The secretary of the commission shall forthwith certify to the board a transcript of the full and accurate record of all proceedings before the commission, together with all evidence presented in the proceedings or considered by the commission, pertaining to the action from which the appeal is taken. The secretary of the commission also shall certify to the board any additional information that the board may request.

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The board of tax appeals, in a de novo proceeding, shall forthwith consider the matter presented to the commission, and may modify any action of the commission with reference to the budget, the estimate of revenues and balances, the allocation of the public library fund, or the fixing of tax rates. The finding of the board of tax appeals shall be substituted for the findings of the commission, and shall be ~~certified~~ sent to the tax commissioner, the county auditor, and the taxing authority of the subdivision affected, or to the board of public library trustees affected, as the action of the commission under sections 5705.01 to 5705.47 of the Revised Code. At the request of the taxing authority, board of trustees, or park district that appealed an action of the county budget commission under this section, the findings of the board of tax appeals shall be sent by certified mail at the requestor's expense.

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This section does not give the board of tax appeals any 77150
authority to place any tax levy authorized by law within the 77151
ten-mill limitation outside of that limitation, or to reduce any 77152
levy below any minimum fixed by law. 77153

Sec. 5709.62. (A) In any municipal corporation that is 77154
defined by the United States office of management and budget as a 77155
principal city of a metropolitan statistical area, the legislative 77156
authority of the municipal corporation may designate one or more 77157
areas within its municipal corporation as proposed enterprise 77158
zones. Upon designating an area, the legislative authority shall 77159
petition the director of development for certification of the area 77160
as having the characteristics set forth in division (A)(1) of 77161
section 5709.61 of the Revised Code as amended by Substitute 77162
Senate Bill No. 19 of the 120th general assembly. Except as 77163
otherwise provided in division (E) of this section, on and after 77164
July 1, 1994, legislative authorities shall not enter into 77165
agreements under this section unless the legislative authority has 77166
petitioned the director and the director has certified the zone 77167
under this section as amended by that act; however, all agreements 77168
entered into under this section as it existed prior to July 1, 77169
1994, and the incentives granted under those agreements shall 77170
remain in effect for the period agreed to under those agreements. 77171
Within sixty days after receiving such a petition, the director 77172
shall determine whether the area has the characteristics set forth 77173
in division (A)(1) of section 5709.61 of the Revised Code, and 77174
shall forward the findings to the legislative authority of the 77175
municipal corporation. If the director certifies the area as 77176
having those characteristics, and thereby certifies it as a zone, 77177
the legislative authority may enter into an agreement with an 77178
enterprise under division (C) of this section. 77179

(B) Any enterprise that wishes to enter into an agreement 77180
with a municipal corporation under division (C) of this section 77181

shall submit a proposal to the legislative authority of the 77182
municipal corporation on a form prescribed by the director of 77183
development, together with the application fee established under 77184
section 5709.68 of the Revised Code. The form shall require the 77185
following information: 77186

(1) An estimate of the number of new employees whom the 77187
enterprise intends to hire, or of the number of employees whom the 77188
enterprise intends to retain, within the zone at a facility that 77189
is a project site, and an estimate of the amount of payroll of the 77190
enterprise attributable to these employees; 77191

(2) An estimate of the amount to be invested by the 77192
enterprise to establish, expand, renovate, or occupy a facility, 77193
including investment in new buildings, additions or improvements 77194
to existing buildings, machinery, equipment, furniture, fixtures, 77195
and inventory; 77196

(3) A listing of the enterprise's current investment, if any, 77197
in a facility as of the date of the proposal's submission. 77198

The enterprise shall review and update the listings required 77199
under this division to reflect material changes, and any agreement 77200
entered into under division (C) of this section shall set forth 77201
final estimates and listings as of the time the agreement is 77202
entered into. The legislative authority may, on a separate form 77203
and at any time, require any additional information necessary to 77204
determine whether an enterprise is in compliance with an agreement 77205
and to collect the information required to be reported under 77206
section 5709.68 of the Revised Code. 77207

(C) Upon receipt and investigation of a proposal under 77208
division (B) of this section, if the legislative authority finds 77209
that the enterprise submitting the proposal is qualified by 77210
financial responsibility and business experience to create and 77211
preserve employment opportunities in the zone and improve the 77212

economic climate of the municipal corporation, the legislative 77213
authority, on or before October 15, ~~2009~~ 2010, may do one of the 77214
following: 77215

(1) Enter into an agreement with the enterprise under which 77216
the enterprise agrees to establish, expand, renovate, or occupy a 77217
facility and hire new employees, or preserve employment 77218
opportunities for existing employees, in return for one or more of 77219
the following incentives: 77220

(a) Exemption for a specified number of years, not to exceed 77221
fifteen, of a specified portion, up to seventy-five per cent, of 77222
the assessed value of tangible personal property first used in 77223
business at the project site as a result of the agreement. If an 77224
exemption for inventory is specifically granted in the agreement 77225
pursuant to this division, the exemption applies to inventory 77226
required to be listed pursuant to sections 5711.15 and 5711.16 of 77227
the Revised Code, except that, in the instance of an expansion or 77228
other situations in which an enterprise was in business at the 77229
facility prior to the establishment of the zone, the inventory 77230
that is exempt is that amount or value of inventory in excess of 77231
the amount or value of inventory required to be listed in the 77232
personal property tax return of the enterprise in the return for 77233
the tax year in which the agreement is entered into. 77234

(b) Exemption for a specified number of years, not to exceed 77235
fifteen, of a specified portion, up to seventy-five per cent, of 77236
the increase in the assessed valuation of real property 77237
constituting the project site subsequent to formal approval of the 77238
agreement by the legislative authority; 77239

(c) Provision for a specified number of years, not to exceed 77240
fifteen, of any optional services or assistance that the municipal 77241
corporation is authorized to provide with regard to the project 77242
site. 77243

(2) Enter into an agreement under which the enterprise agrees 77244
to remediate an environmentally contaminated facility, to spend an 77245
amount equal to at least two hundred fifty per cent of the true 77246
value in money of the real property of the facility prior to 77247
remediation as determined for the purposes of property taxation to 77248
establish, expand, renovate, or occupy the remediated facility, 77249
and to hire new employees or preserve employment opportunities for 77250
existing employees at the remediated facility, in return for one 77251
or more of the following incentives: 77252

(a) Exemption for a specified number of years, not to exceed 77253
fifteen, of a specified portion, not to exceed fifty per cent, of 77254
the assessed valuation of the real property of the facility prior 77255
to remediation; 77256

(b) Exemption for a specified number of years, not to exceed 77257
fifteen, of a specified portion, not to exceed one hundred per 77258
cent, of the increase in the assessed valuation of the real 77259
property of the facility during or after remediation; 77260

(c) The incentive under division (C)(1)(a) of this section, 77261
except that the percentage of the assessed value of such property 77262
exempted from taxation shall not exceed one hundred per cent; 77263

(d) The incentive under division (C)(1)(c) of this section. 77264

(3) Enter into an agreement with an enterprise that plans to 77265
purchase and operate a large manufacturing facility that has 77266
ceased operation or announced its intention to cease operation, in 77267
return for exemption for a specified number of years, not to 77268
exceed fifteen, of a specified portion, up to one hundred per 77269
cent, of the assessed value of tangible personal property used in 77270
business at the project site as a result of the agreement, or of 77271
the assessed valuation of real property constituting the project 77272
site, or both. 77273

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 77274

section, the portion of the assessed value of tangible personal 77275
property or of the increase in the assessed valuation of real 77276
property exempted from taxation under those divisions may exceed 77277
seventy-five per cent in any year for which that portion is 77278
exempted if the average percentage exempted for all years in which 77279
the agreement is in effect does not exceed sixty per cent, or if 77280
the board of education of the city, local, or exempted village 77281
school district within the territory of which the property is or 77282
will be located approves a percentage in excess of seventy-five 77283
per cent. 77284

(2) Notwithstanding any provision of the Revised Code to the 77285
contrary, the exemptions described in divisions (C)(1)(a), (b), 77286
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 77287
be for up to fifteen years if the board of education of the city, 77288
local, or exempted village school district within the territory of 77289
which the property is or will be located approves a number of 77290
years in excess of ten. 77291

(3) For the purpose of obtaining the approval of a city, 77292
local, or exempted village school district under division (D)(1) 77293
or (2) of this section, the legislative authority shall deliver to 77294
the board of education a notice not later than forty-five days 77295
prior to approving the agreement, excluding Saturdays, Sundays, 77296
and legal holidays as defined in section 1.14 of the Revised Code. 77297
The notice shall state the percentage to be exempted, an estimate 77298
of the true value of the property to be exempted, and the number 77299
of years the property is to be exempted. The board of education, 77300
by resolution adopted by a majority of the board, shall approve or 77301
disapprove the agreement and certify a copy of the resolution to 77302
the legislative authority not later than fourteen days prior to 77303
the date stipulated by the legislative authority as the date upon 77304
which approval of the agreement is to be formally considered by 77305
the legislative authority. The board of education may include in 77306

the resolution conditions under which the board would approve the 77307
agreement, including the execution of an agreement to compensate 77308
the school district under division (B) of section 5709.82 of the 77309
Revised Code. The legislative authority may approve the agreement 77310
at any time after the board of education certifies its resolution 77311
approving the agreement to the legislative authority, or, if the 77312
board approves the agreement conditionally, at any time after the 77313
conditions are agreed to by the board and the legislative 77314
authority. 77315

If a board of education has adopted a resolution waiving its 77316
right to approve agreements and the resolution remains in effect, 77317
approval of an agreement by the board is not required under this 77318
division. If a board of education has adopted a resolution 77319
allowing a legislative authority to deliver the notice required 77320
under this division fewer than forty-five business days prior to 77321
the legislative authority's approval of the agreement, the 77322
legislative authority shall deliver the notice to the board not 77323
later than the number of days prior to such approval as prescribed 77324
by the board in its resolution. If a board of education adopts a 77325
resolution waiving its right to approve agreements or shortening 77326
the notification period, the board shall certify a copy of the 77327
resolution to the legislative authority. If the board of education 77328
rescinds such a resolution, it shall certify notice of the 77329
rescission to the legislative authority. 77330

(4) The legislative authority shall comply with section 77331
5709.83 of the Revised Code unless the board of education has 77332
adopted a resolution under that section waiving its right to 77333
receive such notice. 77334

(E) This division applies to zones certified by the director 77335
of development under this section prior to July 22, 1994. 77336

On or before October 15, ~~2009~~ 2010, the legislative authority 77337
that designated a zone to which this division applies may enter 77338

into an agreement with an enterprise if the legislative authority finds that the enterprise satisfies one of the criteria described in divisions (E)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section.

(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this section, if the legislative authority revokes its designation of a zone, or if the

director of development revokes a zone's certification, any 77370
entitlements granted under the agreement shall continue for the 77371
number of years specified in the agreement. 77372

(G) Except as otherwise provided in this division, an 77373
agreement entered into under this section shall require that the 77374
enterprise pay an annual fee equal to the greater of one per cent 77375
of the dollar value of incentives offered under the agreement or 77376
five hundred dollars; provided, however, that if the value of the 77377
incentives exceeds two hundred fifty thousand dollars, the fee 77378
shall not exceed two thousand five hundred dollars. The fee shall 77379
be payable to the legislative authority once per year for each 77380
year the agreement is effective on the days and in the form 77381
specified in the agreement. Fees paid shall be deposited in a 77382
special fund created for such purpose by the legislative authority 77383
and shall be used by the legislative authority exclusively for the 77384
purpose of complying with section 5709.68 of the Revised Code and 77385
by the tax incentive review council created under section 5709.85 77386
of the Revised Code exclusively for the purposes of performing the 77387
duties prescribed under that section. The legislative authority 77388
may waive or reduce the amount of the fee charged against an 77389
enterprise, but such a waiver or reduction does not affect the 77390
obligations of the legislative authority or the tax incentive 77391
review council to comply with section 5709.68 or 5709.85 of the 77392
Revised Code. 77393

(H) When an agreement is entered into pursuant to this 77394
section, the legislative authority authorizing the agreement shall 77395
forward a copy of the agreement to the director of development and 77396
to the tax commissioner within fifteen days after the agreement is 77397
entered into. If any agreement includes terms not provided for in 77398
section 5709.631 of the Revised Code affecting the revenue of a 77399
city, local, or exempted village school district or causing 77400
revenue to be foregone by the district, including any compensation 77401

to be paid to the school district pursuant to section 5709.82 of 77402
the Revised Code, those terms also shall be forwarded in writing 77403
to the director of development along with the copy of the 77404
agreement forwarded under this division. 77405

(I) After an agreement is entered into, the enterprise shall 77406
file with each personal property tax return required to be filed, 77407
or annual report required to be filed under section 5727.08 of the 77408
Revised Code, while the agreement is in effect, an informational 77409
return, on a form prescribed by the tax commissioner for that 77410
purpose, setting forth separately the property, and related costs 77411
and values, exempted from taxation under the agreement. 77412

(J) Enterprises may agree to give preference to residents of 77413
the zone within which the agreement applies relative to residents 77414
of this state who do not reside in the zone when hiring new 77415
employees under the agreement. 77416

(K) An agreement entered into under this section may include 77417
a provision requiring the enterprise to create one or more 77418
temporary internship positions for students enrolled in a course 77419
of study at a school or other educational institution in the 77420
vicinity, and to create a scholarship or provide another form of 77421
educational financial assistance for students holding such a 77422
position in exchange for the student's commitment to work for the 77423
enterprise at the completion of the internship. 77424

(L) The tax commissioner's authority in determining the 77425
accuracy of any exemption granted by an agreement entered into 77426
under this section is limited to divisions (C)(1)(a) and (b), 77427
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 77428
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 77429
and, as authorized by law, to enforcing any modification to, or 77430
revocation of, that agreement by the legislative authority of a 77431
municipal corporation or the director of development. 77432

Sec. 5709.63. (A) With the consent of the legislative 77433
authority of each affected municipal corporation or of a board of 77434
township trustees, a board of county commissioners may, in the 77435
manner set forth in section 5709.62 of the Revised Code, designate 77436
one or more areas in one or more municipal corporations or in 77437
unincorporated areas of the county as proposed enterprise zones. A 77438
board of county commissioners may designate no more than one area 77439
within a township, or within adjacent townships, as a proposed 77440
enterprise zone. The board shall petition the director of 77441
development for certification of the area as having the 77442
characteristics set forth in division (A)(1) or (2) of section 77443
5709.61 of the Revised Code as amended by Substitute Senate Bill 77444
No. 19 of the 120th general assembly. Except as otherwise provided 77445
in division (D) of this section, on and after July 1, 1994, boards 77446
of county commissioners shall not enter into agreements under this 77447
section unless the board has petitioned the director and the 77448
director has certified the zone under this section as amended by 77449
that act; however, all agreements entered into under this section 77450
as it existed prior to July 1, 1994, and the incentives granted 77451
under those agreements shall remain in effect for the period 77452
agreed to under those agreements. The director shall make the 77453
determination in the manner provided under section 5709.62 of the 77454
Revised Code. 77455

Any enterprise wishing to enter into an agreement with the 77456
board under division (B) or (D) of this section shall submit a 77457
proposal to the board on the form and accompanied by the 77458
application fee prescribed under division (B) of section 5709.62 77459
of the Revised Code. The enterprise shall review and update the 77460
estimates and listings required by the form in the manner required 77461
under that division. The board may, on a separate form and at any 77462
time, require any additional information necessary to determine 77463
whether an enterprise is in compliance with an agreement and to 77464

collect the information required to be reported under section 77465
5709.68 of the Revised Code. 77466

(B) If the board of county commissioners finds that an 77467
enterprise submitting a proposal is qualified by financial 77468
responsibility and business experience to create and preserve 77469
employment opportunities in the zone and to improve the economic 77470
climate of the municipal corporation or municipal corporations or 77471
the unincorporated areas in which the zone is located and to which 77472
the proposal applies, the board, on or before October 15, ~~2009~~ 77473
2010, and with the consent of the legislative authority of each 77474
affected municipal corporation or of the board of township 77475
trustees may do either of the following: 77476

(1) Enter into an agreement with the enterprise under which 77477
the enterprise agrees to establish, expand, renovate, or occupy a 77478
facility in the zone and hire new employees, or preserve 77479
employment opportunities for existing employees, in return for the 77480
following incentives: 77481

(a) When the facility is located in a municipal corporation, 77482
the board may enter into an agreement for one or more of the 77483
incentives provided in division (C) of section 5709.62 of the 77484
Revised Code, subject to division (D) of that section; 77485

(b) When the facility is located in an unincorporated area, 77486
the board may enter into an agreement for one or more of the 77487
following incentives: 77488

(i) Exemption for a specified number of years, not to exceed 77489
fifteen, of a specified portion, up to sixty per cent, of the 77490
assessed value of tangible personal property first used in 77491
business at a project site as a result of the agreement. If an 77492
exemption for inventory is specifically granted in the agreement 77493
pursuant to this division, the exemption applies to inventory 77494
required to be listed pursuant to sections 5711.15 and 5711.16 of 77495

the Revised Code, except, in the instance of an expansion or other 77496
situations in which an enterprise was in business at the facility 77497
prior to the establishment of the zone, the inventory that is 77498
exempt is that amount or value of inventory in excess of the 77499
amount or value of inventory required to be listed in the personal 77500
property tax return of the enterprise in the return for the tax 77501
year in which the agreement is entered into. 77502

(ii) Exemption for a specified number of years, not to exceed 77503
fifteen, of a specified portion, up to sixty per cent, of the 77504
increase in the assessed valuation of real property constituting 77505
the project site subsequent to formal approval of the agreement by 77506
the board; 77507

(iii) Provision for a specified number of years, not to 77508
exceed fifteen, of any optional services or assistance the board 77509
is authorized to provide with regard to the project site; 77510

(iv) The incentive described in division (C)(2) of section 77511
5709.62 of the Revised Code. 77512

(2) Enter into an agreement with an enterprise that plans to 77513
purchase and operate a large manufacturing facility that has 77514
ceased operation or has announced its intention to cease 77515
operation, in return for exemption for a specified number of 77516
years, not to exceed fifteen, of a specified portion, up to one 77517
hundred per cent, of tangible personal property used in business 77518
at the project site as a result of the agreement, or of real 77519
property constituting the project site, or both. 77520

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 77521
this section, the portion of the assessed value of tangible 77522
personal property or of the increase in the assessed valuation of 77523
real property exempted from taxation under those divisions may 77524
exceed sixty per cent in any year for which that portion is 77525
exempted if the average percentage exempted for all years in which 77526

the agreement is in effect does not exceed fifty per cent, or if 77527
the board of education of the city, local, or exempted village 77528
school district within the territory of which the property is or 77529
will be located approves a percentage in excess of sixty per cent. 77530

(b) Notwithstanding any provision of the Revised Code to the 77531
contrary, the exemptions described in divisions (B)(1)(b)(i), 77532
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 77533
fifteen years if the board of education of the city, local, or 77534
exempted village school district within the territory of which the 77535
property is or will be located approves a number of years in 77536
excess of ten. 77537

(c) For the purpose of obtaining the approval of a city, 77538
local, or exempted village school district under division 77539
(C)(1)(a) or (b) of this section, the board of county 77540
commissioners shall deliver to the board of education a notice not 77541
later than forty-five days prior to approving the agreement, 77542
excluding Saturdays, Sundays, and legal holidays as defined in 77543
section 1.14 of the Revised Code. The notice shall state the 77544
percentage to be exempted, an estimate of the true value of the 77545
property to be exempted, and the number of years the property is 77546
to be exempted. The board of education, by resolution adopted by a 77547
majority of the board, shall approve or disapprove the agreement 77548
and certify a copy of the resolution to the board of county 77549
commissioners not later than fourteen days prior to the date 77550
stipulated by the board of county commissioners as the date upon 77551
which approval of the agreement is to be formally considered by 77552
the board of county commissioners. The board of education may 77553
include in the resolution conditions under which the board would 77554
approve the agreement, including the execution of an agreement to 77555
compensate the school district under division (B) of section 77556
5709.82 of the Revised Code. The board of county commissioners may 77557
approve the agreement at any time after the board of education 77558

certifies its resolution approving the agreement to the board of 77559
county commissioners, or, if the board of education approves the 77560
agreement conditionally, at any time after the conditions are 77561
agreed to by the board of education and the board of county 77562
commissioners. 77563

If a board of education has adopted a resolution waiving its 77564
right to approve agreements and the resolution remains in effect, 77565
approval of an agreement by the board of education is not required 77566
under division (C) of this section. If a board of education has 77567
adopted a resolution allowing a board of county commissioners to 77568
deliver the notice required under this division fewer than 77569
forty-five business days prior to approval of the agreement by the 77570
board of county commissioners, the board of county commissioners 77571
shall deliver the notice to the board of education not later than 77572
the number of days prior to such approval as prescribed by the 77573
board of education in its resolution. If a board of education 77574
adopts a resolution waiving its right to approve agreements or 77575
shortening the notification period, the board of education shall 77576
certify a copy of the resolution to the board of county 77577
commissioners. If the board of education rescinds such a 77578
resolution, it shall certify notice of the rescission to the board 77579
of county commissioners. 77580

(2) The board of county commissioners shall comply with 77581
section 5709.83 of the Revised Code unless the board of education 77582
has adopted a resolution under that section waiving its right to 77583
receive such notice. 77584

(D) This division applies to zones certified by the director 77585
of development under this section prior to July 22, 1994. 77586

On or before October 15, ~~2009~~ 2010, and with the consent of 77587
the legislative authority of each affected municipal corporation 77588
or board of township trustees of each affected township, the board 77589
of county commissioners that designated a zone to which this 77590

division applies may enter into an agreement with an enterprise if 77591
the board finds that the enterprise satisfies one of the criteria 77592
described in divisions (D)(1) to (5) of this section: 77593

(1) The enterprise currently has no operations in this state 77594
and, subject to approval of the agreement, intends to establish 77595
operations in the zone; 77596

(2) The enterprise currently has operations in this state 77597
and, subject to approval of the agreement, intends to establish 77598
operations at a new location in the zone that would not result in 77599
a reduction in the number of employee positions at any of the 77600
enterprise's other locations in this state; 77601

(3) The enterprise, subject to approval of the agreement, 77602
intends to relocate operations, currently located in another 77603
state, to the zone; 77604

(4) The enterprise, subject to approval of the agreement, 77605
intends to expand operations at an existing site in the zone that 77606
the enterprise currently operates; 77607

(5) The enterprise, subject to approval of the agreement, 77608
intends to relocate operations, currently located in this state, 77609
to the zone, and the director of development has issued a waiver 77610
for the enterprise under division (B) of section 5709.633 of the 77611
Revised Code. 77612

The agreement shall require the enterprise to agree to 77613
establish, expand, renovate, or occupy a facility in the zone and 77614
hire new employees, or preserve employment opportunities for 77615
existing employees, in return for one or more of the incentives 77616
described in division (B) of this section. 77617

(E) All agreements entered into under this section shall be 77618
in the form prescribed under section 5709.631 of the Revised Code. 77619
After an agreement under this section is entered into, if the 77620
board of county commissioners revokes its designation of a zone, 77621

or if the director of development revokes a zone's certification, 77622
any entitlements granted under the agreement shall continue for 77623
the number of years specified in the agreement. 77624

(F) Except as otherwise provided in this division, an 77625
agreement entered into under this section shall require that the 77626
enterprise pay an annual fee equal to the greater of one per cent 77627
of the dollar value of incentives offered under the agreement or 77628
five hundred dollars; provided, however, that if the value of the 77629
incentives exceeds two hundred fifty thousand dollars, the fee 77630
shall not exceed two thousand five hundred dollars. The fee shall 77631
be payable to the board of county commissioners once per year for 77632
each year the agreement is effective on the days and in the form 77633
specified in the agreement. Fees paid shall be deposited in a 77634
special fund created for such purpose by the board and shall be 77635
used by the board exclusively for the purpose of complying with 77636
section 5709.68 of the Revised Code and by the tax incentive 77637
review council created under section 5709.85 of the Revised Code 77638
exclusively for the purposes of performing the duties prescribed 77639
under that section. The board may waive or reduce the amount of 77640
the fee charged against an enterprise, but such waiver or 77641
reduction does not affect the obligations of the board or the tax 77642
incentive review council to comply with section 5709.68 or 5709.85 77643
of the Revised Code, respectively. 77644

(G) With the approval of the legislative authority of a 77645
municipal corporation or the board of township trustees of a 77646
township in which a zone is designated under division (A) of this 77647
section, the board of county commissioners may delegate to that 77648
legislative authority or board any powers and duties of the board 77649
of county commissioners to negotiate and administer agreements 77650
with regard to that zone under this section. 77651

(H) When an agreement is entered into pursuant to this 77652
section, the board of county commissioners authorizing the 77653

agreement or the legislative authority or board of township 77654
trustees that negotiates and administers the agreement shall 77655
forward a copy of the agreement to the director of development and 77656
to the tax commissioner within fifteen days after the agreement is 77657
entered into. If any agreement includes terms not provided for in 77658
section 5709.631 of the Revised Code affecting the revenue of a 77659
city, local, or exempted village school district or causing 77660
revenue to be foregone by the district, including any compensation 77661
to be paid to the school district pursuant to section 5709.82 of 77662
the Revised Code, those terms also shall be forwarded in writing 77663
to the director of development along with the copy of the 77664
agreement forwarded under this division. 77665

(I) After an agreement is entered into, the enterprise shall 77666
file with each personal property tax return required to be filed, 77667
or annual report that is required to be filed under section 77668
5727.08 of the Revised Code, while the agreement is in effect, an 77669
informational return, on a form prescribed by the tax commissioner 77670
for that purpose, setting forth separately the property, and 77671
related costs and values, exempted from taxation under the 77672
agreement. 77673

(J) Enterprises may agree to give preference to residents of 77674
the zone within which the agreement applies relative to residents 77675
of this state who do not reside in the zone when hiring new 77676
employees under the agreement. 77677

(K) An agreement entered into under this section may include 77678
a provision requiring the enterprise to create one or more 77679
temporary internship positions for students enrolled in a course 77680
of study at a school or other educational institution in the 77681
vicinity, and to create a scholarship or provide another form of 77682
educational financial assistance for students holding such a 77683
position in exchange for the student's commitment to work for the 77684
enterprise at the completion of the internship. 77685

(L) The tax commissioner's authority in determining the 77686
accuracy of any exemption granted by an agreement entered into 77687
under this section is limited to divisions (B)(1)(b)(i) and (ii), 77688
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 77689
this section as it pertains to divisions (C)(2)(a), (b), and (c) 77690
of section 5709.62 of the Revised Code, and divisions (B)(1) to 77691
(10) of section 5709.631 of the Revised Code and, as authorized by 77692
law, to enforcing any modification to, or revocation of, that 77693
agreement by the board of county commissioners or the director of 77694
development or, if the board's powers and duties are delegated 77695
under division (G) of this section, by the legislative authority 77696
of a municipal corporation or board of township trustees. 77697

Sec. 5709.632. (A)(1) The legislative authority of a 77698
municipal corporation defined by the United States office of 77699
management and budget as a principal city of a metropolitan 77700
statistical area may, in the manner set forth in section 5709.62 77701
of the Revised Code, designate one or more areas in the municipal 77702
corporation as a proposed enterprise zone. 77703

(2) With the consent of the legislative authority of each 77704
affected municipal corporation or of a board of township trustees, 77705
a board of county commissioners may, in the manner set forth in 77706
section 5709.62 of the Revised Code, designate one or more areas 77707
in one or more municipal corporations or in unincorporated areas 77708
of the county as proposed urban jobs and enterprise zones, except 77709
that a board of county commissioners may designate no more than 77710
one area within a township, or within adjacent townships, as a 77711
proposed urban jobs and enterprise zone. 77712

(3) The legislative authority or board of county 77713
commissioners may petition the director of development for 77714
certification of the area as having the characteristics set forth 77715
in division (A)(3) of section 5709.61 of the Revised Code. Within 77716

sixty days after receiving such a petition, the director shall 77717
determine whether the area has the characteristics set forth in 77718
that division and forward the findings to the legislative 77719
authority or board of county commissioners. If the director 77720
certifies the area as having those characteristics and thereby 77721
certifies it as a zone, the legislative authority or board may 77722
enter into agreements with enterprises under division (B) of this 77723
section. Any enterprise wishing to enter into an agreement with a 77724
legislative authority or board of county commissioners under this 77725
section and satisfying one of the criteria described in divisions 77726
(B)(1) to (5) of this section shall submit a proposal to the 77727
legislative authority or board on the form prescribed under 77728
division (B) of section 5709.62 of the Revised Code and shall 77729
review and update the estimates and listings required by the form 77730
in the manner required under that division. The legislative 77731
authority or board may, on a separate form and at any time, 77732
require any additional information necessary to determine whether 77733
an enterprise is in compliance with an agreement and to collect 77734
the information required to be reported under section 5709.68 of 77735
the Revised Code. 77736

(B) Prior to entering into an agreement with an enterprise, 77737
the legislative authority or board of county commissioners shall 77738
determine whether the enterprise submitting the proposal is 77739
qualified by financial responsibility and business experience to 77740
create and preserve employment opportunities in the zone and to 77741
improve the economic climate of the municipal corporation or 77742
municipal corporations or the unincorporated areas in which the 77743
zone is located and to which the proposal applies, and whether the 77744
enterprise satisfies one of the following criteria: 77745

(1) The enterprise currently has no operations in this state 77746
and, subject to approval of the agreement, intends to establish 77747
operations in the zone; 77748

(2) The enterprise currently has operations in this state 77749
and, subject to approval of the agreement, intends to establish 77750
operations at a new location in the zone that would not result in 77751
a reduction in the number of employee positions at any of the 77752
enterprise's other locations in this state; 77753

(3) The enterprise, subject to approval of the agreement, 77754
intends to relocate operations, currently located in another 77755
state, to the zone; 77756

(4) The enterprise, subject to approval of the agreement, 77757
intends to expand operations at an existing site in the zone that 77758
the enterprise currently operates; 77759

(5) The enterprise, subject to approval of the agreement, 77760
intends to relocate operations, currently located in this state, 77761
to the zone, and the director of development has issued a waiver 77762
for the enterprise under division (B) of section 5709.633 of the 77763
Revised Code. 77764

(C) If the legislative authority or board determines that the 77765
enterprise is so qualified and satisfies one of the criteria 77766
described in divisions (B)(1) to (5) of this section, the 77767
legislative authority or board may, after complying with section 77768
5709.83 of the Revised Code and on or before October 15, ~~2009~~ 77769
2010, and, in the case of a board of commissioners, with the 77770
consent of the legislative authority of each affected municipal 77771
corporation or of the board of township trustees, enter into an 77772
agreement with the enterprise under which the enterprise agrees to 77773
establish, expand, renovate, or occupy a facility in the zone and 77774
hire new employees, or preserve employment opportunities for 77775
existing employees, in return for the following incentives: 77776

(1) When the facility is located in a municipal corporation, 77777
a legislative authority or board of commissioners may enter into 77778
an agreement for one or more of the incentives provided in 77779

division (C) of section 5709.62 of the Revised Code, subject to 77780
division (D) of that section; 77781

(2) When the facility is located in an unincorporated area, a 77782
board of commissioners may enter into an agreement for one or more 77783
of the incentives provided in divisions (B)(1)(b), (B)(2), and 77784
(B)(3) of section 5709.63 of the Revised Code, subject to division 77785
(C) of that section. 77786

(D) All agreements entered into under this section shall be 77787
in the form prescribed under section 5709.631 of the Revised Code. 77788
After an agreement under this section is entered into, if the 77789
legislative authority or board of county commissioners revokes its 77790
designation of the zone, or if the director of development revokes 77791
the zone's certification, any entitlements granted under the 77792
agreement shall continue for the number of years specified in the 77793
agreement. 77794

(E) Except as otherwise provided in this division, an 77795
agreement entered into under this section shall require that the 77796
enterprise pay an annual fee equal to the greater of one per cent 77797
of the dollar value of incentives offered under the agreement or 77798
five hundred dollars; provided, however, that if the value of the 77799
incentives exceeds two hundred fifty thousand dollars, the fee 77800
shall not exceed two thousand five hundred dollars. The fee shall 77801
be payable to the legislative authority or board of commissioners 77802
once per year for each year the agreement is effective on the days 77803
and in the form specified in the agreement. Fees paid shall be 77804
deposited in a special fund created for such purpose by the 77805
legislative authority or board and shall be used by the 77806
legislative authority or board exclusively for the purpose of 77807
complying with section 5709.68 of the Revised Code and by the tax 77808
incentive review council created under section 5709.85 of the 77809
Revised Code exclusively for the purposes of performing the duties 77810
prescribed under that section. The legislative authority or board 77811

may waive or reduce the amount of the fee charged against an 77812
enterprise, but such waiver or reduction does not affect the 77813
obligations of the legislative authority or board or the tax 77814
incentive review council to comply with section 5709.68 or 5709.85 77815
of the Revised Code, respectively. 77816

(F) With the approval of the legislative authority of a 77817
municipal corporation or the board of township trustees of a 77818
township in which a zone is designated under division (A)(2) of 77819
this section, the board of county commissioners may delegate to 77820
that legislative authority or board any powers and duties of the 77821
board to negotiate and administer agreements with regard to that 77822
zone under this section. 77823

(G) When an agreement is entered into pursuant to this 77824
section, the legislative authority or board of commissioners 77825
authorizing the agreement shall forward a copy of the agreement to 77826
the director of development and to the tax commissioner within 77827
fifteen days after the agreement is entered into. If any agreement 77828
includes terms not provided for in section 5709.631 of the Revised 77829
Code affecting the revenue of a city, local, or exempted village 77830
school district or causing revenue to be foregone by the district, 77831
including any compensation to be paid to the school district 77832
pursuant to section 5709.82 of the Revised Code, those terms also 77833
shall be forwarded in writing to the director of development along 77834
with the copy of the agreement forwarded under this division. 77835

77836

(H) After an agreement is entered into, the enterprise shall 77837
file with each personal property tax return required to be filed 77838
while the agreement is in effect, an informational return, on a 77839
form prescribed by the tax commissioner for that purpose, setting 77840
forth separately the property, and related costs and values, 77841
exempted from taxation under the agreement. 77842

(I) An agreement entered into under this section may include 77843

a provision requiring the enterprise to create one or more 77844
temporary internship positions for students enrolled in a course 77845
of study at a school or other educational institution in the 77846
vicinity, and to create a scholarship or provide another form of 77847
educational financial assistance for students holding such a 77848
position in exchange for the student's commitment to work for the 77849
enterprise at the completion of the internship. 77850

Sec. 5711.33. (A)(1) When a county treasurer receives a 77851
certificate from a county auditor pursuant to division (A) of 77852
section 5711.32 of the Revised Code charging the treasurer with 77853
the collection of an amount of taxes due as the result of a 77854
deficiency assessment, the treasurer shall immediately prepare and 77855
mail a tax bill to the taxpayer owing such tax. The tax bill shall 77856
contain the name of the taxpayer; the taxable value, tax rate, and 77857
taxes charged for each year being assessed; the total amount of 77858
taxes due; the final date payment may be made without additional 77859
penalty; and any other information the treasurer considers 77860
pertinent or necessary. Taxes due and payable as a result of a 77861
deficiency assessment, less any amount specifically excepted from 77862
collection under division (B) of section 5711.32 of the Revised 77863
Code, shall be paid with interest thereon as prescribed by section 77864
5719.041 of the Revised Code on or before the sixtieth day 77865
following the date of issuance of the certificate by the county 77866
auditor. The balance of taxes found due and payable after a final 77867
determination by the tax commissioner or a final judgment of the 77868
board of tax appeals or any court to which such final judgment may 77869
be appealed shall be paid with interest thereon as prescribed by 77870
section 5719.041 of the Revised Code on or before the sixtieth day 77871
following the date of certification by the auditor to the 77872
treasurer pursuant to division (C) of section 5711.32 of the 77873
Revised Code of such final determination or judgment. Such final 77874
dates for payment shall be determined and exhibited on the tax 77875

bill by the treasurer. 77876

(2) If, on or before the sixtieth day following the date of a 77877
certification of a deficiency assessment under division (A) of 77878
section 5711.32 of the Revised Code or of a certification of a 77879
final determination or judgment under division (C) of section 77880
5711.32 of the Revised Code, the taxpayer pays the full amount of 77881
taxes and interest due at the time of the receipt of certification 77882
with respect to that assessment, determination, or judgment, no 77883
interest shall accrue or be charged with respect to that 77884
assessment, determination, or judgment for the period that begins 77885
on the first day of the month in which the certification is made 77886
and that ends on the last day of the month preceding the month in 77887
which such sixtieth day occurs. 77888

(B) When the taxes charged, as mentioned in division (A) of 77889
this section, are not paid within the time prescribed by such 77890
division, a penalty of ten per cent of the amount due and unpaid 77891
and interest for the period described in division (A)(2) of this 77892
section shall accrue at the time the treasurer closes the 77893
treasurer's office for business on the last day so prescribed, but 77894
if the taxes are paid within ten days subsequent to the last day 77895
prescribed, the treasurer shall waive the collection of and the 77896
auditor shall remit one-half of the penalty. The treasurer shall 77897
not thereafter accept less than the full amount of taxes and 77898
penalty except as otherwise authorized by law. Such penalty shall 77899
be distributed in the same manner and at the same time as the tax 77900
upon which it has accrued. The whole amount collected shall be 77901
included in the next succeeding settlement of appropriate taxes. 77902

(C) When the taxes charged, as mentioned in division (A) of 77903
this section, remain unpaid after the final date for payment 77904
prescribed by such division, such charges shall be deemed to be 77905
delinquent taxes. The county auditor shall cause such charges, 77906
including the penalty that has accrued pursuant to this section, 77907

to be added to the delinquent tax duplicate in accordance with 77908
section 5719.04 of the Revised Code. 77909

(D) The county auditor, upon consultation with the county 77910
treasurer, shall remit a penalty imposed under division (B) of 77911
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 77912
Code for the late payment of taxes when: 77913

(1) The taxpayer could not make timely payment of the tax 77914
because of the negligence or error of the county auditor or county 77915
treasurer in the performance of a statutory duty relating to the 77916
levy or collection of such tax. 77917

(2) In cases other than those described in division (D)(1) of 77918
this section, the taxpayer failed to receive a tax bill or a 77919
correct tax bill, and the taxpayer made a good faith effort to 77920
obtain such bill within thirty days after the last day for payment 77921
of the tax. 77922

(3) The tax was not timely paid because of the death or 77923
serious injury of the taxpayer, or the taxpayer's confinement in a 77924
hospital within sixty days preceding the last day for payment of 77925
the tax if, in any case, the tax was subsequently paid within 77926
sixty days after the last day for payment of such tax. 77927

(4) The taxpayer demonstrates that the full payment was 77928
properly deposited in the mail in sufficient time for the envelope 77929
to be postmarked by the United States postal service on or before 77930
the last day for payment of such tax. A private meter postmark on 77931
an envelope is not a valid postmark for purposes of establishing 77932
the date of payment of such tax. 77933

(5) In cases other than those described in divisions (D)(1) 77934
to (4) of this section, the taxpayer's failure to make timely 77935
payment of the tax is due to reasonable cause and not willful 77936
neglect. 77937

(E) The taxpayer, upon application within sixty days after 77938

the mailing of the county auditor's decision, may request the tax 77939
commissioner to review the denial of the remission of a penalty by 77940
the county auditor. The application may be filed in person or by 77941
certified mail. If the application is filed by certified mail, the 77942
date of the United States postmark placed on the sender's receipt 77943
by the postal service shall be treated as the date of filing. The 77944
commissioner shall consider the application, determine whether the 77945
penalty should be remitted, and certify the determination to the 77946
taxpayer and to the county treasurer and county auditor, who shall 77947
correct the tax list and duplicate accordingly. The commissioner 77948
may issue orders and instructions for the uniform implementation 77949
of this section by all county auditors and county treasurers, and 77950
such orders and instructions shall be followed by such officers. 77951

Sec. 5715.02. The county treasurer, county auditor, and ~~the~~ 77952
~~president of a member of~~ the board of county commissioners 77953
selected by the board of county commissioners shall constitute the 77954
county board of revision, or they may provide for one or more 77955
hearing boards when they deem the creation of such to be necessary 77956
to the expeditious hearing of valuation complaints. Each such 77957
official may~~7~~ appoint one qualified employee from ~~his~~ the 77958
official's office to serve in ~~his~~ the official's place and stead 77959
on each such board for the purpose of hearing complaints as to the 77960
value of real property only, each such hearing board has the same 77961
authority to hear and decide complaints and sign the journal as 77962
the board of revision, and shall proceed in the manner provided 77963
for the board of revision by sections 5715.08 to 5715.20~~7~~ 77964
~~inclusive~~, of the Revised Code. Any decision by a hearing board 77965
shall be the decision of the board of revision. 77966

A majority of a county board of revision or hearing board 77967
shall constitute a quorum to hear and determine any complaint, and 77968
any vacancy shall not impair the right of the remaining members of 77969
such board, whether elected officials or appointees, to exercise 77970

all the powers thereof so long as a majority remains. 77971

Each member of a county board of revision or hearing board 77972
may administer oaths. 77973

Sec. 5715.251. The county auditor may appeal to the board of 77974
tax appeals any determination of change in the abstract of real 77975
property of a taxing district in ~~his~~ the auditor's county that is 77976
made by the tax commissioner under section 5715.24 of the Revised 77977
Code. The appeal shall be taken within thirty days after receipt 77978
of the statement by the county auditor of the commissioner's 77979
determination by the filing by the county auditor of a notice of 77980
appeal with the board and the commissioner. Such notice of appeal 77981
shall set forth the determination of the commissioner appealed 77982
from and the errors therein complained of. Proof of the filing of 77983
such notice with the commissioner shall be filed with the board. 77984
The board shall have exclusive jurisdiction of the appeal. 77985

In all such appeals the commissioner shall be made appellee. 77986
Unless waived, notice of the appeal shall be served upon the 77987
commissioner by certified mail. The prosecuting attorney shall 77988
represent the county auditor in such an appeal. 77989

The commissioner, upon written demand filed by the county 77990
auditor, shall within thirty days after the filing of such demand 77991
file with the board a certified transcript of the record of the 77992
commissioner's proceedings pertaining to the determination 77993
complained of and the evidence ~~he~~ the commissioner considered in 77994
making such determination. 77995

If upon hearing and consideration of such record and evidence 77996
the board decides that the determination appealed from is 77997
reasonable and lawful, it shall affirm the same, but if the board 77998
decides that such determination is unreasonable or unlawful, the 77999
board shall reverse and vacate the determination or modify it and 78000
enter final order in accordance with such modification. 78001

The secretary of the board shall ~~certify~~ send the order of 78002
the board to the county auditor and to the commissioner, and they 78003
shall take such action in connection therewith as is required to 78004
give effect to the order of the board. At the request of the 78005
county auditor, the board of tax appeal's order shall be sent by 78006
certified mail at the county auditor's expense. 78007

Sec. 5717.03. (A) A decision of the board of tax appeals on 78008
an appeal filed with it pursuant to section 5717.01, 5717.011, or 78009
5717.02 of the Revised Code shall be entered of record on the 78010
journal together with the date when the order is filed with the 78011
secretary for journalization. 78012

(B) In case of an appeal from a decision of a county board of 78013
revision, the board of tax appeals shall determine the taxable 78014
value of the property whose valuation or assessment by the county 78015
board of revision is complained of, or in the event the complaint 78016
and appeal is against a discriminatory valuation, shall determine 78017
a valuation which shall correct such discrimination, and shall 78018
determine the liability of the property for taxation, if that 78019
question is in issue, and the board of tax ~~appeals's~~ appeals' 78020
decision and the date when it was filed with the secretary for 78021
journalization shall be ~~certified~~ sent by the board ~~by certified~~ 78022
~~mail~~ to all persons who were parties to the appeal before the 78023
board, to the person in whose name the property is listed, or 78024
sought to be listed, if such person is not a party to the appeal, 78025
to the county auditor of the county in which the property involved 78026
in the appeal is located, and to the tax commissioner. 78027

In correcting a discriminatory valuation, the board of tax 78028
appeals shall increase or decrease the value of the property whose 78029
valuation or assessment by the county board of revision is 78030
complained of by a per cent or amount which will cause such 78031
property to be listed and valued for taxation by an equal and 78032

uniform rule. 78033

(C) In the case of an appeal from a review, redetermination, 78034
or correction of a tax assessment, valuation, determination, 78035
finding, computation, or order of the tax commissioner, the order 78036
of the board of tax appeals and the date of the entry thereof upon 78037
its journal shall be ~~certified~~ sent by the board ~~by certified mail~~ 78038
to all persons who were parties to the appeal before the board, 78039
the person in whose name the property is listed or sought to be 78040
listed, if the decision determines the valuation or liability of 78041
property for taxation and if such person is not a party to the 78042
appeal, the taxpayer or other person to whom notice of the tax 78043
assessment, valuation, determination, finding, computation, or 78044
order, or correction or redetermination thereof, by the tax 78045
commissioner was by law required to be given, the director of 78046
budget and management, if the revenues affected by such decision 78047
would accrue primarily to the state treasury, and the county 78048
auditors of the counties to the undivided general tax funds of 78049
which the revenues affected by such decision would primarily 78050
accrue. 78051

(D) In the case of an appeal from a municipal board of appeal 78052
created under section 718.11 of the Revised Code, the order of the 78053
board of tax appeals and the date of the entry thereof upon the 78054
board's journal shall be ~~certified~~ sent by the board ~~by certified~~ 78055
~~mail~~ to all persons who were parties to the appeal before the 78056
board. 78057

(E) In the case of all other appeals or applications filed 78058
with and determined by the board, the board's order and the date 78059
when the order was filed by the secretary for journalization shall 78060
be ~~certified~~ sent by the board ~~by certified mail~~ to the person who 78061
is a party to such appeal or application, to such persons as the 78062
law requires, and to such other persons as the board deems proper. 78063

(F) The orders of the board may affirm, reverse, vacate, 78064

modify, or remand the tax assessments, valuations, determinations, 78065
findings, computations, or orders complained of in the appeals 78066
determined by the board, and the board's decision shall become 78067
final and conclusive for the current year unless reversed, 78068
vacated, or modified as provided in section 5717.04 of the Revised 78069
Code. When an order of the board becomes final the tax 78070
commissioner and all officers to whom such decision has been 78071
~~certified~~ sent shall make the changes in their tax lists or other 78072
records which the decision requires. 78073

(G) If the board finds that issues not raised on the appeal 78074
are important to a determination of a controversy, the board may 78075
remand the cause for an administrative determination and the 78076
issuance of a new tax assessment, valuation, determination, 78077
finding, computation, or order, unless the parties stipulate to 78078
the determination of such other issues without remand. An order 78079
remanding the cause is a final order. If the order relates to any 78080
issue other than a municipal income tax matter appealed under 78081
sections 718.11 and 5717.011 of the Revised Code, the order may be 78082
appealed to the court of appeals in Franklin county. If the order 78083
relates to a municipal income tax matter appealed under sections 78084
718.11 and 5717.011 of the Revised Code, the order may be appealed 78085
to the court of appeals for the county in which the municipal 78086
corporation in which the dispute arose is primarily situated. 78087

(H) At the request of any person that filed an appeal subject 78088
to this section, the decision or order of the board of tax appeals 78089
issued pursuant to division (B), (C), (D), or (E) of this section 78090
shall be sent by certified mail at the requestor's expense. 78091

Sec. 5717.04. The proceeding to obtain a reversal, vacation, 78092
or modification of a decision of the board of tax appeals shall be 78093
by appeal to the supreme court or the court of appeals for the 78094
county in which the property taxed is situate or in which the 78095

taxpayer resides. If the taxpayer is a corporation, then the 78096
proceeding to obtain such reversal, vacation, or modification 78097
shall be by appeal to the supreme court or to the court of appeals 78098
for the county in which the property taxed is situate, or the 78099
county of residence of the agent for service of process, tax 78100
notices, or demands, or the county in which the corporation has 78101
its principal place of business. In all other instances, the 78102
proceeding to obtain such reversal, vacation, or modification 78103
shall be by appeal to the court of appeals for Franklin county. 78104

Appeals from decisions of the board determining appeals from 78105
decisions of county boards of revision may be instituted by any of 78106
the persons who were parties to the appeal before the board of tax 78107
appeals, by the person in whose name the property involved in the 78108
appeal is listed or sought to be listed, if such person was not a 78109
party to the appeal before the board of tax appeals, or by the 78110
county auditor of the county in which the property involved in the 78111
appeal is located. 78112

Appeals from decisions of the board of tax appeals 78113
determining appeals from final determinations by the tax 78114
commissioner of any preliminary, amended, or final tax 78115
assessments, reassessments, valuations, determinations, findings, 78116
computations, or orders made by the commissioner may be instituted 78117
by any of the persons who were parties to the appeal or 78118
application before the board, by the person in whose name the 78119
property is listed or sought to be listed, if the decision 78120
appealed from determines the valuation or liability of property 78121
for taxation and if any such person was not a party to the appeal 78122
or application before the board, by the taxpayer or any other 78123
person to whom the decision of the board appealed from was by law 78124
required to be ~~certified~~ sent, by the director of budget and 78125
management, if the revenue affected by the decision of the board 78126
appealed from would accrue primarily to the state treasury, by the 78127

county auditor of the county to the undivided general tax funds of 78128
which the revenues affected by the decision of the board appealed 78129
from would primarily accrue, or by the tax commissioner. 78130

Appeals from decisions of the board upon all other appeals or 78131
applications filed with and determined by the board may be 78132
instituted by any of the persons who were parties to such appeal 78133
or application before the board, by any persons to whom the 78134
decision of the board appealed from was by law required to be 78135
~~certified~~ sent, or by any other person to whom the board ~~certified~~ 78136
sent the decision appealed from, as authorized by section 5717.03 78137
of the Revised Code. 78138

Such appeals shall be taken within thirty days after the date 78139
of the entry of the decision of the board on the journal of its 78140
proceedings, as provided by such section, by the filing by 78141
appellant of a notice of appeal with the court to which the appeal 78142
is taken and the board. If a timely notice of appeal is filed by a 78143
party, any other party may file a notice of appeal within ten days 78144
of the date on which the first notice of appeal was filed or 78145
within the time otherwise prescribed in this section, whichever is 78146
later. A notice of appeal shall set forth the decision of the 78147
board appealed from and the errors therein complained of. Proof of 78148
the filing of such notice with the board shall be filed with the 78149
court to which the appeal is being taken. The court in which 78150
notice of appeal is first filed shall have exclusive jurisdiction 78151
of the appeal. 78152

In all such appeals the tax commissioner or all persons to 78153
whom the decision of the board appealed from is required by such 78154
section to be ~~certified~~ sent, other than the appellant, shall be 78155
made appellees. Unless waived, notice of the appeal shall be 78156
served upon all appellees by certified mail. The prosecuting 78157
attorney shall represent the county auditor in any such appeal in 78158
which the auditor is a party. 78159

The board, upon written demand filed by an appellant, shall 78160
within thirty days after the filing of such demand file with the 78161
court to which the appeal is being taken a certified transcript of 78162
the record of the proceedings of the board pertaining to the 78163
decision complained of and the evidence considered by the board in 78164
making such decision. 78165

If upon hearing and consideration of such record and evidence 78166
the court decides that the decision of the board appealed from is 78167
reasonable and lawful it shall affirm the same, but if the court 78168
decides that such decision of the board is unreasonable or 78169
unlawful, the court shall reverse and vacate the decision or 78170
modify it and enter final judgment in accordance with such 78171
modification. 78172

The clerk of the court shall certify the judgment of the 78173
court to the board, which shall certify such judgment to such 78174
public officials or take such other action in connection therewith 78175
as is required to give effect to the decision. The "taxpayer" 78176
includes any person required to return any property for taxation. 78177

Any party to the appeal shall have the right to appeal from 78178
the judgment of the court of appeals on questions of law, as in 78179
other cases. 78180

Sec. 5721.03. (A) At the time of making the delinquent land 78181
list, as provided in section 5721.011 of the Revised Code, the 78182
county auditor shall compile a delinquent tax list consisting of 78183
all lands on the delinquent land list on which taxes have become 78184
delinquent at the close of the collection period immediately 78185
preceding the making of the delinquent land list. The auditor 78186
shall also compile a delinquent vacant land tax list of all 78187
delinquent vacant lands prior to the institution of any 78188
foreclosure and forfeiture actions against delinquent vacant lands 78189
under section 5721.14 of the Revised Code or any foreclosure 78190

actions against delinquent vacant lands under section 5721.18 of 78191
the Revised Code. 78192

The delinquent tax list, and the delinquent vacant land tax 78193
list if one is compiled, shall contain all of the information 78194
included on the delinquent land list, except that, if the 78195
auditor's records show that the name of the person in whose name 78196
the property currently is listed is not the name that appears on 78197
the delinquent land list, the name used in the delinquent tax list 78198
or the delinquent vacant land tax list shall be the name of the 78199
person the auditor's records show as the person in whose name the 78200
property currently is listed. 78201

Lands that have been included in a previously published 78202
delinquent tax list shall not be included in the delinquent tax 78203
list so long as taxes have remained delinquent on such lands for 78204
the entire intervening time. 78205

In either list, there may be included lands that have been 78206
omitted in error from a prior list and lands with respect to which 78207
the auditor has received a certification that a delinquent tax 78208
contract has become void since the publication of the last 78209
previously published list, provided the name of the owner was 78210
stricken from a prior list under section 5721.02 of the Revised 78211
Code. 78212

(B)(1) ~~The~~ Except as provided in division (B)(5) of this 78213
section, the county auditor shall cause the delinquent tax list 78214
and the delinquent vacant land tax list, if one is compiled, to be 78215
published twice within sixty days after the delivery of the 78216
delinquent land duplicate to the county treasurer, in a newspaper 78217
of general circulation in the county. The publication shall be 78218
printed in the English language. 78219

The auditor shall insert display notices of the forthcoming 78220
publication of the delinquent tax list and, if it is to be 78221

published, the delinquent vacant land tax list once a week for two 78222
consecutive weeks in a newspaper of general circulation in the 78223
county. The display notices shall contain the times and methods of 78224
payment of taxes provided by law, including information concerning 78225
installment payments made in accordance with a written delinquent 78226
tax contract. The display notice for the delinquent tax list also 78227
shall include a notice that an interest charge will accrue on 78228
accounts remaining unpaid after the last day of November unless 78229
the taxpayer enters into a written delinquent tax contract to pay 78230
such taxes in installments. The display notice for the delinquent 78231
vacant land tax list if it is to be published also shall include a 78232
notice that delinquent vacant lands in the list are lands on which 78233
taxes have remained unpaid for one year after being certified 78234
delinquent, and that they are subject to foreclosure proceedings 78235
as provided in section 323.25, sections 323.65 to 323.79, or 78236
section 5721.18 of the Revised Code, or foreclosure and forfeiture 78237
proceedings as provided in section 5721.14 of the Revised Code. 78238
Each display notice also shall state that the lands are subject to 78239
a tax certificate sale under section 5721.32 or 5721.33 of the 78240
Revised Code or assignment to a county land reutilization 78241
corporation, as the case may be, and shall include any other 78242
information that the auditor considers pertinent to the purpose of 78243
the notice. The display notices shall be furnished by the auditor 78244
to the newspapers selected to publish the lists at least ten days 78245
before their first publication. 78246

(2) Publication of the list or lists may be made by a 78247
newspaper in installments, provided the complete publication of 78248
each list is made twice during the sixty-day period. 78249

(3) There shall be attached to the delinquent tax list a 78250
notice that the delinquent lands will be certified for foreclosure 78251
by the auditor unless the taxes, assessments, interest, and 78252
penalties due and owing on them are paid. There shall be attached 78253

to the delinquent vacant land tax list, if it is to be published, 78254
a notice that delinquent vacant lands will be certified for 78255
foreclosure or foreclosure and forfeiture by the auditor unless 78256
the taxes, assessments, interest, and penalties due and owing on 78257
them are paid within twenty-eight days after the final publication 78258
of the notice. 78259

(4) The auditor shall review the first publication of each 78260
list for accuracy and completeness and may correct any errors 78261
appearing in the list in the second publication. 78262

(5) In lieu of publication of the display notices and list in 78263
a newspaper as otherwise required in division (B) of this section, 78264
a county auditor who maintains a web site accessible to the public 78265
via the internet may publish the display notice and list by 78266
posting them on the web site. The list shall first be posted 78267
within thirty days after the delinquent land duplicate is 78268
delivered to the county treasurer and, once posted, shall continue 78269
to be posted for at least sixty days after such delivery. The 78270
notice required by division (B)(3) of this section shall be in the 78271
form prescribed by section 5721.06 of the Revised Code and shall 78272
be prominently displayed on the posting. The display notice shall 78273
be posted not later than two weeks before the date the list is 78274
required to be posted and, once posted, shall continue to be 78275
posted until the list is posted. The county auditor may correct 78276
any errors on the list during the time it is posted. 78277

(C) For the purposes of section 5721.18 of the Revised Code, 78278
land is first certified delinquent on the date of the 78279
certification of the delinquent land list containing that land. 78280

Sec. 5725.151. (A) As used in this section, "certificate 78281
owner" has the same meaning as in section 149.311 of the Revised 78282
Code. 78283

(B) There is allowed a credit against the tax imposed by 78284

section 5707.03 and assessed under section 5725.15 of the Revised Code for a dealer in intangibles subject to that tax that is a certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code. The credit shall equal twenty-five per cent of the dollar amount indicated on the certificate, but the amount of the credit allowed for any dealer for any year shall not exceed five million dollars. The credit shall be claimed in the calendar year specified in the certificate. If the credit exceeds the amount of tax otherwise due in that year, the excess shall be refunded to the dealer but, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due in that year shall not exceed three million dollars. The dealer may carry forward any balance of the credit in excess of the amount claimed in that year for not more than five ensuing years, and shall deduct any amount claimed in any such year from the amount claimed in an ensuing year.

If the dealer is a pass-through entity as defined in section 5733.04 of the Revised Code, the credit may be allocated among the dealer's equity owners in proportion to their ownership interests or in such proportions or amounts as the equity owners mutually agree.

(C) A dealer in intangibles claiming a credit under this section shall retain the rehabilitation tax credit certificate for four years following the end of the year in which the credit was claimed, and shall make the certificate available for inspection by the tax commissioner upon the request of the tax commissioner during that period.

(D) For the purpose of division (C) of section 5725.24 of the Revised Code, reductions in the amount of taxes collected on account of credits allowed under this section shall be applied to reduce the amount credited to the general revenue fund and shall

not be applied to reduce the amount to be credited to the 78317
undivided local government funds of the counties in which such 78318
taxes originate. 78319

Sec. 5725.18. (A) An annual franchise tax on the privilege of 78320
being an insurance company is hereby levied on each domestic 78321
insurance company. In the month of May, annually, the treasurer of 78322
state shall charge for collection from each domestic insurance 78323
company a franchise tax in the amount computed in accordance with 78324
the following, as applicable: 78325

(1) With respect to a domestic insurance company that is a 78326
health insuring corporation, one per cent of all premium rate 78327
payments received, exclusive of payments received under the 78328
medicare program established under Title XVIII of the "Social 78329
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 78330
~~or pursuant to the medical assistance program established under~~ 78331
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 78332
report for the preceding calendar year; 78333

(2) With respect to a domestic insurance company that is not 78334
a health insuring corporation, one and four-tenths per cent of the 78335
gross amount of premiums received from policies covering risks 78336
within this state, exclusive of premiums received under the 78337
medicare program established under Title XVIII of the "Social 78338
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 78339
~~or pursuant to the medical assistance program established under~~ 78340
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 78341
statement for the preceding calendar year, and, if the company 78342
operates a health insuring corporation as a line of business, one 78343
per cent of all premium rate payments received from that line of 78344
business, exclusive of payments received under the medicare 78345
program established under Title XVIII of the "Social Security 78346
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ 78347

~~pursuant to the medical assistance program established under 78348
Chapter 5111. of the Revised Code, as reflected in its annual 78349
statement for the preceding calendar year. 78350~~

(B) The gross amount of premium rate payments or premiums 78351
used to compute the applicable tax in accordance with division (A) 78352
of this section is subject to the deductions prescribed by section 78353
5729.03 of the Revised Code for foreign insurance companies. The 78354
objects of such tax are those declared in section 5725.24 of the 78355
Revised Code, to which only such tax shall be applied. 78356

(C) In no case shall such tax be less than two hundred fifty 78357
dollars. 78358

Sec. 5725.33. (A) Except as otherwise provided in this 78359
section, terms used in this section have the same meaning as 78360
section 45D of the Internal Revenue Code, any related proposed, 78361
temporary or final regulations promulgated under the Internal 78362
Revenue Code, any rules or guidance of the internal revenue 78363
service or the United States department of the treasury, and any 78364
related rules or guidance issued by the community development 78365
financial institutions fund of the United States department of the 78366
treasury, as such law, regulations, rules, and guidance exist on 78367
the effective date of the enactment of this section by H.B. 1 of 78368
the 128th general assembly. 78369

As used in this section: 78370

(1) "Adjusted purchase price" means the amount paid for 78371
qualified equity investments multiplied by the qualified 78372
low-income community investments made by the issuer in projects 78373
located in this state as a percentage of the total amount of 78374
qualified low-income community investments made by the issuer in 78375
projects located in all states on the credit allowance date during 78376
the applicable tax year, subject to divisions (B)(1) and (2) of 78377
this section. 78378

(2) "Applicable percentage" means zero per cent for each of the first two credit allowance dates, seven per cent for the third credit allowance date, and eight per cent for the four following credit allowance dates. 78379
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(3) "Credit allowance date" means the date, on or after January 1, 2010, a qualified equity investment is made and each of the six anniversary dates thereafter. For qualified equity investments made after the effective date of this section but before January 1, 2010, the initial credit allowance date is January 1, 2010, and each of the six anniversary dates thereafter is on the first day of January of each year. 78383
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(4) "Qualified active low-income community business" excludes any business that derives or projects to derive fifteen per cent or more of annual revenue from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its gross annual revenue from the rental or sale of real property. 78390
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(5) "Qualified community development entity" includes only entities: 78399
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(a) That have entered into an allocation agreement with the community development financial institutions fund of the United States department of the treasury with respect to credits authorized by section 45D of the Internal Revenue Code; 78401
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(b) Whose service area includes any portion of this state; 78405
and 78406

(c) That will designate an equity investment in such entities as a qualified equity investment for purposes of both section 45D of the Internal Revenue Code and this section. 78407
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(6) "Qualified equity investment" is limited to an equity investment in a qualified community development entity that: 78410
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(a) Is acquired after the effective date of the enactment of this section at its original issuance solely in exchange for cash; 78412
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(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments; and 78415
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(c) Is designated by the issuer as a qualified equity investment. 78422
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"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder. 78424
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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section: 78429
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(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh 78436
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anniversary of the issuance of the qualified equity investment, 78441
the qualified community development entity reinvests an amount 78442
equal to the capital returned to or received or recovered by the 78443
qualified community development entity from the original 78444
investment, exclusive of any profits realized and costs incurred 78445
in the sale or repayment, in another qualified low-income 78446
community investment within twelve months of the receipt of such 78447
capital. If the qualified low-income community investment is sold 78448
or repaid after the sixth anniversary of the issuance of the 78449
qualified equity investment, the qualified low-income community 78450
investment shall be considered held by the qualified community 78451
development entity through the seventh anniversary of the 78452
qualified equity investment's issuance. 78453

(2) The qualified low-income community investment made in 78454
this state shall equal the sum of the qualified low-income 78455
community investments in each qualified active low-income 78456
community business in this state, not to exceed two million five 78457
hundred sixty-four thousand dollars, in which the qualified 78458
community development entity invests, including such investments 78459
in any such businesses in this state related to that qualified 78460
active low-income community business through majority ownership or 78461
control. 78462

The credit shall be claimed in the order prescribed by 78463
section 5725.98 of the Revised Code. If the amount of the credit 78464
exceeds the amount of tax otherwise due after deducting all other 78465
credits in that order, the excess may be carried forward and 78466
applied to the tax due for not more than four ensuing years. 78467

By claiming a tax credit under this section, an insurance 78468
company waives its rights under section 5725.222 of the Revised 78469
Code with respect to the time limitation for the assessment of 78470
taxes as it relates to credits claimed that later become subject 78471
to recapture under division (E) of this section. 78472

(C) The amount of qualified equity investments on the basis of which credits may be claimed under this section and sections 5729.16 and 5733.58 of the Revised Code shall not exceed the amount, estimated by the director of development, that would cause the total amount of credits allowed each fiscal year to exceed ten million dollars, computed without regard to the potential for taxpayers to carry tax credits forward to later years.

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(D) If any amount of the federal tax credit allowed for a qualified equity investment for which a credit was received under this section is recaptured under section 45D of the Internal Revenue Code, or if the director of development determines that an investment for which a tax credit is claimed under this section is not a qualified equity investment or that the proceeds of an investment for which a tax credit is claimed under this section are used to make qualified low-income community investments other than in a qualified active low-income community business, all or a portion of the credit received on account of that investment shall be paid by the insurance company that received the credit to the superintendent of insurance. The amount to be recovered shall be determined by the director of development pursuant to rules adopted under division (E) of this section. The director shall certify any amount due under this division to the superintendent of insurance, and the superintendent shall notify the treasurer of state of the amount due. Upon notification, the treasurer shall invoice the insurance company for the amount due. The amount due is payable not later than thirty days after the date the treasurer invoices the insurance company. The amount due shall be considered to be tax due under section 5725.18 of the Revised Code, and may be collected by assessment without regard to the time limitations imposed under section 5725.222 of the Revised Code for the assessment of taxes by the superintendent. All amounts collected under this division shall be credited as revenue from the tax

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levied under section 5725.18 of the Revised Code. 78506

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(E) The tax credits authorized under this section and sections 5729.16 and 5733.58 of the Revised Code shall be administered by the department of development. The director of development, in consultation with the tax commissioner and the superintendent of insurance, pursuant to Chapter 119. of the Revised Code, shall adopt rules for the administration of this section and sections 5729.16 and 5733.58 of the Revised Code. The rules shall provide for determining the recovery of credits under division (D) of this section, division (D) of section 5729.16, and section 5733.58 of the Revised Code, including prorating the amount of the credit to be recovered on any reasonable basis, the manner in which credits may be allocated among claimants, and the amount of any application or other fees to be charged in connection with a recovery. 78508
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(F) There is hereby created in the state treasury the new markets tax credit operating fund. The director of development is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5729.16 and 5733.58 of the Revised Code. Any such fees collected shall be credited to the fund. The director of development shall use money in the fund to pay expenses related to the administration of tax credits authorized under sections 5725.33, 5729.16, and 5733.58 of the Revised Code. 78522
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Sec. 5725.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 78531
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(1) The credit for an insurance company or insurance company 78536

group under section 5729.031 of the Revised Code. 78537

(2) The credit for eligible employee training costs under 78538
section 5725.31 of the Revised Code. 78539

(3) The credit for purchasers of qualified low-income 78540
community investments under section 5725.33 of the Revised Code; 78541

(4) The job retention credit under section 122.171 of the 78542
Revised Code; 78543

(5) The offset of assessments by the Ohio life and health 78544
insurance guaranty association permitted by section 3956.20 of the 78545
Revised Code. 78546

~~(4)~~(6) The refundable credit for Ohio job creation under 78547
section 5725.32 of the Revised Code. 78548

~~(5)~~(7) The refundable credit under section ~~5729.08~~ 5725.19 of 78549
the Revised Code for losses on loans made under the Ohio venture 78550
capital program under sections 150.01 to 150.10 of the Revised 78551
Code. 78552

(B) For any credit except the credits enumerated in divisions 78553
(A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for 78554
a taxable year shall not exceed the tax due after allowing for any 78555
other credit that precedes it in the order required under this 78556
section. Any excess amount of a particular credit may be carried 78557
forward if authorized under the section creating that credit. 78558
Nothing in this chapter shall be construed to allow a taxpayer to 78559
claim, directly or indirectly, a credit more than once for a 78560
taxable year. 78561

Sec. 5727.811. (A) For the purpose of raising revenue for 78562
public education and state and local government operations, an 78563
excise tax is hereby levied on every natural gas distribution 78564
company for all natural gas volumes billed by, or on behalf of, 78565
the company beginning with the measurement period that includes 78566

July 1, 2001. Except as provided in divisions (C) or (D) of this section, the tax shall be levied at the following rates per MCF of natural gas distributed by the company through a meter of an end user in this state:

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	
For the next 101 to 2000 MCF per month	\$.0877	
For 2001 and above MCF per month	\$.0411	

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state.

(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with ~~fifty~~ seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax

imposed by this section at the rate of \$.02 per MCF of natural gas 78599
distributed by the company through the meter of a flex customer. 78600
The natural gas distribution company correspondingly shall reduce 78601
the per MCF rate that it charges the flex customer for natural gas 78602
distribution services by \$.02 per MCF of natural gas distributed 78603
to the flex customer. 78604

(E) Except as provided in division (F) of this section, each 78605
natural gas distribution company shall pay the tax imposed by this 78606
section in all of the following circumstances: 78607

(1) The natural gas is distributed by the company through a 78608
meter of an end user in this state; 78609

(2) The natural gas distribution company is distributing 78610
natural gas through a meter located in another state, but the 78611
natural gas is consumed in this state in the manner prescribed by 78612
the tax commissioner; 78613

(3) The natural gas distribution company is distributing 78614
natural gas in this state without the use of a meter, but the 78615
natural gas is consumed in this state as estimated and in the 78616
manner prescribed by the tax commissioner. 78617

(F) The tax levied by this section does not apply to the 78618
distribution of natural gas to the federal government, or natural 78619
gas produced by an end user in this state that is consumed by that 78620
end user or its affiliates and is not distributed through the 78621
facilities of a natural gas company. 78622

Sec. 5727.84. (A) As used in this section and sections 78623
5727.85, 5727.86, and 5727.87 of the Revised Code: 78624

(1) "School district" means a city, local, or exempted 78625
village school district. 78626

(2) "Joint vocational school district" means a joint 78627
vocational school district created under section 3311.16 of the 78628

Revised Code, and includes a cooperative education school district 78629
created under section 3311.52 or 3311.521 of the Revised Code and 78630
a county school financing district created under section 3311.50 78631
of the Revised Code. 78632

(3) "Local taxing unit" means a subdivision or taxing unit, 78633
as defined in section 5705.01 of the Revised Code, a park district 78634
created under Chapter 1545. of the Revised Code, or a township 78635
park district established under section 511.23 of the Revised 78636
Code, but excludes school districts and joint vocational school 78637
districts. 78638

(4) "State education aid," for a school district, means the 78639
sum of state aid amounts computed for the district under divisions 78640
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 78641
divisions (B), (C), and (D) of section 3317.023; divisions (G), 78642
(L), and (N) of section 3317.024; and sections 3317.029, 78643
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 78644
the Revised Code; and the adjustments required by: division (C) of 78645
section 3310.08; division (C)(2) of section 3310.41; section 78646
3310.55; division (C) of section 3314.08; division (D)(2) of 78647
section 3314.091; division (D) of section 3314.13; divisions (E), 78648
(K), (L), (M), and (N) of section 3317.023; division (C) of 78649
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 78650
Code. However, when calculating state education aid for a school 78651
district for fiscal years 2008 and 2009, include the amount 78652
computed for the district under Section 269.20.80 of H.B. 119 of 78653
the 127th general assembly, as subsequently amended, instead of 78654
division (D) of section 3317.022 of the Revised Code; and include 78655
amounts calculated under Section 269.30.80 of this act, as 78656
subsequently amended; ~~and account for adjustments under division~~ 78657
~~(C)(2) of section 3310.41 of the Revised Code.~~ 78658

(5) "State education aid," for a joint vocational school 78659
78660

district, means the sum of the state aid amounts computed for the 78661
district under division (N) of section 3317.024 and section 78662
3317.16 of the Revised Code. However, when calculating state 78663
education aid for a joint vocational school district for fiscal 78664
years 2008 and 2009, include the amount computed for the district 78665
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 78666
as subsequently amended. 78667

(6) "State education aid offset" means the amount determined 78668
for each school district or joint vocational school district under 78669
division (A)(1) of section 5727.85 of the Revised Code. 78670

(7) "Recognized valuation" has the same meaning as in section 78671
3317.02 of the Revised Code. 78672

(8) "Electric company tax value loss" means the amount 78673
determined under division (D) of this section. 78674

(9) "Natural gas company tax value loss" means the amount 78675
determined under division (E) of this section. 78676

(10) "Tax value loss" means the sum of the electric company 78677
tax value loss and the natural gas company tax value loss. 78678

(11) "Fixed-rate levy" means any tax levied on property other 78679
than a fixed-sum levy. 78680

(12) "Fixed-rate levy loss" means the amount determined under 78681
division (G) of this section. 78682

(13) "Fixed-sum levy" means a tax levied on property at 78683
whatever rate is required to produce a specified amount of tax 78684
money or levied in excess of the ten-mill limitation to pay debt 78685
charges, and includes school district emergency levies imposed 78686
pursuant to section 5705.194 of the Revised Code. 78687

(14) "Fixed-sum levy loss" means the amount determined under 78688
division (H) of this section. 78689

(15) "Consumer price index" means the consumer price index 78690

(all items, all urban consumers) prepared by the bureau of labor 78691
statistics of the United States department of labor. 78692

(B) The kilowatt-hour tax receipts fund is hereby created in 78693
the state treasury and shall consist of money arising from the tax 78694
imposed by section 5727.81 of the Revised Code. All money in the 78695
kilowatt-hour tax receipts fund shall be credited as follows: 78696

(1) Sixty-three per cent shall be credited to the general 78697
revenue fund. 78698

(2) Twenty-five and four-tenths per cent shall be credited to 78699
the school district property tax replacement fund, which is hereby 78700
created in the state treasury for the purpose of making the 78701
payments described in section 5727.85 of the Revised Code. 78702

(3) Eleven and six-tenths per cent shall be credited to the 78703
local government property tax replacement fund, which is hereby 78704
created in the state treasury for the purpose of making the 78705
payments described in section 5727.86 of the Revised Code. 78706

(C) The natural gas tax receipts fund is hereby created in 78707
the state treasury and shall consist of money arising from the tax 78708
imposed by section 5727.811 of the Revised Code. All money in the 78709
fund shall be credited as follows: 78710

(1) Sixty-eight and seven-tenths per cent shall be credited 78711
to the school district property tax replacement fund for the 78712
purpose of making the payments described in section 5727.85 of the 78713
Revised Code. 78714

(2) Thirty-one and three-tenths per cent shall be credited to 78715
the local government property tax replacement fund for the purpose 78716
of making the payments described in section 5727.86 of the Revised 78717
Code. 78718

(D) Not later than January 1, 2002, the tax commissioner 78719
shall determine for each taxing district its electric company tax 78720

value loss, which is the sum of the applicable amounts described 78721
in divisions (D)(1) to (4) of this section: 78722

(1) The difference obtained by subtracting the amount 78723
described in division (D)(1)(b) from the amount described in 78724
division (D)(1)(a) of this section. 78725

(a) The value of electric company and rural electric company 78726
tangible personal property as assessed by the tax commissioner for 78727
tax year 1998 on a preliminary assessment, or an amended 78728
preliminary assessment if issued prior to March 1, 1999, and as 78729
apportioned to the taxing district for tax year 1998; 78730

(b) The value of electric company and rural electric company 78731
tangible personal property as assessed by the tax commissioner for 78732
tax year 1998 had the property been apportioned to the taxing 78733
district for tax year 2001, and assessed at the rates in effect 78734
for tax year 2001. 78735

(2) The difference obtained by subtracting the amount 78736
described in division (D)(2)(b) from the amount described in 78737
division (D)(2)(a) of this section. 78738

(a) The three-year average for tax years 1996, 1997, and 1998 78739
of the assessed value from nuclear fuel materials and assemblies 78740
assessed against a person under Chapter 5711. of the Revised Code 78741
from the leasing of them to an electric company for those 78742
respective tax years, as reflected in the preliminary assessments; 78743

(b) The three-year average assessed value from nuclear fuel 78744
materials and assemblies assessed under division (D)(2)(a) of this 78745
section for tax years 1996, 1997, and 1998, as reflected in the 78746
preliminary assessments, using an assessment rate of twenty-five 78747
per cent. 78748

(3) In the case of a taxing district having a nuclear power 78749
plant within its territory, any amount, resulting in an electric 78750
company tax value loss, obtained by subtracting the amount 78751

described in division (D)(1) of this section from the difference 78752
obtained by subtracting the amount described in division (D)(3)(b) 78753
of this section from the amount described in division (D)(3)(a) of 78754
this section. 78755

(a) The value of electric company tangible personal property 78756
as assessed by the tax commissioner for tax year 2000 on a 78757
preliminary assessment, or an amended preliminary assessment if 78758
issued prior to March 1, 2001, and as apportioned to the taxing 78759
district for tax year 2000; 78760

(b) The value of electric company tangible personal property 78761
as assessed by the tax commissioner for tax year 2001 on a 78762
preliminary assessment, or an amended preliminary assessment if 78763
issued prior to March 1, 2002, and as apportioned to the taxing 78764
district for tax year 2001. 78765

(4) In the case of a taxing district having a nuclear power 78766
plant within its territory, the difference obtained by subtracting 78767
the amount described in division (D)(4)(b) of this section from 78768
the amount described in division (D)(4)(a) of this section, 78769
provided that such difference is greater than ten per cent of the 78770
amount described in division (D)(4)(a) of this section. 78771

(a) The value of electric company tangible personal property 78772
as assessed by the tax commissioner for tax year 2005 on a 78773
preliminary assessment, or an amended preliminary assessment if 78774
issued prior to March 1, 2006, and as apportioned to the taxing 78775
district for tax year 2005; 78776

(b) The value of electric company tangible personal property 78777
as assessed by the tax commissioner for tax year 2006 on a 78778
preliminary assessment, or an amended preliminary assessment if 78779
issued prior to March 1, 2007, and as apportioned to the taxing 78780
district for tax year 2006. 78781

(E) Not later than January 1, 2002, the tax commissioner 78782

shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:

(1) The difference obtained by subtracting the amount described in division (E)(1)(b) from the amount described in division (E)(1)(a) of this section.

(a) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;

(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a

report to help determine the tax value loss under divisions (D) 78814
and (E) of this section. The report shall be filed within thirty 78815
days of the commissioner's request. A company that fails to file 78816
the report or does not timely file the report is subject to the 78817
penalty in section 5727.60 of the Revised Code. 78818

(G) Not later than January 1, 2002, the tax commissioner 78819
shall determine for each school district, joint vocational school 78820
district, and local taxing unit its fixed-rate levy loss, which is 78821
the sum of its electric company tax value loss multiplied by the 78822
tax rate in effect in tax year 1998 for fixed-rate levies and its 78823
natural gas company tax value loss multiplied by the tax rate in 78824
effect in tax year 1999 for fixed-rate levies. 78825

(H) Not later than January 1, 2002, the tax commissioner 78826
shall determine for each school district, joint vocational school 78827
district, and local taxing unit its fixed-sum levy loss, which is 78828
the amount obtained by subtracting the amount described in 78829
division (H)(2) of this section from the amount described in 78830
division (H)(1) of this section: 78831

(1) The sum of the electric company tax value loss multiplied 78832
by the tax rate in effect in tax year 1998, and the natural gas 78833
company tax value loss multiplied by the tax rate in effect in tax 78834
year 1999, for fixed-sum levies for all taxing districts within 78835
each school district, joint vocational school district, and local 78836
taxing unit. For the years 2002 through 2006, this computation 78837
shall include school district emergency levies that existed in 78838
1998 in the case of the electric company tax value loss, and 1999 78839
in the case of the natural gas company tax value loss, and all 78840
other fixed-sum levies that existed in 1998 in the case of the 78841
electric company tax value loss and 1999 in the case of the 78842
natural gas company tax value loss and continue to be charged in 78843
the tax year preceding the distribution year. For the years 2007 78844
through 2016 in the case of school district emergency levies, and 78845

for all years after 2006 in the case of all other fixed-sum 78846
levies, this computation shall exclude all fixed-sum levies that 78847
existed in 1998 in the case of the electric company tax value loss 78848
and 1999 in the case of the natural gas company tax value loss, 78849
but are no longer in effect in the tax year preceding the 78850
distribution year. For the purposes of this section, an emergency 78851
levy that existed in 1998 in the case of the electric company tax 78852
value loss, and 1999 in the case of the natural gas company tax 78853
value loss, continues to exist in a year beginning on or after 78854
January 1, 2007, but before January 1, 2017, if, in that year, the 78855
board of education levies a school district emergency levy for an 78856
annual sum at least equal to the annual sum levied by the board in 78857
tax year 1998 or 1999, respectively, less the amount of the 78858
payment certified under this division for 2002. 78859

(2) The total taxable value in tax year 1999 less the tax 78860
value loss in each school district, joint vocational school 78861
district, and local taxing unit multiplied by one-fourth of one 78862
mill. 78863

If the amount computed under division (H) of this section for 78864
any school district, joint vocational school district, or local 78865
taxing unit is greater than zero, that amount shall equal the 78866
fixed-sum levy loss reimbursed pursuant to division (E) of section 78867
5727.85 of the Revised Code or division (A)(2) of section 5727.86 78868
of the Revised Code, and the one-fourth of one mill that is 78869
subtracted under division (H)(2) of this section shall be 78870
apportioned among all contributing fixed-sum levies in the 78871
proportion of each levy to the sum of all fixed-sum levies within 78872
each school district, joint vocational school district, or local 78873
taxing unit. 78874

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 78875
section, in computing the tax value loss, fixed-rate levy loss, 78876
and fixed-sum levy loss, the tax commissioner shall use the 78877

greater of the 1998 tax rate or the 1999 tax rate in the case of 78878
levy losses associated with the electric company tax value loss, 78879
but the 1999 tax rate shall not include for this purpose any tax 78880
levy approved by the voters after June 30, 1999, and the tax 78881
commissioner shall use the greater of the 1999 or the 2000 tax 78882
rate in the case of levy losses associated with the natural gas 78883
company tax value loss. 78884

(J) Not later than January 1, 2002, the tax commissioner 78885
shall certify to the department of education the tax value loss 78886
determined under divisions (D) and (E) of this section for each 78887
taxing district, the fixed-rate levy loss calculated under 78888
division (G) of this section, and the fixed-sum levy loss 78889
calculated under division (H) of this section. The calculations 78890
under divisions (G) and (H) of this section shall separately 78891
display the levy loss for each levy eligible for reimbursement. 78892

(K) Not later than September 1, 2001, the tax commissioner 78893
shall certify the amount of the fixed-sum levy loss to the county 78894
auditor of each county in which a school district with a fixed-sum 78895
levy loss has territory. 78896

Sec. 5728.12. Any non-resident of this state who accepts the 78897
privilege extended by the laws of this state to non-residents of 78898
operating a commercial car or commercial tractor, which is subject 78899
to the tax levied in section 5728.06 of the Revised Code, or of 78900
having the same operated within this state, and any resident of 78901
this state who operates a commercial car or commercial tractor, 78902
which is subject to the tax levied in section 5728.06 of the 78903
Revised Code, or has the same operated within this state and 78904
subsequently becomes a non-resident or conceals ~~his~~ the person's 78905
whereabouts, makes the secretary of state of the state of Ohio ~~his~~ 78906
the person's agent for the service of process or notice in any 78907
assessment, action or proceeding instituted in this state against 78908

such person out of the failure to pay the taxes imposed upon him 78909
by the provisions of section 5728.06 of the Revised Code. 78910

Such process or notice shall be served, ~~by the officer to~~ 78911
~~whom the same is directed or by the tax commissioner, or by the~~ 78912
~~sheriff of Franklin county, who may be deputized for such purpose~~ 78913
~~by the officer to whom the service is directed, upon the secretary~~ 78914
~~of state by leaving at the office of the secretary of state, at~~ 78915
~~least fifteen days before the return day of such process or~~ 78916
~~notice, a true and attested copy thereof, and by sending to the~~ 78917
~~defendant by registered or certified mail, postage prepaid, a like~~ 78918
~~and true attested copy, with an endorsement thereon of the service~~ 78919
~~upon said secretary of state, addressed to such defendant at his~~ 78920
~~last known address. The registered or certified mail return~~ 78921
~~receipt of such defendant shall be attached to and made a part of~~ 78922
~~the return of such service of process as provided under section~~ 78923
5703.37 of the Revised Code. 78924

Sec. 5729.03. (A) If the superintendent of insurance finds 78925
the annual statement required by section 5729.02 of the Revised 78926
Code to be correct, the superintendent shall compute the following 78927
amount, as applicable, of the balance of such gross amount, after 78928
deducting such return premiums and considerations received for 78929
reinsurance, and charge such amount to such company as a tax upon 78930
the business done by it in this state for the period covered by 78931
such annual statement: 78932

(1) If the company is a health insuring corporation, one per 78933
cent of the balance of premium rate payments received, exclusive 78934
of payments received under the medicare program established under 78935
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 78936
U.S.C.A. 301, as amended, ~~or pursuant to the medical assistance~~ 78937
~~program established under Chapter 5111. of the Revised Code, as~~ 78938
reflected in its annual report; 78939

(2) If the company is not a health insuring corporation, one 78940
and four-tenths per cent of the balance of premiums received, 78941
exclusive of premiums received under the medicare program 78942
established under Title XVIII of the "Social Security Act," 49 78943
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or pursuant to the~~ 78944
~~medical assistance program established under Chapter 5111. of the~~ 78945
~~Revised Code,~~ as reflected in its annual statement, and, if the 78946
company operates a health insuring corporation as a line of 78947
business, one per cent of the balance of premium rate payments 78948
received from that line of business, exclusive of payments 78949
received under the medicare program established under Title XVIII 78950
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 78951
301, as amended, ~~or pursuant to the medical assistance program~~ 78952
~~established under Chapter 5111. of the Revised Code,~~ as reflected 78953
in its annual statement. 78954

(B) Any insurance policies that were not issued in violation 78955
of Title XXXIX of the Revised Code and that were issued prior to 78956
April 15, 1967, by a life insurance company organized and operated 78957
without profit to any private shareholder or individual, 78958
exclusively for the purpose of aiding educational or scientific 78959
institutions organized and operated without profit to any private 78960
shareholder or individual, are not subject to the tax imposed by 78961
this section. All taxes collected pursuant to this section shall 78962
be credited to the general revenue fund. 78963

(C) In no case shall the tax imposed under this section be 78964
less than two hundred fifty dollars. 78965

Sec. 5729.16. (A) Terms used in this section have the same 78966
meaning as in section 5725.33 of the Revised Code. 78967

(B) There is hereby allowed a nonrefundable credit against 78968
the tax imposed by section 5729.03 of the Revised Code for a 78969
foreign insurance company holding a qualified equity investment on 78970

the credit allowance date occurring in the calendar year for which 78971
the tax is due. The credit shall be computed in the same manner 78972
prescribed for the computation of credits allowed under section 78973
5725.33 of the Revised Code. 78974

The credit shall be claimed in the order prescribed by 78975
section 5729.98 of the Revised Code. If the amount of the credit 78976
exceeds the amount of tax otherwise due after deducting all other 78977
credits in that order, the excess may be carried forward and 78978
applied to the tax due for not more than four ensuing years. 78979

By claiming a tax credit under this section, an insurance 78980
company waives its rights under section 5729.102 of the Revised 78981
Code with respect to the time limitation for the assessment of 78982
taxes as it relates to credits claimed that later become subject 78983
to recapture under division (D) of this section. 78984

(C) The total amount of qualified equity investments on the 78985
basis of which credits may be claimed under this section, section 78986
5725.33, and section 5733.58 of the Revised Code is subject to the 78987
limitation of division (C) of section 5725.33 of the Revised Code. 78988
78989

(D) If any amount of the federal tax credit allowed for a 78990
qualified equity investment for which a credit was received under 78991
this section is recaptured under section 45D of the Internal 78992
Revenue Code, or if the director of development determines that an 78993
investment for which a tax credit is claimed under this section is 78994
not a qualified equity investment or that the proceeds of an 78995
investment for which a tax credit is claimed under this section 78996
are used to make qualified low-income community investments other 78997
than in a qualified active low-income community business, all or a 78998
portion of the credit received on account of that investment shall 78999
be paid by the insurance company that received the credit to the 79000
superintendent of insurance. The amount to be recovered shall be 79001
determined by the director of development pursuant to rules 79002

adopted under section 5725.33 of the Revised Code. The director 79003
shall certify any amount due under this division to the 79004
superintendent of insurance, and the superintendent shall notify 79005
the treasurer of state of the amount due. Upon notification, the 79006
treasurer shall invoice the insurance company for the amount due. 79007
The amount due is payable not later than thirty days after the 79008
date the treasurer invoices the insurance company. The amount due 79009
shall be considered to be tax due under section 5729.03 of the 79010
Revised Code, and may be collected by assessment without regard to 79011
the time limitations imposed under section 5729.102 of the Revised 79012
Code for the assessment of taxes by the superintendent. All 79013
amounts collected under this division shall be credited as revenue 79014
from the tax levied under section 5729.03 of the Revised Code. 79015
79016

Sec. 5729.98. (A) To provide a uniform procedure for 79017
calculating the amount of tax due under this chapter, a taxpayer 79018
shall claim any credits and offsets against tax liability to which 79019
it is entitled in the following order: 79020

(1) The credit for an insurance company or insurance company 79021
group under section 5729.031 of the Revised Code. 79022

(2) The credit for eligible employee training costs under 79023
section 5729.07 of the Revised Code. 79024

(3) The credit for purchases of qualified low-income 79025
community investments under section 5729.16 of the Revised Code; 79026

(4) The job retention credit under section 122.171 of the 79027
Revised Code. 79028

(5) The offset of assessments by the Ohio life and health 79029
insurance guaranty association against tax liability permitted by 79030
section 3956.20 of the Revised Code. 79031

~~(4)~~(6) The refundable credit for Ohio job creation under 79032

section 5729.032 of the Revised Code. 79033

~~(5)(7)~~ The refundable credit under section 5729.08 of the 79034
Revised Code for losses on loans made under the Ohio venture 79035
capital program under sections 150.01 to 150.10 of the Revised 79036
Code. 79037

(B) For any credit except the credits enumerated in divisions 79038
(A)~~(4)(6)~~ and ~~(5)(7)~~ of this section, the amount of the credit for 79039
a taxable year shall not exceed the tax due after allowing for any 79040
other credit that precedes it in the order required under this 79041
section. Any excess amount of a particular credit may be carried 79042
forward if authorized under the section creating that credit. 79043
Nothing in this chapter shall be construed to allow a taxpayer to 79044
claim, directly or indirectly, a credit more than once for a 79045
taxable year. 79046

Sec. 5733.01. (A) The tax provided by this chapter for 79047
domestic corporations shall be the amount charged against each 79048
corporation organized for profit under the laws of this state and 79049
each nonprofit corporation organized pursuant to Chapter 1729. of 79050
the Revised Code, except as provided in sections 5733.09 and 79051
5733.10 of the Revised Code, for the privilege of exercising its 79052
franchise during the calendar year in which that amount is 79053
payable, and the tax provided by this chapter for foreign 79054
corporations shall be the amount charged against each corporation 79055
organized for profit and each nonprofit corporation organized or 79056
operating in the same or similar manner as nonprofit corporations 79057
organized under Chapter 1729. of the Revised Code, under the laws 79058
of any state or country other than this state, except as provided 79059
in sections 5733.09 and 5733.10 of the Revised Code, for the 79060
privilege of doing business in this state, owning or using a part 79061
or all of its capital or property in this state, holding a 79062
certificate of compliance with the laws of this state authorizing 79063

it to do business in this state, or otherwise having nexus in or 79064
with this state under the Constitution of the United States, 79065
during the calendar year in which that amount is payable. 79066

(B) A corporation is subject to the tax imposed by section 79067
5733.06 of the Revised Code for each calendar year that it is so 79068
organized, doing business, owning or using a part or all of its 79069
capital or property, holding a certificate of compliance, or 79070
otherwise having nexus in or with this state under the 79071
Constitution of the United States, on the first day of January of 79072
that calendar year. 79073

(C) Any corporation subject to this chapter that is not 79074
subject to the federal income tax shall file its returns and 79075
compute its tax liability as required by this chapter in the same 79076
manner as if that corporation were subject to the federal income 79077
tax. 79078

(D) For purposes of this chapter, a federally chartered 79079
financial institution shall be deemed to be organized under the 79080
laws of the state within which its principal office is located. 79081

(E) For purposes of this chapter, any person, as defined in 79082
section 5701.01 of the Revised Code, shall be treated as a 79083
corporation if the person is classified for federal income tax 79084
purposes as an association taxable as a corporation, and an equity 79085
interest in the person shall be treated as capital stock of the 79086
person. 79087

(F) For the purposes of this chapter, "disregarded entity" 79088
has the same meaning as in division (D) of section 5745.01 of the 79089
Revised Code. 79090

(1) A person's interest in a disregarded entity, whether held 79091
directly or indirectly, shall be treated as the person's ownership 79092
of the assets and liabilities of the disregarded entity, and the 79093
income, including gain or loss, shall be included in the person's 79094

net income under this chapter. 79095

(2) Any sale, exchange, or other disposition of the person's 79096
interest in the disregarded entity, whether held directly or 79097
indirectly, shall be treated as a sale, exchange, or other 79098
disposition of the person's share of the disregarded entity's 79099
underlying assets or liabilities, and the gain or loss from such 79100
sale, exchange, or disposition shall be included in the person's 79101
net income under this chapter. 79102

(3) The disregarded entity's payroll, property, and sales 79103
factors shall be included in the person's factors. 79104

(G) The tax a corporation is required to pay under this 79105
chapter shall be as follows: 79106

(1)(a) For financial institutions, the greater of the minimum 79107
payment required under division (E) of section 5733.06 of the 79108
Revised Code or the difference between all taxes charged the 79109
financial institution under this chapter, without regard to 79110
division (G)(2) of this section, less any credits allowable 79111
against such tax. 79112

(b) A corporation satisfying the description in division 79113
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 79114
Code that is not a financial institution, insurance company, or 79115
dealer in intangibles is subject to the taxes imposed under this 79116
chapter as a corporation and not subject to tax as a financial 79117
institution, and shall pay the greater of the minimum payment 79118
required under division (E) of section 5733.06 of the Revised Code 79119
or the difference between all the taxes charged under this 79120
chapter, without regard to division (G)(2) of this section, less 79121
any credits allowable against such tax. 79122

(2) For all corporations other than those persons described 79123
in division (G)(1)(a) or (b) of this section, the amount under 79124
division (G)(2)(a) of this section applicable to the tax year 79125

specified less the amount under division (G)(2)(b) of this section: 79126
79127

(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax; 79128
79129
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(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)~~(29)~~(30) and the refundable credits described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the Revised Code; 79132
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(iii) For tax year 2007, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or three-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)~~(29)~~(30) and the refundable credits described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the Revised Code; 79140
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(iv) For tax year 2008, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or two-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)~~(29)~~(30) and the refundable credits described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the Revised Code; 79148
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(v) For tax year 2009, the greater of the minimum payment 79156

required under division (E) of section 5733.06 of the Revised Code 79157
or one-fifth of the difference between all taxes charged the 79158
corporation under this chapter and any credits allowable against 79159
such tax, except the qualifying pass-through entity tax credit 79160
described in division (A)~~(29)~~(30) and the refundable credits 79161
described in divisions (A)~~(30)~~, (31), (32), ~~and~~ (33), and (34) of 79162
section 5733.98 of the Revised Code; 79163

(vi) For tax year 2010 and each tax year thereafter, no tax. 79164

(b) A corporation shall subtract from the amount calculated 79165
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 79166
any qualifying pass-through entity tax credit described in 79167
division (A)~~(29)~~(30) and any refundable credits described in 79168
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the 79169
Revised Code to which the corporation is entitled. Any unused 79170
qualifying pass-through entity tax credit is not refundable. 79171

(c) For the purposes of computing the amount of a credit that 79172
may be carried forward to a subsequent tax year under division 79173
(G)(2) of this section, a credit is utilized against the tax for a 79174
tax year to the extent the credit applies against the tax for that 79175
tax year, even if the difference is then multiplied by the 79176
applicable fraction under division (G)(2)(a) of this section. 79177

(3) Nothing in division (G) of this section eliminates or 79178
reduces the tax imposed by section 5733.41 of the Revised Code on 79179
a qualifying pass-through entity. 79180

Sec. 5733.04. As used in this chapter: 79181

(A) "Issued and outstanding shares of stock" applies to 79182
nonprofit corporations, as provided in section 5733.01 of the 79183
Revised Code, and includes, but is not limited to, membership 79184
certificates and other instruments evidencing ownership of an 79185
interest in such nonprofit corporations, and with respect to a 79186

financial institution that does not have capital stock, "issued 79187
and outstanding shares of stock" includes, but is not limited to, 79188
ownership interests of depositors in the capital employed in such 79189
an institution. 79190

(B) "Taxpayer" means a corporation subject to the tax imposed 79191
by section 5733.06 of the Revised Code. 79192

(C) "Resident" means a corporation organized under the laws 79193
of this state. 79194

(D) "Commercial domicile" means the principal place from 79195
which the trade or business of the taxpayer is directed or 79196
managed. 79197

(E) "Taxable year" means the period prescribed by division 79198
(A) of section 5733.031 of the Revised Code upon the net income of 79199
which the value of the taxpayer's issued and outstanding shares of 79200
stock is determined under division (B) of section 5733.05 of the 79201
Revised Code or the period prescribed by division (A) of section 79202
5733.031 of the Revised Code that immediately precedes the date as 79203
of which the total value of the corporation is determined under 79204
division (A) or (C) of section 5733.05 of the Revised Code. 79205

(F) "Tax year" means the calendar year in and for which the 79206
tax imposed by section 5733.06 of the Revised Code is required to 79207
be paid. 79208

(G) "Internal Revenue Code" means the "Internal Revenue Code 79209
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 79210

(H) "Federal income tax" means the income tax imposed by the 79211
Internal Revenue Code. 79212

(I) Except as provided in section 5733.058 of the Revised 79213
Code, "net income" means the taxpayer's taxable income before 79214
operating loss deduction and special deductions, as required to be 79215
reported for the taxpayer's taxable year under the Internal 79216

Revenue Code, subject to the following adjustments: 79217

(1)(a) Deduct any net operating loss incurred in any taxable 79218
years ending in 1971 or thereafter, but exclusive of any net 79219
operating loss incurred in taxable years ending prior to January 79220
1, 1971. This deduction shall not be allowed in any tax year 79221
commencing before December 31, 1973, but shall be carried over and 79222
allowed in tax years commencing after December 31, 1973, until 79223
fully utilized in the next succeeding taxable year or years in 79224
which the taxpayer has net income, but in no case for more than 79225
the designated carryover period as described in division (I)(1)(b) 79226
of this section. The amount of such net operating loss, as 79227
determined under the allocation and apportionment provisions of 79228
section 5733.051 and division (B) of section 5733.05 of the 79229
Revised Code for the year in which the net operating loss occurs, 79230
shall be deducted from net income, as determined under the 79231
allocation and apportionment provisions of section 5733.051 and 79232
division (B) of section 5733.05 of the Revised Code, to the extent 79233
necessary to reduce net income to zero with the remaining unused 79234
portion of the deduction, if any, carried forward to the remaining 79235
years of the designated carryover period as described in division 79236
(I)(1)(b) of this section, or until fully utilized, whichever 79237
occurs first. 79238

(b) For losses incurred in taxable years ending on or before 79239
December 31, 1981, the designated carryover period shall be the 79240
five consecutive taxable years after the taxable year in which the 79241
net operating loss occurred. For losses incurred in taxable years 79242
ending on or after January 1, 1982, and beginning before August 6, 79243
1997, the designated carryover period shall be the fifteen 79244
consecutive taxable years after the taxable year in which the net 79245
operating loss occurs. For losses incurred in taxable years 79246
beginning on or after August 6, 1997, the designated carryover 79247
period shall be the twenty consecutive taxable years after the 79248

taxable year in which the net operating loss occurs. 79249

(c) The tax commissioner may require a taxpayer to furnish 79250
any information necessary to support a claim for deduction under 79251
division (I)(1)(a) of this section and no deduction shall be 79252
allowed unless the information is furnished. 79253

(2) Deduct any amount included in net income by application 79254
of section 78 or 951 of the Internal Revenue Code, amounts 79255
received for royalties, technical or other services derived from 79256
sources outside the United States, and dividends received from a 79257
subsidiary, associate, or affiliated corporation that neither 79258
transacts any substantial portion of its business nor regularly 79259
maintains any substantial portion of its assets within the United 79260
States. For purposes of determining net foreign source income 79261
deductible under division (I)(2) of this section, the amount of 79262
gross income from all such sources other than dividend income and 79263
income derived by application of section 78 or 951 of the Internal 79264
Revenue Code shall be reduced by: 79265

(a) The amount of any reimbursed expenses for personal 79266
services performed by employees of the taxpayer for the 79267
subsidiary, associate, or affiliated corporation; 79268

(b) Ten per cent of the amount of royalty income and 79269
technical assistance fees; 79270

(c) Fifteen per cent of the amount of all other income. 79271

The amounts described in divisions (I)(2)(a) to (c) of this 79272
section are deemed to be the expenses attributable to the 79273
production of deductible foreign source income unless the taxpayer 79274
shows, by clear and convincing evidence, less actual expenses, or 79275
the tax commissioner shows, by clear and convincing evidence, more 79276
actual expenses. 79277

(3) Add any loss or deduct any gain resulting from the sale, 79278
exchange, or other disposition of a capital asset, or an asset 79279

described in section 1231 of the Internal Revenue Code, to the 79280
extent that such loss or gain occurred prior to the first taxable 79281
year on which the tax provided for in section 5733.06 of the 79282
Revised Code is computed on the corporation's net income. For 79283
purposes of division (I)(3) of this section, the amount of the 79284
prior loss or gain shall be measured by the difference between the 79285
original cost or other basis of the asset and the fair market 79286
value as of the beginning of the first taxable year on which the 79287
tax provided for in section 5733.06 of the Revised Code is 79288
computed on the corporation's net income. At the option of the 79289
taxpayer, the amount of the prior loss or gain may be a percentage 79290
of the gain or loss, which percentage shall be determined by 79291
multiplying the gain or loss by a fraction, the numerator of which 79292
is the number of months from the acquisition of the asset to the 79293
beginning of the first taxable year on which the fee provided in 79294
section 5733.06 of the Revised Code is computed on the 79295
corporation's net income, and the denominator of which is the 79296
number of months from the acquisition of the asset to the sale, 79297
exchange, or other disposition of the asset. The adjustments 79298
described in this division do not apply to any gain or loss where 79299
the gain or loss is recognized by a qualifying taxpayer, as 79300
defined in section 5733.0510 of the Revised Code, with respect to 79301
a qualifying taxable event, as defined in that section. 79302

(4) Deduct the dividend received deduction provided by 79303
section 243 of the Internal Revenue Code. 79304

(5) Deduct any interest or interest equivalent on public 79305
obligations and purchase obligations to the extent included in 79306
federal taxable income. As used in divisions (I)(5) and (6) of 79307
this section, "public obligations," "purchase obligations," and 79308
"interest or interest equivalent" have the same meanings as in 79309
section 5709.76 of the Revised Code. 79310

(6) Add any loss or deduct any gain resulting from the sale, 79311

exchange, or other disposition of public obligations to the extent 79312
included in federal taxable income. 79313

(7) To the extent not otherwise allowed, deduct any dividends 79314
or distributions received by a taxpayer from a public utility, 79315
excluding an electric company and a combined company, and, for tax 79316
years 2005 and thereafter, a telephone company, if the taxpayer 79317
owns at least eighty per cent of the issued and outstanding common 79318
stock of the public utility. As used in division (I)(7) of this 79319
section, "public utility" means a public utility as defined in 79320
Chapter 5727. of the Revised Code, whether or not the public 79321
utility is doing business in the state. 79322

(8) To the extent not otherwise allowed, deduct any dividends 79323
received by a taxpayer from an insurance company, if the taxpayer 79324
owns at least eighty per cent of the issued and outstanding common 79325
stock of the insurance company. As used in division (I)(8) of this 79326
section, "insurance company" means an insurance company that is 79327
taxable under Chapter 5725. or 5729. of the Revised Code. 79328

(9) Deduct expenditures for modifying existing buildings or 79329
structures to meet American national standards institute standard 79330
A-117.1-1961 (R-1971), as amended; provided, that no deduction 79331
shall be allowed to the extent that such deduction is not 79332
permitted under federal law or under rules of the tax 79333
commissioner. Those deductions as are allowed may be taken over a 79334
period of five years. The tax commissioner shall adopt rules under 79335
Chapter 119. of the Revised Code establishing reasonable 79336
limitations on the extent that expenditures for modifying existing 79337
buildings or structures are attributable to the purpose of making 79338
the buildings or structures accessible to and usable by physically 79339
handicapped persons. 79340

(10) Deduct the amount of wages and salaries, if any, not 79341
otherwise allowable as a deduction but that would have been 79342
allowable as a deduction in computing federal taxable income 79343

before operating loss deduction and special deductions for the 79344
taxable year, had the targeted jobs credit allowed and determined 79345
under sections 38, 51, and 52 of the Internal Revenue Code not 79346
been in effect. 79347

(11) Deduct net interest income on obligations of the United 79348
States and its territories and possessions or of any authority, 79349
commission, or instrumentality of the United States to the extent 79350
the laws of the United States prohibit inclusion of the net 79351
interest for purposes of determining the value of the taxpayer's 79352
issued and outstanding shares of stock under division (B) of 79353
section 5733.05 of the Revised Code. As used in division (I)(11) 79354
of this section, "net interest" means interest net of any expenses 79355
taken on the federal income tax return that would not have been 79356
allowed under section 265 of the Internal Revenue Code if the 79357
interest were exempt from federal income tax. 79358

(12)(a) Except as set forth in division (I)(12)(d) of this 79359
section, to the extent not included in computing the taxpayer's 79360
federal taxable income before operating loss deduction and special 79361
deductions, add gains and deduct losses from direct or indirect 79362
sales, exchanges, or other dispositions, made by a related entity 79363
who is not a taxpayer, of the taxpayer's indirect, beneficial, or 79364
constructive investment in the stock or debt of another entity, 79365
unless the gain or loss has been included in computing the federal 79366
taxable income before operating loss deduction and special 79367
deductions of another taxpayer with a more closely related 79368
investment in the stock or debt of the other entity. The amount of 79369
gain added or loss deducted shall not exceed the product obtained 79370
by multiplying such gain or loss by the taxpayer's proportionate 79371
share, directly, indirectly, beneficially, or constructively, of 79372
the outstanding stock of the related entity immediately prior to 79373
the direct or indirect sale, exchange, or other disposition. 79374

(b) Except as set forth in division (I)(12)(e) of this 79375

section, to the extent not included in computing the taxpayer's 79376
federal taxable income before operating loss deduction and special 79377
deductions, add gains and deduct losses from direct or indirect 79378
sales, exchanges, or other dispositions made by a related entity 79379
who is not a taxpayer, of intangible property other than stock, 79380
securities, and debt, if such property was owned, or used in whole 79381
or in part, at any time prior to or at the time of the sale, 79382
exchange, or disposition by either the taxpayer or by a related 79383
entity that was a taxpayer at any time during the related entity's 79384
ownership or use of such property, unless the gain or loss has 79385
been included in computing the federal taxable income before 79386
operating loss deduction and special deductions of another 79387
taxpayer with a more closely related ownership or use of such 79388
intangible property. The amount of gain added or loss deducted 79389
shall not exceed the product obtained by multiplying such gain or 79390
loss by the taxpayer's proportionate share, directly, indirectly, 79391
beneficially, or constructively, of the outstanding stock of the 79392
related entity immediately prior to the direct or indirect sale, 79393
exchange, or other disposition. 79394

(c) As used in division (I)(12) of this section, "related 79395
entity" means those entities described in divisions (I)(12)(c)(i) 79396
to (iii) of this section: 79397

(i) An individual stockholder, or a member of the 79398
stockholder's family enumerated in section 318 of the Internal 79399
Revenue Code, if the stockholder and the members of the 79400
stockholder's family own, directly, indirectly, beneficially, or 79401
constructively, in the aggregate, at least fifty per cent of the 79402
value of the taxpayer's outstanding stock; 79403

(ii) A stockholder, or a stockholder's partnership, estate, 79404
trust, or corporation, if the stockholder and the stockholder's 79405
partnerships, estates, trusts, and corporations own directly, 79406
indirectly, beneficially, or constructively, in the aggregate, at 79407

least fifty per cent of the value of the taxpayer's outstanding stock; 79408
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(iii) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (I)(12)(c)(iv) of this section, if the taxpayer owns, directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock. 79410
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(iv) The attribution rules of section 318 of the Internal Revenue Code apply for purposes of determining whether the ownership requirements in divisions (I)(12)(c)(i) to (iii) of this section have been met. 79417
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(d) For purposes of the adjustments required by division (I)(12)(a) of this section, the term "investment in the stock or debt of another entity" means only those investments where the taxpayer and the taxpayer's related entities directly, indirectly, beneficially, or constructively own, in the aggregate, at any time during the twenty-four month period commencing one year prior to the direct or indirect sale, exchange, or other disposition of such investment at least fifty per cent or more of the value of either the outstanding stock or such debt of such other entity. 79421
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(e) For purposes of the adjustments required by division (I)(12)(b) of this section, the term "related entity" excludes all of the following: 79430
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(i) Foreign corporations as defined in section 7701 of the Internal Revenue Code; 79433
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(ii) Foreign partnerships as defined in section 7701 of the Internal Revenue Code; 79435
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(iii) Corporations, partnerships, estates, and trusts created or organized in or under the laws of the Commonwealth of Puerto 79437
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Rico or any possession of the United States; 79439

(iv) Foreign estates and foreign trusts as defined in section 79440
7701 of the Internal Revenue Code. 79441

The exclusions described in divisions (I)(12)(e)(i) to (iv) 79442
of this section do not apply if the corporation, partnership, 79443
estate, or trust is described in any one of divisions (C)(1) to 79444
(5) of section 5733.042 of the Revised Code. 79445

(f) Nothing in division (I)(12) of this section shall require 79446
or permit a taxpayer to add any gains or deduct any losses 79447
described in divisions (I)(12)(f)(i) and (ii) of this section: 79448

(i) Gains or losses recognized for federal income tax 79449
purposes by an individual, estate, or trust without regard to the 79450
attribution rules described in division (I)(12)(c) of this 79451
section; 79452

(ii) A related entity's gains or losses described in division 79453
(I)(12)(b) of this section if the taxpayer's ownership of or use 79454
of such intangible property was limited to a period not exceeding 79455
nine months and was attributable to a transaction or a series of 79456
transactions executed in accordance with the election or elections 79457
made by the taxpayer or a related entity pursuant to section 338 79458
of the Internal Revenue Code. 79459

(13) Any adjustment required by section 5733.042 of the 79460
Revised Code. 79461

(14) Add any amount claimed as a credit under section 79462
5733.0611 of the Revised Code to the extent that such amount 79463
satisfies either of the following: 79464

(a) It was deducted or excluded from the computation of the 79465
corporation's taxable income before operating loss deduction and 79466
special deductions as required to be reported for the 79467
corporation's taxable year under the Internal Revenue Code; 79468

(b) It resulted in a reduction of the corporation's taxable 79469
income before operating loss deduction and special deductions as 79470
required to be reported for any of the corporation's taxable years 79471
under the Internal Revenue Code. 79472

(15) Deduct the amount contributed by the taxpayer to an 79473
individual development account program established by a county 79474
department of job and family services pursuant to sections 329.11 79475
to 329.14 of the Revised Code for the purpose of matching funds 79476
deposited by program participants. On request of the tax 79477
commissioner, the taxpayer shall provide any information that, in 79478
the tax commissioner's opinion, is necessary to establish the 79479
amount deducted under division (I)(15) of this section. 79480

(16) Any adjustment required by section 5733.0510 or 79481
5733.0511 of the Revised Code. 79482

(17)(a)(i) Add five-sixths of the amount of depreciation 79483
expense allowed under subsection (k) of section 168 of the 79484
Internal Revenue Code, including a person's proportionate or 79485
distributive share of the amount of depreciation expense allowed 79486
by that subsection to any pass-through entity in which the person 79487
has direct or indirect ownership. 79488

(ii) Add five-sixths of the amount of qualifying section 179 79489
depreciation expense, including a person's proportionate or 79490
distributive share of the amount of qualifying section 179 79491
depreciation expense allowed to any pass-through entity in which 79492
the person has a direct or indirect ownership. For the purposes of 79493
this division, "qualifying section 179 depreciation expense" means 79494
the difference between (I) the amount of depreciation expense 79495
directly or indirectly allowed to the taxpayer under section 179 79496
of the Internal Revenue Code, and (II) the amount of depreciation 79497
expense directly or indirectly allowed to the taxpayer under 79498
section 179 of the Internal Revenue Code as that section existed 79499
on December 31, 2002. 79500

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the person owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (I)(17) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back is attributable to property generating income or loss allocable under section 5733.051 of the Revised Code, the add-back shall be allocated to the same location as the income or loss generated by that property. Otherwise, the add-back shall be apportioned, subject to division (B)(2)(d) of section 5733.05 of the Revised Code.

(18)(a) If a person is required to make the add-back under division (I)(17)(a) of this section for a tax year, the person shall deduct one-fifth of the amount added back for each of the succeeding five tax years.

(b) If the amount deducted under division (I)(18)(a) of this section is attributable to an add-back allocated under division (I)(17)(c) of this section, the amount deducted shall be allocated to the same location. Otherwise, the amount shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to division (B)(2)(d) of section 5733.05 of the Revised Code.

(J) Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(K) "Financial institution" has the meaning given by section 5725.01 of the Revised Code but does not include a production

credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091. 79532

(L)(1) A "qualifying holding company" is any corporation 79533
satisfying all of the following requirements: 79534

(a) Subject to divisions (L)(2) and (3) of this section, the 79535
net book value of the corporation's intangible assets is greater 79536
than or equal to ninety per cent of the net book value of all of 79537
its assets and at least fifty per cent of the net book value of 79538
all of its assets represents direct or indirect investments in the 79539
equity of, loans and advances to, and accounts receivable due from 79540
related members; 79541

(b) At least ninety per cent of the corporation's gross 79542
income for the taxable year is attributable to the following: 79543

(i) The maintenance, management, ownership, acquisition, use, 79544
and disposition of its intangible property, its aircraft the use 79545
of which is not subject to regulation under 14 C.F.R. part 121 or 79546
part 135, and any real property described in division (L)(2)(c) of 79547
this section; 79548

(ii) The collection and distribution of income from such 79549
property. 79550

(c) The corporation is not a financial institution on the 79551
last day of the taxable year ending prior to the first day of the 79552
tax year; 79553

(d) The corporation's related members make a good faith and 79554
reasonable effort to make timely and fully the adjustments 79555
required by division ~~(C)(2)~~(D) of section 5733.05 of the Revised 79556
Code and to pay timely and fully all uncontested taxes, interest, 79557
penalties, and other fees and charges imposed under this chapter; 79558

(e) Subject to division (L)(4) of this section, the 79559
corporation elects to be treated as a qualifying holding company 79560
for the tax year. 79561

A corporation otherwise satisfying divisions (L)(1)(a) to (e) 79562
of this section that does not elect to be a qualifying holding 79563
company is not a qualifying holding company for the purposes of 79564
this chapter. 79565

(2)(a)(i) For purposes of making the ninety per cent 79566
computation under division (L)(1)(a) of this section, the net book 79567
value of the corporation's assets shall not include the net book 79568
value of aircraft or real property described in division 79569
(L)(1)(b)(i) of this section. 79570

(ii) For purposes of making the fifty per cent computation 79571
under division (L)(1)(a) of this section, the net book value of 79572
assets shall include the net book value of aircraft or real 79573
property described in division (L)(1)(b)(i) of this section. 79574

(b)(i) As used in division (L) of this section, "intangible 79575
asset" includes, but is not limited to, the corporation's direct 79576
interest in each pass-through entity only if at all times during 79577
the corporation's taxable year ending prior to the first day of 79578
the tax year the corporation's and the corporation's related 79579
members' combined direct and indirect interests in the capital or 79580
profits of such pass-through entity do not exceed fifty per cent. 79581
If the corporation's interest in the pass-through entity is an 79582
intangible asset for that taxable year, then the distributive 79583
share of any income from the pass-through entity shall be income 79584
from an intangible asset for that taxable year. 79585

(ii) If a corporation's and the corporation's related 79586
members' combined direct and indirect interests in the capital or 79587
profits of a pass-through entity exceed fifty per cent at any time 79588
during the corporation's taxable year ending prior to the first 79589
day of the tax year, "intangible asset" does not include the 79590
corporation's direct interest in the pass-through entity, and the 79591
corporation shall include in its assets its proportionate share of 79592
the assets of any such pass-through entity and shall include in 79593

its gross income its distributive share of the gross income of 79594
such pass-through entity in the same form as was earned by the 79595
pass-through entity. 79596

(iii) A pass-through entity's direct or indirect 79597
proportionate share of any other pass-through entity's assets 79598
shall be included for the purpose of computing the corporation's 79599
proportionate share of the pass-through entity's assets under 79600
division (L)(2)(b)(ii) of this section, and such pass-through 79601
entity's distributive share of any other pass-through entity's 79602
gross income shall be included for purposes of computing the 79603
corporation's distributive share of the pass-through entity's 79604
gross income under division (L)(2)(b)(ii) of this section. 79605

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 79606
(2)(a)(i), and (2)(a)(ii) of this section, real property is 79607
described in division (L)(2)(c) of this section only if all of the 79608
following conditions are present at all times during the taxable 79609
year ending prior to the first day of the tax year: 79610

(i) The real property serves as the headquarters of the 79611
corporation's trade or business, or is the place from which the 79612
corporation's trade or business is principally managed or 79613
directed; 79614

(ii) Not more than ten per cent of the value of the real 79615
property and not more than ten per cent of the square footage of 79616
the building or buildings that are part of the real property is 79617
used, made available, or occupied for the purpose of providing, 79618
acquiring, transferring, selling, or disposing of tangible 79619
property or services in the normal course of business to persons 79620
other than related members, the corporation's employees and their 79621
families, and such related members' employees and their families. 79622

(d) As used in division (L) of this section, "related member" 79623
has the same meaning as in division (A)(6) of section 5733.042 of 79624

the Revised Code without regard to division (B) of that section. 79625

(3) The percentages described in division (L)(1)(a) of this 79626
section shall be equal to the quarterly average of those 79627
percentages as calculated during the corporation's taxable year 79628
ending prior to the first day of the tax year. 79629

(4) With respect to the election described in division 79630
(L)(1)(e) of this section: 79631

(a) The election need not accompany a timely filed report; 79632

(b) The election need not accompany the report; rather, the 79633
election may accompany a subsequently filed but timely application 79634
for refund and timely amended report, or a subsequently filed but 79635
timely petition for reassessment; 79636

(c) The election is not irrevocable; 79637

(d) The election applies only to the tax year specified by 79638
the corporation; 79639

(e) The corporation's related members comply with division 79640
(L)(1)(d) of this section. 79641

Nothing in division (L)(4) of this section shall be construed 79642
to extend any statute of limitations set forth in this chapter. 79643

(M) "Qualifying controlled group" means two or more 79644
corporations that satisfy the ownership and control requirements 79645
of division (A) of section 5733.052 of the Revised Code. 79646

(N) "Limited liability company" means any limited liability 79647
company formed under Chapter 1705. of the Revised Code or under 79648
the laws of any other state. 79649

(O) "Pass-through entity" means a corporation that has made 79650
an election under subchapter S of Chapter 1 of Subtitle A of the 79651
Internal Revenue Code for its taxable year under that code, or a 79652
partnership, limited liability company, or any other person, other 79653
than an individual, trust, or estate, if the partnership, limited 79654

liability company, or other person is not classified for federal 79655
income tax purposes as an association taxed as a corporation. 79656

(P) "Electric company," "combined company," and "telephone 79657
company" have the same meanings as in section 5727.01 of the 79658
Revised Code. 79659

(Q) "Business income" means income arising from transactions, 79660
activities, and sources in the regular course of a trade or 79661
business and includes income from real property, tangible personal 79662
property, and intangible personal property if the acquisition, 79663
rental, management, and disposition of the property constitute 79664
integral parts of the regular course of a trade or business 79665
operation. "Business income" includes income, including gain or 79666
loss, from a partial or complete liquidation of a business, 79667
including, but not limited to, gain or loss from the sale or other 79668
disposition of goodwill. 79669

(R) "Nonbusiness income" means all income other than business 79670
income. 79671

Sec. 5733.58. (A) Terms used in this section have the same 79672
meaning as in section 5725.33 of the Revised Code. 79673

(B) There is hereby allowed a nonrefundable credit against 79674
the tax imposed by section 5733.06 of the Revised Code for a 79675
financial institution holding a qualified equity investment on the 79676
credit allowance date occurring in the calendar year immediately 79677
preceding the tax year for which the tax is due. The credit shall 79678
be computed in the same manner prescribed for the computation of 79679
credits allowed under section 5725.33 of the Revised Code. 79680

By claiming a tax credit under this section, a financial 79681
institution waives its rights under section 5733.11 of the Revised 79682
Code with respect to the time limitation for the assessment of 79683
taxes as it relates to credits claimed that later become subject 79684

to recapture under division (D) of this section. 79685

The credit shall be claimed in the order prescribed by 79686
section 5733.98 of the Revised Code. If the amount of the credit 79687
exceeds the amount of tax otherwise due after deducting all other 79688
credits in that order, the excess may be carried forward and 79689
applied to the tax due for not more than four ensuing tax years. 79690

(C) The total amount of qualified equity investments on the 79691
basis of which credits may be claimed under this section and 79692
sections 5725.33 and 5729.16 of the Revised Code is subject to the 79693
limitation of division (C) of section 5725.33 of the Revised Code. 79694

(D) If any amount of the federal tax credit allowed for a 79695
qualified equity investment for which a credit was received under 79696
this section is recaptured under section 45D of the Internal 79697
Revenue Code, or if the director of development determines that an 79698
investment for which a tax credit is claimed under this section is 79699
not a qualified equity investment or that the proceeds of an 79700
investment for which a tax credit is claimed under this section 79701
are used to make qualified low-income community investments other 79702
than in a qualified active low-income community business, all or a 79703
portion of the credit received on account of that investment shall 79704
be paid by the financial institution that received the credit to 79705
the tax commissioner. The amount to be recovered shall be 79706
determined by the director of development pursuant to rules 79707
adopted under section 5725.33 of the Revised Code. The director 79708
shall certify any amount due under this division to the tax 79709
commissioner, and the commissioner shall notify the financial 79710
institution of the amount due. The amount due is payable not later 79711
than thirty days after the day the commissioner issues the notice. 79712
The amount due shall be considered to be tax due under section 79713
5733.06 of the Revised Code, and may be collected by assessment 79714
without regard to the limitations imposed under section 5733.11 of 79715
the Revised Code for the assessment of taxes by the commissioner. 79716

All amounts collected under this division shall be credited as 79717
revenue from the tax levied under section 5733.06 of the Revised 79718
Code. 79719

Sec. 5733.98. (A) To provide a uniform procedure for 79720
calculating the amount of tax imposed by section 5733.06 of the 79721
Revised Code that is due under this chapter, a taxpayer shall 79722
claim any credits to which it is entitled in the following order, 79723
except as otherwise provided in section 5733.058 of the Revised 79724
Code: 79725

(1) For tax year 2005, the credit for taxes paid by a 79726
qualifying pass-through entity allowed under section 5733.0611 of 79727
the Revised Code; 79728

(2) The credit allowed for financial institutions under 79729
section 5733.45 of the Revised Code; 79730

(3) The credit for qualifying affiliated groups under section 79731
5733.068 of the Revised Code; 79732

(4) The subsidiary corporation credit under section 5733.067 79733
of the Revised Code; 79734

(5) The savings and loan assessment credit under section 79735
5733.063 of the Revised Code; 79736

(6) The credit for recycling and litter prevention donations 79737
under section 5733.064 of the Revised Code; 79738

(7) The credit for employers that enter into agreements with 79739
child day-care centers under section 5733.36 of the Revised Code; 79740

(8) The credit for employers that reimburse employee child 79741
care expenses under section 5733.38 of the Revised Code; 79742

(9) The credit for maintaining railroad active grade crossing 79743
warning devices under section 5733.43 of the Revised Code; 79744

(10) The credit for purchases of lights and reflectors under 79745

section 5733.44 of the Revised Code;	79746
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	79747 79748
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	79749 79750
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	79751 79752
(14) The job training credit under section 5733.42 of the Revised Code;	79753 79754
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	79755 79756
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	79757 79758
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	79759 79760
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	79761 79762
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	79763 79764
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	79765 79766
(21) The export sales credit under section 5733.069 of the Revised Code;	79767 79768
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	79769 79770
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	79771 79772
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	79773 79774

(25) <u>The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	79775 79776
<u>(26)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	79777 79778
(26) <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	79779 79780
(27) <u>(28)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	79781 79782 79783
(28) <u>(29)</u> The research and development credit under section 5733.352 of the Revised Code;	79784 79785
(29) <u>(30)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	79786 79787 79788
(30) <u>(31)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	79789 79790
(31) <u>(32)</u> The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	79791 79792
(32) <u>(33)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	79793 79794
(33) <u>(34)</u> The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	79795 79796 79797
(34) <u>(35)</u> For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code.	79798 79799 79800
(B) For any credit except the credits enumerated in divisions (A) (30) <u>(31)</u> to (34) <u>(35)</u> of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this	79801 79802 79803 79804

section. Any excess amount of a particular credit may be carried 79805
forward if authorized under the section creating that credit. 79806
79807

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 79808
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 79809
the Revised Code has been paid, for the purpose of operating a 79810
transit bus shall be reimbursed in the amount of ~~the~~ such tax paid 79811
on motor fuel used by public transportation systems providing 79812
transit or paratransit service on a regular and continuing basis 79813
within the state; 79814

(2) A city, exempted village, joint vocational, or local 79815
school district or educational service center that purchases any 79816
motor fuel for school district or service center operations, on 79817
which any tax imposed by section 5735.29 of the Revised Code that 79818
became effective on or after July 1, 2003, has been paid, may, if 79819
an application is filed under this section, be reimbursed in the 79820
amount of all but two cents per gallon of the total tax imposed by 79821
such section and paid on motor fuel. 79822

(3) A county board of mental retardation and developmental 79823
disabilities that, on or after July 1, 2005, purchases any motor 79824
fuel for county board operations, on which any tax imposed by 79825
section 5735.29 of the Revised Code has been paid may, if an 79826
application is filed under this section, be reimbursed in the 79827
amount of all but two cents per gallon of the total tax imposed by 79828
such section and paid on motor fuel purchased on or after July 1, 79829
2005. 79830

(B) Such person, school district, educational service center, 79831
or county board shall file with the tax commissioner an 79832
application for refund within one year from the date of purchase, 79833
stating the quantity of fuel used for operating transit buses used 79834
by local transit systems in furnishing scheduled common carrier, 79835

public passenger land transportation service along regular routes 79836
primarily in one or more municipal corporations or for operating 79837
vehicles used for school district, service center, or county board 79838
operations. However, no claim shall be made for the tax on fewer 79839
than one hundred gallons of motor fuel. A school district, 79840
educational service center, or county board shall not apply for a 79841
refund for any tax paid on motor fuel that is sold by the 79842
district, service center, or county board. The application shall 79843
be accompanied by the statement described in section 5735.15 of 79844
the Revised Code showing the purchase, together with evidence of 79845
payment thereof. 79846

(C) After consideration of the application and statement, the 79847
commissioner shall determine the amount of refund to which the 79848
applicant is entitled. If the amount is not less than that 79849
claimed, the commissioner shall certify the amount to the director 79850
of budget and management and treasurer of state for payment from 79851
the tax refund fund created by section 5703.052 of the Revised 79852
Code. If the amount is less than that claimed, the commissioner 79853
shall proceed in accordance with section 5703.70 of the Revised 79854
Code. 79855

The commissioner may require that the application be 79856
supported by the affidavit of the claimant. No refund shall be 79857
authorized or ordered for any single claim for the tax on fewer 79858
than one hundred gallons of motor fuel. No refund shall be 79859
authorized or ordered on motor fuel that is sold by a school 79860
district, educational service center, or county board. 79861

(D) The refund authorized by this section or section 5703.70 79862
of the Revised Code shall be reduced by the cents per gallon 79863
amount of any qualified fuel credit received under section 79864
5735.145 of the Revised Code, as determined by the commissioner, 79865
for each gallon of qualified fuel included in the total gallonage 79866
of motor fuel upon which the refund is computed. 79867

(E) The right to receive any refund under this section or 79868
section 5703.70 of the Revised Code is not assignable. The payment 79869
of this refund shall not be made to any person or entity other 79870
than the person or entity originally entitled thereto who used the 79871
motor fuel upon which the claim for refund is based, except that 79872
the refund when allowed and certified, as provided in this 79873
section, may be paid to the executor, the administrator, the 79874
receiver, the trustee in bankruptcy, or the assignee in insolvency 79875
proceedings of the person. 79876

Sec. 5739.01. As used in this chapter: 79877

(A) "Person" includes individuals, receivers, assignees, 79878
trustees in bankruptcy, estates, firms, partnerships, 79879
associations, joint-stock companies, joint ventures, clubs, 79880
societies, corporations, the state and its political subdivisions, 79881
and combinations of individuals of any form. 79882

(B) "Sale" and "selling" include all of the following 79883
transactions for a consideration in any manner, whether absolutely 79884
or conditionally, whether for a price or rental, in money or by 79885
exchange, and by any means whatsoever: 79886

(1) All transactions by which title or possession, or both, 79887
of tangible personal property, is or is to be transferred, or a 79888
license to use or consume tangible personal property is or is to 79889
be granted; 79890

(2) All transactions by which lodging by a hotel is or is to 79891
be furnished to transient guests; 79892

(3) All transactions by which: 79893

(a) An item of tangible personal property is or is to be 79894
repaired, except property, the purchase of which would not be 79895
subject to the tax imposed by section 5739.02 of the Revised Code; 79896

(b) An item of tangible personal property is or is to be 79897

installed, except property, the purchase of which would not be 79898
subject to the tax imposed by section 5739.02 of the Revised Code 79899
or property that is or is to be incorporated into and will become 79900
a part of a production, transmission, transportation, or 79901
distribution system for the delivery of a public utility service; 79902

(c) The service of washing, cleaning, waxing, polishing, or 79903
painting a motor vehicle is or is to be furnished; 79904

(d) Until August 1, 2003, industrial laundry cleaning 79905
services are or are to be provided and, on and after August 1, 79906
2003, laundry and dry cleaning services are or are to be provided; 79907

(e) Automatic data processing, computer services, or 79908
electronic information services are or are to be provided for use 79909
in business when the true object of the transaction is the receipt 79910
by the consumer of automatic data processing, computer services, 79911
or electronic information services rather than the receipt of 79912
personal or professional services to which automatic data 79913
processing, computer services, or electronic information services 79914
are incidental or supplemental. Notwithstanding any other 79915
provision of this chapter, such transactions that occur between 79916
members of an affiliated group are not sales. An "affiliated 79917
group" means two or more persons related in such a way that one 79918
person owns or controls the business operation of another member 79919
of the group. In the case of corporations with stock, one 79920
corporation owns or controls another if it owns more than fifty 79921
per cent of the other corporation's common stock with voting 79922
rights. 79923

(f) Telecommunications service, including prepaid calling 79924
service, prepaid wireless calling service, or ancillary service, 79925
is or is to be provided, but not including coin-operated telephone 79926
service; 79927

(g) Landscaping and lawn care service is or is to be 79928

provided;	79929
(h) Private investigation and security service is or is to be provided;	79930 79931
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	79932 79933
(j) Building maintenance and janitorial service is or is to be provided;	79934 79935
(k) Employment service is or is to be provided;	79936
(l) Employment placement service is or is to be provided;	79937
(m) Exterminating service is or is to be provided;	79938
(n) Physical fitness facility service is or is to be provided;	79939 79940
(o) Recreation and sports club service is or is to be provided;	79941 79942
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	79943 79944
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	79945 79946 79947 79948 79949 79950 79951 79952
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding	79953 79954 79955 79956 79957 79958

a certificate of public convenience and necessity issued under 49 79959
U.S.C. 41102; 79960

(s) On and after August 1, 2003, motor vehicle towing service 79961
is or is to be provided. As used in this division, "motor vehicle 79962
towing service" means the towing or conveyance of a wrecked, 79963
disabled, or illegally parked motor vehicle. 79964

(t) On and after August 1, 2003, snow removal service is or 79965
is to be provided. As used in this division, "snow removal 79966
service" means the removal of snow by any mechanized means, but 79967
does not include the providing of such service by a person that 79968
has less than five thousand dollars in sales of such service 79969
during the calendar year. 79970

(u) Electronic publishing service is or is to be provided to 79971
a consumer for use in business, except that such transactions 79972
occurring between members of an affiliated group, as defined in 79973
division (B)(3)(e) of this section, are not sales. 79974

(4) All transactions by which printed, imprinted, 79975
overprinted, lithographic, multilithic, blueprinted, photostatic, 79976
or other productions or reproductions of written or graphic matter 79977
are or are to be furnished or transferred; 79978

(5) The production or fabrication of tangible personal 79979
property for a consideration for consumers who furnish either 79980
directly or indirectly the materials used in the production of 79981
fabrication work; and include the furnishing, preparing, or 79982
serving for a consideration of any tangible personal property 79983
consumed on the premises of the person furnishing, preparing, or 79984
serving such tangible personal property. Except as provided in 79985
section 5739.03 of the Revised Code, a construction contract 79986
pursuant to which tangible personal property is or is to be 79987
incorporated into a structure or improvement on and becoming a 79988
part of real property is not a sale of such tangible personal 79989

property. The construction contractor is the consumer of such 79990
tangible personal property, provided that the sale and 79991
installation of carpeting, the sale and installation of 79992
agricultural land tile, the sale and erection or installation of 79993
portable grain bins, or the provision of landscaping and lawn care 79994
service and the transfer of property as part of such service is 79995
never a construction contract. 79996

As used in division (B)(5) of this section: 79997

(a) "Agricultural land tile" means fired clay or concrete 79998
tile, or flexible or rigid perforated plastic pipe or tubing, 79999
incorporated or to be incorporated into a subsurface drainage 80000
system appurtenant to land used or to be used directly in 80001
production by farming, agriculture, horticulture, or floriculture. 80002
The term does not include such materials when they are or are to 80003
be incorporated into a drainage system appurtenant to a building 80004
or structure even if the building or structure is used or to be 80005
used in such production. 80006

(b) "Portable grain bin" means a structure that is used or to 80007
be used by a person engaged in farming or agriculture to shelter 80008
the person's grain and that is designed to be disassembled without 80009
significant damage to its component parts. 80010

(6) All transactions in which all of the shares of stock of a 80011
closely held corporation are transferred, if the corporation is 80012
not engaging in business and its entire assets consist of boats, 80013
planes, motor vehicles, or other tangible personal property 80014
operated primarily for the use and enjoyment of the shareholders; 80015

(7) All transactions in which a warranty, maintenance or 80016
service contract, or similar agreement by which the vendor of the 80017
warranty, contract, or agreement agrees to repair or maintain the 80018
tangible personal property of the consumer is or is to be 80019
provided; 80020

(8) The transfer of copyrighted motion picture films used 80021
solely for advertising purposes, except that the transfer of such 80022
films for exhibition purposes is not a sale; 80023

(9) On and after August 1, 2003, all transactions by which 80024
tangible personal property is or is to be stored, except such 80025
property that the consumer of the storage holds for sale in the 80026
regular course of business; 80027

(10) All transactions in which "guaranteed auto protection" 80028
is provided whereby a person promises to pay to the consumer the 80029
difference between the amount the consumer receives from motor 80030
vehicle insurance and the amount the consumer owes to a person 80031
holding title to or a lien on the consumer's motor vehicle in the 80032
event the consumer's motor vehicle suffers a total loss under the 80033
terms of the motor vehicle insurance policy or is stolen and not 80034
recovered, if the protection and its price are included in the 80035
purchase or lease agreement; 80036

(11)(a) Except as provided in division (B)(11)(b) of this 80037
section, on and after October 1, 2009, all transactions by which 80038
health care services are paid for, reimbursed, provided, 80039
delivered, arranged for, or otherwise made available by a medicaid 80040
health insuring corporation pursuant to the corporation's contract 80041
with the state. 80042

(b) If the centers for medicare and medicaid services of the 80043
United States department of health and human services determines 80044
that the taxation of transactions described in division (B)(11)(a) 80045
of this section constitutes an impermissible health care-related 80046
tax under section 1903(w) of the "Social Security Act," 49 Stat. 80047
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 80048
adopted thereunder, the director of job and family services shall 80049
notify the tax commissioner of that determination. Beginning with 80050
the first day of the month following that notification, the 80051
transactions described in division (B)(11)(a) of this section are 80052

not sales for the purposes of this chapter or Chapter 5741. of the 80053
Revised Code. The tax commissioner shall order that the collection 80054
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 80055
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 80056
shall cease for transactions occurring on or after that date. 80057

Except as provided in this section, "sale" and "selling" do 80058
not include transfers of interest in leased property where the 80059
original lessee and the terms of the original lease agreement 80060
remain unchanged, or professional, insurance, or personal service 80061
transactions that involve the transfer of tangible personal 80062
property as an inconsequential element, for which no separate 80063
charges are made. 80064

(C) "Vendor" means the person providing the service or by 80065
whom the transfer effected or license given by a sale is or is to 80066
be made or given and, for sales described in division (B)(3)(i) of 80067
this section, the telecommunications service vendor that provides 80068
the nine hundred telephone service; if two or more persons are 80069
engaged in business at the same place of business under a single 80070
trade name in which all collections on account of sales by each 80071
are made, such persons shall constitute a single vendor. 80072

Physicians, dentists, hospitals, and veterinarians who are 80073
engaged in selling tangible personal property as received from 80074
others, such as eyeglasses, mouthwashes, dentifrices, or similar 80075
articles, are vendors. Veterinarians who are engaged in 80076
transferring to others for a consideration drugs, the dispensing 80077
of which does not require an order of a licensed veterinarian or 80078
physician under federal law, are vendors. 80079

(D)(1) "Consumer" means the person for whom the service is 80080
provided, to whom the transfer effected or license given by a sale 80081
is or is to be made or given, to whom the service described in 80082
division (B)(3)(f) or (i) of this section is charged, or to whom 80083
the admission is granted. 80084

(2) Physicians, dentists, hospitals, and blood banks operated 80085
by nonprofit institutions and persons licensed to practice 80086
veterinary medicine, surgery, and dentistry are consumers of all 80087
tangible personal property and services purchased by them in 80088
connection with the practice of medicine, dentistry, the rendition 80089
of hospital or blood bank service, or the practice of veterinary 80090
medicine, surgery, and dentistry. In addition to being consumers 80091
of drugs administered by them or by their assistants according to 80092
their direction, veterinarians also are consumers of drugs that 80093
under federal law may be dispensed only by or upon the order of a 80094
licensed veterinarian or physician, when transferred by them to 80095
others for a consideration to provide treatment to animals as 80096
directed by the veterinarian. 80097

(3) A person who performs a facility management, or similar 80098
service contract for a contractee is a consumer of all tangible 80099
personal property and services purchased for use in connection 80100
with the performance of such contract, regardless of whether title 80101
to any such property vests in the contractee. The purchase of such 80102
property and services is not subject to the exception for resale 80103
under division (E)(1) of this section. 80104

(4)(a) In the case of a person who purchases printed matter 80105
for the purpose of distributing it or having it distributed to the 80106
public or to a designated segment of the public, free of charge, 80107
that person is the consumer of that printed matter, and the 80108
purchase of that printed matter for that purpose is a sale. 80109

(b) In the case of a person who produces, rather than 80110
purchases, printed matter for the purpose of distributing it or 80111
having it distributed to the public or to a designated segment of 80112
the public, free of charge, that person is the consumer of all 80113
tangible personal property and services purchased for use or 80114
consumption in the production of that printed matter. That person 80115
is not entitled to claim exemption under division (B)(42)(f) of 80116

section 5739.02 of the Revised Code for any material incorporated 80117
into the printed matter or any equipment, supplies, or services 80118
primarily used to produce the printed matter. 80119

(c) The distribution of printed matter to the public or to a 80120
designated segment of the public, free of charge, is not a sale to 80121
the members of the public to whom the printed matter is 80122
distributed or to any persons who purchase space in the printed 80123
matter for advertising or other purposes. 80124

(5) A person who makes sales of any of the services listed in 80125
division (B)(3) of this section is the consumer of any tangible 80126
personal property used in performing the service. The purchase of 80127
that property is not subject to the resale exception under 80128
division (E)(1) of this section. 80129

(6) A person who engages in highway transportation for hire 80130
is the consumer of all packaging materials purchased by that 80131
person and used in performing the service, except for packaging 80132
materials sold by such person in a transaction separate from the 80133
service. 80134

(7) In the case of a transaction for health care services 80135
under division (B)(11) of this section, a medicaid health insuring 80136
corporation is the consumer of such services. The purchase of such 80137
services by a medicaid health insuring corporation is not subject 80138
to the exception for resale under division (E)(1) of this section 80139
or to the exemptions provided under divisions (B)(12), (18), (19), 80140
and (22) of section 5739.02 of the Revised Code. 80141

(E) "Retail sale" and "sales at retail" include all sales, 80142
except those in which the purpose of the consumer is to resell the 80143
thing transferred or benefit of the service provided, by a person 80144
engaging in business, in the form in which the same is, or is to 80145
be, received by the person. 80146

(F) "Business" includes any activity engaged in by any person 80147

with the object of gain, benefit, or advantage, either direct or 80148
indirect. "Business" does not include the activity of a person in 80149
managing and investing the person's own funds. 80150

(G) "Engaging in business" means commencing, conducting, or 80151
continuing in business, and liquidating a business when the 80152
liquidator thereof holds itself out to the public as conducting 80153
such business. Making a casual sale is not engaging in business. 80154

(H)(1)(a) "Price," except as provided in divisions (H)(2) 80155
~~and~~, (3), and (4) of this section, means the total amount of 80156
consideration, including cash, credit, property, and services, for 80157
which tangible personal property or services are sold, leased, or 80158
rented, valued in money, whether received in money or otherwise, 80159
without any deduction for any of the following: 80160

(i) The vendor's cost of the property sold; 80161

(ii) The cost of materials used, labor or service costs, 80162
interest, losses, all costs of transportation to the vendor, all 80163
taxes imposed on the vendor, including the tax imposed under 80164
Chapter 5751. of the Revised Code, and any other expense of the 80165
vendor; 80166

(iii) Charges by the vendor for any services necessary to 80167
complete the sale; 80168

(iv) On and after August 1, 2003, delivery charges. As used 80169
in this division, "delivery charges" means charges by the vendor 80170
for preparation and delivery to a location designated by the 80171
consumer of tangible personal property or a service, including 80172
transportation, shipping, postage, handling, crating, and packing. 80173

(v) Installation charges; 80174

(vi) Credit for any trade-in. 80175

(b) "Price" includes consideration received by the vendor 80176
from a third party, if the vendor actually receives the 80177

consideration from a party other than the consumer, and the 80178
consideration is directly related to a price reduction or discount 80179
on the sale; the vendor has an obligation to pass the price 80180
reduction or discount through to the consumer; the amount of the 80181
consideration attributable to the sale is fixed and determinable 80182
by the vendor at the time of the sale of the item to the consumer; 80183
and one of the following criteria is met: 80184

(i) The consumer presents a coupon, certificate, or other 80185
document to the vendor to claim a price reduction or discount 80186
where the coupon, certificate, or document is authorized, 80187
distributed, or granted by a third party with the understanding 80188
that the third party will reimburse any vendor to whom the coupon, 80189
certificate, or document is presented; 80190

(ii) The consumer identifies the consumer's self to the 80191
seller as a member of a group or organization entitled to a price 80192
reduction or discount. A preferred customer card that is available 80193
to any patron does not constitute membership in such a group or 80194
organization. 80195

(iii) The price reduction or discount is identified as a 80196
third party price reduction or discount on the invoice received by 80197
the consumer, or on a coupon, certificate, or other document 80198
presented by the consumer. 80199

(c) "Price" does not include any of the following: 80200

(i) Discounts, including cash, term, or coupons that are not 80201
reimbursed by a third party that are allowed by a vendor and taken 80202
by a consumer on a sale; 80203

(ii) Interest, financing, and carrying charges from credit 80204
extended on the sale of tangible personal property or services, if 80205
the amount is separately stated on the invoice, bill of sale, or 80206
similar document given to the purchaser; 80207

(iii) Any taxes legally imposed directly on the consumer that 80208

are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services under division (B)(11) of this section, "price" means the amount of managed care premiums received each month by a medicaid health insuring corporation.

(I) "Receipts" means the total amount of the prices of the

sales of vendors, provided that cash discounts allowed and taken 80240
on sales at the time they are consummated are not included, minus 80241
any amount deducted as a bad debt pursuant to section 5739.121 of 80242
the Revised Code. "Receipts" does not include the sale price of 80243
property returned or services rejected by consumers when the full 80244
sale price and tax are refunded either in cash or by credit. 80245

(J) "Place of business" means any location at which a person 80246
engages in business. 80247

(K) "Premises" includes any real property or portion thereof 80248
upon which any person engages in selling tangible personal 80249
property at retail or making retail sales and also includes any 80250
real property or portion thereof designated for, or devoted to, 80251
use in conjunction with the business engaged in by such person. 80252

(L) "Casual sale" means a sale of an item of tangible 80253
personal property that was obtained by the person making the sale, 80254
through purchase or otherwise, for the person's own use and was 80255
previously subject to any state's taxing jurisdiction on its sale 80256
or use, and includes such items acquired for the seller's use that 80257
are sold by an auctioneer employed directly by the person for such 80258
purpose, provided the location of such sales is not the 80259
auctioneer's permanent place of business. As used in this 80260
division, "permanent place of business" includes any location 80261
where such auctioneer has conducted more than two auctions during 80262
the year. 80263

(M) "Hotel" means every establishment kept, used, maintained, 80264
advertised, or held out to the public to be a place where sleeping 80265
accommodations are offered to guests, in which five or more rooms 80266
are used for the accommodation of such guests, whether the rooms 80267
are in one or several structures. 80268

(N) "Transient guests" means persons occupying a room or 80269
rooms for sleeping accommodations for less than thirty consecutive 80270

days. 80271

(O) "Making retail sales" means the effecting of transactions 80272
wherein one party is obligated to pay the price and the other 80273
party is obligated to provide a service or to transfer title to or 80274
possession of the item sold. "Making retail sales" does not 80275
include the preliminary acts of promoting or soliciting the retail 80276
sales, other than the distribution of printed matter which 80277
displays or describes and prices the item offered for sale, nor 80278
does it include delivery of a predetermined quantity of tangible 80279
personal property or transportation of property or personnel to or 80280
from a place where a service is performed, regardless of whether 80281
the vendor is a delivery vendor. 80282

(P) "Used directly in the rendition of a public utility 80283
service" means that property that is to be incorporated into and 80284
will become a part of the consumer's production, transmission, 80285
transportation, or distribution system and that retains its 80286
classification as tangible personal property after such 80287
incorporation; fuel or power used in the production, transmission, 80288
transportation, or distribution system; and tangible personal 80289
property used in the repair and maintenance of the production, 80290
transmission, transportation, or distribution system, including 80291
only such motor vehicles as are specially designed and equipped 80292
for such use. Tangible personal property and services used 80293
primarily in providing highway transportation for hire are not 80294
used directly in the rendition of a public utility service. In 80295
this definition, "public utility" includes a citizen of the United 80296
States holding, and required to hold, a certificate of public 80297
convenience and necessity issued under 49 U.S.C. 41102. 80298

(Q) "Refining" means removing or separating a desirable 80299
product from raw or contaminated materials by distillation or 80300
physical, mechanical, or chemical processes. 80301

(R) "Assembly" and "assembling" mean attaching or fitting 80302

together parts to form a product, but do not include packaging a product. 80303
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(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging. 80305
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(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system. 80312
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(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau. 80318
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(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners. 80328
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(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit 80332
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authority as they from time to time exist. Such territorial 80334
boundaries must at all times include all the area of a single 80335
county or all the area of the most populous county that is a part 80336
of such transit authority. County population shall be measured by 80337
the most recent census taken by the United States census bureau. 80338

(X) "Providing a service" means providing or furnishing 80339
anything described in division (B)(3) of this section for 80340
consideration. 80341

(Y)(1)(a) "Automatic data processing" means processing of 80342
others' data, including keypunching or similar data entry services 80343
together with verification thereof, or providing access to 80344
computer equipment for the purpose of processing data. 80345

(b) "Computer services" means providing services consisting 80346
of specifying computer hardware configurations and evaluating 80347
technical processing characteristics, computer programming, and 80348
training of computer programmers and operators, provided in 80349
conjunction with and to support the sale, lease, or operation of 80350
taxable computer equipment or systems. 80351

(c) "Electronic information services" means providing access 80352
to computer equipment by means of telecommunications equipment for 80353
the purpose of either of the following: 80354

(i) Examining or acquiring data stored in or accessible to 80355
the computer equipment; 80356

(ii) Placing data into the computer equipment to be retrieved 80357
by designated recipients with access to the computer equipment. 80358

For transactions occurring on or after the effective date of 80359
the amendment of this section by H.B. 157 of the 127th general 80360
assembly, December 21, 2007, "electronic information services" 80361
does not include electronic publishing as defined in division 80362
(LLL) of this section. 80363

(d) "Automatic data processing, computer services, or
electronic information services" shall not include personal or
professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this
section, "personal and professional services" means all services
other than automatic data processing, computer services, or
electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax
matters, asset management, budgetary matters, quality control,
information security, and auditing and any other situation where
the service provider receives data or information and studies,
alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical
analysis of existing or potential computer hardware or software
needs and alternatives;

(e) Designing policies, procedures, and custom software for
collecting business information, and determining how data should
be summarized, sequenced, formatted, processed, controlled, and
reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how
business events and transactions are to be authorized, executed,
and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information
by a consumer reporting agency, as defined in the "Fair Credit
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or
as hereafter amended, including but not limited to gathering,

organizing, analyzing, recording, and furnishing such information 80394
by any oral, written, graphic, or electronic medium; 80395

(j) Providing debt collection services by any oral, written, 80396
graphic, or electronic means. 80397

The services listed in divisions (Y)(2)(a) to (j) of this 80398
section are not automatic data processing or computer services. 80399

(Z) "Highway transportation for hire" means the 80400
transportation of personal property belonging to others for 80401
consideration by any of the following: 80402

(1) The holder of a permit or certificate issued by this 80403
state or the United States authorizing the holder to engage in 80404
transportation of personal property belonging to others for 80405
consideration over or on highways, roadways, streets, or any 80406
similar public thoroughfare; 80407

(2) A person who engages in the transportation of personal 80408
property belonging to others for consideration over or on 80409
highways, roadways, streets, or any similar public thoroughfare 80410
but who could not have engaged in such transportation on December 80411
11, 1985, unless the person was the holder of a permit or 80412
certificate of the types described in division (Z)(1) of this 80413
section; 80414

(3) A person who leases a motor vehicle to and operates it 80415
for a person described by division (Z)(1) or (2) of this section. 80416

(AA)(1) "Telecommunications service" means the electronic 80417
transmission, conveyance, or routing of voice, data, audio, video, 80418
or any other information or signals to a point, or between or 80419
among points. "Telecommunications service" includes such 80420
transmission, conveyance, or routing in which computer processing 80421
applications are used to act on the form, code, or protocol of the 80422
content for purposes of transmission, conveyance, or routing 80423
without regard to whether the service is referred to as voice-over 80424

internet protocol service or is classified by the federal 80425
communications commission as enhanced or value-added. 80426
"Telecommunications service" does not include any of the 80427
following: 80428

(a) Data processing and information services that allow data 80429
to be generated, acquired, stored, processed, or retrieved and 80430
delivered by an electronic transmission to a consumer where the 80431
consumer's primary purpose for the underlying transaction is the 80432
processed data or information; 80433

(b) Installation or maintenance of wiring or equipment on a 80434
customer's premises; 80435

(c) Tangible personal property; 80436

(d) Advertising, including directory advertising; 80437

(e) Billing and collection services provided to third 80438
parties; 80439

(f) Internet access service; 80440

(g) Radio and television audio and video programming 80441
services, regardless of the medium, including the furnishing of 80442
transmission, conveyance, and routing of such services by the 80443
programming service provider. Radio and television audio and video 80444
programming services include, but are not limited to, cable 80445
service, as defined in 47 U.S.C. 522(6), and audio and video 80446
programming services delivered by commercial mobile radio service 80447
providers, as defined in 47 C.F.R. 20.3; 80448

(h) Ancillary service; 80449

(i) Digital products delivered electronically, including 80450
software, music, video, reading materials, or ring tones. 80451

(2) "Ancillary service" means a service that is associated 80452
with or incidental to the provision of telecommunications service, 80453
including conference bridging service, detailed telecommunications 80454

billing service, directory assistance, vertical service, and voice 80455
mail service. As used in this division: 80456

(a) "Conference bridging service" means an ancillary service 80457
that links two or more participants of an audio or video 80458
conference call, including providing a telephone number. 80459
"Conference bridging service" does not include telecommunications 80460
services used to reach the conference bridge. 80461

(b) "Detailed telecommunications billing service" means an 80462
ancillary service of separately stating information pertaining to 80463
individual calls on a customer's billing statement. 80464

(c) "Directory assistance" means an ancillary service of 80465
providing telephone number or address information. 80466

(d) "Vertical service" means an ancillary service that is 80467
offered in connection with one or more telecommunications 80468
services, which offers advanced calling features that allow 80469
customers to identify callers and manage multiple calls and call 80470
connections, including conference bridging service. 80471

(e) "Voice mail service" means an ancillary service that 80472
enables the customer to store, send, or receive recorded messages. 80473
"Voice mail service" does not include any vertical services that 80474
the customer may be required to have in order to utilize the voice 80475
mail service. 80476

(3) "900 service" means an inbound toll telecommunications 80477
service purchased by a subscriber that allows the subscriber's 80478
customers to call in to the subscriber's prerecorded announcement 80479
or live service, and which is typically marketed under the name 80480
"900" service and any subsequent numbers designated by the federal 80481
communications commission. "900 service" does not include the 80482
charge for collection services provided by the seller of the 80483
telecommunications service to the subscriber, or services or 80484
products sold by the subscriber to the subscriber's customer. 80485

(4) "Prepaid calling service" means the right to access 80486
exclusively telecommunications services, which must be paid for in 80487
advance and which enables the origination of calls using an access 80488
number or authorization code, whether manually or electronically 80489
dialed, and that is sold in predetermined units of dollars of 80490
which the number declines with use in a known amount. 80491

(5) "Prepaid wireless calling service" means a 80492
telecommunications service that provides the right to utilize 80493
mobile telecommunications service as well as other 80494
non-telecommunications services, including the download of digital 80495
products delivered electronically, and content and ancillary 80496
services, that must be paid for in advance and that is sold in 80497
predetermined units of dollars of which the number declines with 80498
use in a known amount. 80499

(6) "Value-added non-voice data service" means a 80500
telecommunications service in which computer processing 80501
applications are used to act on the form, content, code, or 80502
protocol of the information or data primarily for a purpose other 80503
than transmission, conveyance, or routing. 80504

(7) "Coin-operated telephone service" means a 80505
telecommunications service paid for by inserting money into a 80506
telephone accepting direct deposits of money to operate. 80507

(8) "Customer" has the same meaning as in section 5739.034 of 80508
the Revised Code. 80509

(BB) "Laundry and dry cleaning services" means removing soil 80510
or dirt from towels, linens, articles of clothing, or other fabric 80511
items that belong to others and supplying towels, linens, articles 80512
of clothing, or other fabric items. "Laundry and dry cleaning 80513
services" does not include the provision of self-service 80514
facilities for use by consumers to remove soil or dirt from 80515
towels, linens, articles of clothing, or other fabric items. 80516

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, 80549
giving consultation or advice, playing or making a voice or other 80550
recording, making or keeping a record of the number of callers, 80551
and any other service provided to a consumer by means of a nine 80552
hundred telephone call, except when the nine hundred telephone 80553
call is the means by which the consumer makes a contribution to a 80554
recognized charity. 80555

(GG) "Research and development" means designing, creating, or 80556
formulating new or enhanced products, equipment, or manufacturing 80557
processes, and also means conducting scientific or technological 80558
inquiry and experimentation in the physical sciences with the goal 80559
of increasing scientific knowledge which may reveal the bases for 80560
new or enhanced products, equipment, or manufacturing processes. 80561

(HH) "Qualified research and development equipment" means 80562
capitalized tangible personal property, and leased personal 80563
property that would be capitalized if purchased, used by a person 80564
primarily to perform research and development. Tangible personal 80565
property primarily used in testing, as defined in division (A)(4) 80566
of section 5739.011 of the Revised Code, or used for recording or 80567
storing test results, is not qualified research and development 80568
equipment unless such property is primarily used by the consumer 80569
in testing the product, equipment, or manufacturing process being 80570
created, designed, or formulated by the consumer in the research 80571
and development activity or in recording or storing such test 80572
results. 80573

(II) "Building maintenance and janitorial service" means 80574
cleaning the interior or exterior of a building and any tangible 80575
personal property located therein or thereon, including any 80576
services incidental to such cleaning for which no separate charge 80577
is made. However, "building maintenance and janitorial service" 80578
does not include the providing of such service by a person who has 80579
less than five thousand dollars in sales of such service during 80580

the calendar year. 80581

(JJ) "Employment service" means providing or supplying 80582
personnel, on a temporary or long-term basis, to perform work or 80583
labor under the supervision or control of another, when the 80584
personnel so provided or supplied receive their wages, salary, or 80585
other compensation from the provider or supplier of the employment 80586
service or from a third party that provided or supplied the 80587
personnel to the provider or supplier. "Employment service" does 80588
not include: 80589

(1) Acting as a contractor or subcontractor, where the 80590
personnel performing the work are not under the direct control of 80591
the purchaser. 80592

(2) Medical and health care services. 80593

(3) Supplying personnel to a purchaser pursuant to a contract 80594
of at least one year between the service provider and the 80595
purchaser that specifies that each employee covered under the 80596
contract is assigned to the purchaser on a permanent basis. 80597

(4) Transactions between members of an affiliated group, as 80598
defined in division (B)(3)(e) of this section. 80599

(5) Transactions where the personnel so provided or supplied 80600
by a provider or supplier to a purchaser of an employment service 80601
are then provided or supplied by that purchaser to a third party 80602
as an employment service, except "employment service" does include 80603
the transaction between that purchaser and the third party. 80604

(KK) "Employment placement service" means locating or finding 80605
employment for a person or finding or locating an employee to fill 80606
an available position. 80607

(LL) "Exterminating service" means eradicating or attempting 80608
to eradicate vermin infestations from a building or structure, or 80609
the area surrounding a building or structure, and includes 80610

activities to inspect, detect, or prevent vermin infestation of a building or structure. 80611
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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 80613
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization. 80620
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(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production. 80631
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(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling. 80637
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(QQ) "Horticulture" means the growing, cultivation, and 80641

production of flowers, fruits, herbs, vegetables, sod, mushrooms, 80642
and nursery stock. As used in this division, "nursery stock" has 80643
the same meaning as in section 927.51 of the Revised Code. 80644

(RR) "Horticulture structure" means a building or structure 80645
used exclusively for the commercial growing, raising, or 80646
overwintering of horticultural products, and includes the area 80647
used for stocking, storing, and packing horticultural products 80648
when done in conjunction with the production of those products. 80649

(SS) "Newspaper" means an unbound publication bearing a title 80650
or name that is regularly published, at least as frequently as 80651
biweekly, and distributed from a fixed place of business to the 80652
public in a specific geographic area, and that contains a 80653
substantial amount of news matter of international, national, or 80654
local events of interest to the general public. 80655

(TT) "Professional racing team" means a person that employs 80656
at least twenty full-time employees for the purpose of conducting 80657
a motor vehicle racing business for profit. The person must 80658
conduct the business with the purpose of racing one or more motor 80659
racing vehicles in at least ten competitive professional racing 80660
events each year that comprise all or part of a motor racing 80661
series sanctioned by one or more motor racing sanctioning 80662
organizations. A "motor racing vehicle" means a vehicle for which 80663
the chassis, engine, and parts are designed exclusively for motor 80664
racing, and does not include a stock or production model vehicle 80665
that may be modified for use in racing. For the purposes of this 80666
division: 80667

(1) A "competitive professional racing event" is a motor 80668
vehicle racing event sanctioned by one or more motor racing 80669
sanctioning organizations, at which aggregate cash prizes in 80670
excess of eight hundred thousand dollars are awarded to the 80671
competitors. 80672

(2) "Full-time employee" means an individual who is employed 80673
for consideration for thirty-five or more hours a week, or who 80674
renders any other standard of service generally accepted by custom 80675
or specified by contract as full-time employment. 80676

(UU)(1) "Lease" or "rental" means any transfer of the 80677
possession or control of tangible personal property for a fixed or 80678
indefinite term, for consideration. "Lease" or "rental" includes 80679
future options to purchase or extend, and agreements described in 80680
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 80681
the amount of consideration may be increased or decreased by 80682
reference to the amount realized upon the sale or disposition of 80683
the property. "Lease" or "rental" does not include: 80684

(a) A transfer of possession or control of tangible personal 80685
property under a security agreement or a deferred payment plan 80686
that requires the transfer of title upon completion of the 80687
required payments; 80688

(b) A transfer of possession or control of tangible personal 80689
property under an agreement that requires the transfer of title 80690
upon completion of required payments and payment of an option 80691
price that does not exceed the greater of one hundred dollars or 80692
one per cent of the total required payments; 80693

(c) Providing tangible personal property along with an 80694
operator for a fixed or indefinite period of time, if the operator 80695
is necessary for the property to perform as designed. For purposes 80696
of this division, the operator must do more than maintain, 80697
inspect, or set-up the tangible personal property. 80698

(2) "Lease" and "rental," as defined in division (UU) of this 80699
section, shall not apply to leases or rentals that exist before 80700
June 26, 2003. 80701

(3) "Lease" and "rental" have the same meaning as in division 80702
(UU)(1) of this section regardless of whether a transaction is 80703

characterized as a lease or rental under generally accepted 80704
accounting principles, the Internal Revenue Code, Title XIII of 80705
the Revised Code, or other federal, state, or local laws. 80706

(VV) "Mobile telecommunications service" has the same meaning 80707
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 80708
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 80709
on and after August 1, 2003, includes related fees and ancillary 80710
services, including universal service fees, detailed billing 80711
service, directory assistance, service initiation, voice mail 80712
service, and vertical services, such as caller ID and three-way 80713
calling. 80714

(WW) "Certified service provider" has the same meaning as in 80715
section 5740.01 of the Revised Code. 80716

(XX) "Satellite broadcasting service" means the distribution 80717
or broadcasting of programming or services by satellite directly 80718
to the subscriber's receiving equipment without the use of ground 80719
receiving or distribution equipment, except the subscriber's 80720
receiving equipment or equipment used in the uplink process to the 80721
satellite, and includes all service and rental charges, premium 80722
channels or other special services, installation and repair 80723
service charges, and any other charges having any connection with 80724
the provision of the satellite broadcasting service. 80725

(YY) "Tangible personal property" means personal property 80726
that can be seen, weighed, measured, felt, or touched, or that is 80727
in any other manner perceptible to the senses. For purposes of 80728
this chapter and Chapter 5741. of the Revised Code, "tangible 80729
personal property" includes motor vehicles, electricity, water, 80730
gas, steam, and prewritten computer software. 80731

(ZZ) "Direct mail" means printed material delivered or 80732
distributed by United States mail or other delivery service to a 80733
mass audience or to addressees on a mailing list provided by the 80734

consumer or at the direction of the consumer when the cost of the 80735
items are not billed directly to the recipients. "Direct mail" 80736
includes tangible personal property supplied directly or 80737
indirectly by the consumer to the direct mail vendor for inclusion 80738
in the package containing the printed material. "Direct mail" does 80739
not include multiple items of printed material delivered to a 80740
single address. 80741

(AAA) "Computer" means an electronic device that accepts 80742
information in digital or similar form and manipulates it for a 80743
result based on a sequence of instructions. 80744

(BBB) "Computer software" means a set of coded instructions 80745
designed to cause a computer or automatic data processing 80746
equipment to perform a task. 80747

(CCC) "Delivered electronically" means delivery of computer 80748
software from the seller to the purchaser by means other than 80749
tangible storage media. 80750

(DDD) "Prewritten computer software" means computer software, 80751
including prewritten upgrades, that is not designed and developed 80752
by the author or other creator to the specifications of a specific 80753
purchaser. The combining of two or more prewritten computer 80754
software programs or prewritten portions thereof does not cause 80755
the combination to be other than prewritten computer software. 80756
"Prewritten computer software" includes software designed and 80757
developed by the author or other creator to the specifications of 80758
a specific purchaser when it is sold to a person other than the 80759
purchaser. If a person modifies or enhances computer software of 80760
which the person is not the author or creator, the person shall be 80761
deemed to be the author or creator only of such person's 80762
modifications or enhancements. Prewritten computer software or a 80763
prewritten portion thereof that is modified or enhanced to any 80764
degree, where such modification or enhancement is designed and 80765
developed to the specifications of a specific purchaser, remains 80766

prewritten computer software; provided, however, that where there 80767
is a reasonable, separately stated charge or an invoice or other 80768
statement of the price given to the purchaser for the modification 80769
or enhancement, the modification or enhancement shall not 80770
constitute prewritten computer software. 80771

(EEE)(1) "Food" means substances, whether in liquid, 80772
concentrated, solid, frozen, dried, or dehydrated form, that are 80773
sold for ingestion or chewing by humans and are consumed for their 80774
taste or nutritional value. "Food" does not include alcoholic 80775
beverages, dietary supplements, soft drinks, or tobacco. 80776

(2) As used in division (EEE)(1) of this section: 80777

(a) "Alcoholic beverages" means beverages that are suitable 80778
for human consumption and contain one-half of one per cent or more 80779
of alcohol by volume. 80780

(b) "Dietary supplements" means any product, other than 80781
tobacco, that is intended to supplement the diet and that is 80782
intended for ingestion in tablet, capsule, powder, softgel, 80783
gelcap, or liquid form, or, if not intended for ingestion in such 80784
a form, is not represented as conventional food for use as a sole 80785
item of a meal or of the diet; that is required to be labeled as a 80786
dietary supplement, identifiable by the "supplement facts" box 80787
found on the label, as required by 21 C.F.R. 101.36; and that 80788
contains one or more of the following dietary ingredients: 80789

(i) A vitamin; 80790

(ii) A mineral; 80791

(iii) An herb or other botanical; 80792

(iv) An amino acid; 80793

(v) A dietary substance for use by humans to supplement the 80794
diet by increasing the total dietary intake; 80795

(vi) A concentrate, metabolite, constituent, extract, or 80796

combination of any ingredient described in divisions 80797
(EEE)(2)(b)(i) to (v) of this section. 80798

(c) "Soft drinks" means nonalcoholic beverages that contain 80799
natural or artificial sweeteners. "Soft drinks" does not include 80800
beverages that contain milk or milk products, soy, rice, or 80801
similar milk substitutes, or that contains greater than fifty per 80802
cent vegetable or fruit juice by volume. 80803

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 80804
tobacco, or any other item that contains tobacco. 80805

(FFF) "Drug" means a compound, substance, or preparation, and 80806
any component of a compound, substance, or preparation, other than 80807
food, dietary supplements, or alcoholic beverages that is 80808
recognized in the official United States pharmacopoeia, official 80809
homeopathic pharmacopoeia of the United States, or official 80810
national formulary, and supplements to them; is intended for use 80811
in the diagnosis, cure, mitigation, treatment, or prevention of 80812
disease; or is intended to affect the structure or any function of 80813
the body. 80814

(GGG) "Prescription" means an order, formula, or recipe 80815
issued in any form of oral, written, electronic, or other means of 80816
transmission by a duly licensed practitioner authorized by the 80817
laws of this state to issue a prescription. 80818

(HHH) "Durable medical equipment" means equipment, including 80819
repair and replacement parts for such equipment, that can 80820
withstand repeated use, is primarily and customarily used to serve 80821
a medical purpose, generally is not useful to a person in the 80822
absence of illness or injury, and is not worn in or on the body. 80823
"Durable medical equipment" does not include mobility enhancing 80824
equipment. 80825

(III) "Mobility enhancing equipment" means equipment, 80826
including repair and replacement parts for such equipment, that is 80827

primarily and customarily used to provide or increase the ability 80828
to move from one place to another and is appropriate for use 80829
either in a home or a motor vehicle, that is not generally used by 80830
persons with normal mobility, and that does not include any motor 80831
vehicle or equipment on a motor vehicle normally provided by a 80832
motor vehicle manufacturer. "Mobility enhancing equipment" does 80833
not include durable medical equipment. 80834

(JJJ) "Prosthetic device" means a replacement, corrective, or 80835
supportive device, including repair and replacement parts for the 80836
device, worn on or in the human body to artificially replace a 80837
missing portion of the body, prevent or correct physical deformity 80838
or malfunction, or support a weak or deformed portion of the body. 80839
As used in this division, "prosthetic device" does not include 80840
corrective eyeglasses, contact lenses, or dental prosthesis. 80841

(KKK)(1) "Fractional aircraft ownership program" means a 80842
program in which persons within an affiliated group sell and 80843
manage fractional ownership program aircraft, provided that at 80844
least one hundred airworthy aircraft are operated in the program 80845
and the program meets all of the following criteria: 80846

(a) Management services are provided by at least one program 80847
manager within an affiliated group on behalf of the fractional 80848
owners. 80849

(b) Each program aircraft is owned or possessed by at least 80850
one fractional owner. 80851

(c) Each fractional owner owns or possesses at least a 80852
one-sixteenth interest in at least one fixed-wing program 80853
aircraft. 80854

(d) A dry-lease aircraft interchange arrangement is in effect 80855
among all of the fractional owners. 80856

(e) Multi-year program agreements are in effect regarding the 80857
fractional ownership, management services, and dry-lease aircraft 80858

interchange arrangement aspects of the program. 80859

(2) As used in division (KKK)(1) of this section: 80860

(a) "Affiliated group" has the same meaning as in division 80861
(B)(3)(e) of this section. 80862

(b) "Fractional owner" means a person that owns or possesses 80863
at least a one-sixteenth interest in a program aircraft and has 80864
entered into the agreements described in division (KKK)(1)(e) of 80865
this section. 80866

(c) "Fractional ownership program aircraft" or "program 80867
aircraft" means a turbojet aircraft that is owned or possessed by 80868
a fractional owner and that has been included in a dry-lease 80869
aircraft interchange arrangement and agreement under divisions 80870
(KKK)(1)(d) and (e) of this section, or an aircraft a program 80871
manager owns or possesses primarily for use in a fractional 80872
aircraft ownership program. 80873

(d) "Management services" means administrative and aviation 80874
support services furnished under a fractional aircraft ownership 80875
program in accordance with a management services agreement under 80876
division (KKK)(1)(e) of this section, and offered by the program 80877
manager to the fractional owners, including, at a minimum, the 80878
establishment and implementation of safety guidelines; the 80879
coordination of the scheduling of the program aircraft and crews; 80880
program aircraft maintenance; program aircraft insurance; crew 80881
training for crews employed, furnished, or contracted by the 80882
program manager or the fractional owner; the satisfaction of 80883
record-keeping requirements; and the development and use of an 80884
operations manual and a maintenance manual for the fractional 80885
aircraft ownership program. 80886

(e) "Program manager" means the person that offers management 80887
services to fractional owners pursuant to a management services 80888
agreement under division (KKK)(1)(e) of this section. 80889

(LLL) "Electronic publishing" means providing access to one 80890
or more of the following primarily for business customers, 80891
including the federal government or a state government or a 80892
political subdivision thereof, to conduct research: news; 80893
business, financial, legal, consumer, or credit materials; 80894
editorials, columns, reader commentary, or features; photos or 80895
images; archival or research material; legal notices, identity 80896
verification, or public records; scientific, educational, 80897
instructional, technical, professional, trade, or other literary 80898
materials; or other similar information which has been gathered 80899
and made available by the provider to the consumer in an 80900
electronic format. Providing electronic publishing includes the 80901
functions necessary for the acquisition, formatting, editing, 80902
storage, and dissemination of data or information that is the 80903
subject of a sale. 80904

(MMM) "Medicaid health insuring corporation" means a health 80905
insuring corporation that holds a certificate of authority under 80906
Chapter 1751. of the Revised Code and is under contract with the 80907
department of job and family services pursuant to section 5111.17 80908
of the Revised Code. 80909

(NNN) "Managed care premium" means any premium, capitation, 80910
or other payment a medicaid health insuring corporation receives 80911
for providing or arranging for the provision of health care 80912
services to its members or enrollees residing in this state. 80913

Sec. 5739.011. (A) As used in this section: 80914

(1) "Manufacturer" means a person who is engaged in 80915
manufacturing, processing, assembling, or refining a product for 80916
sale and, solely for the purposes of division (B)(12) of this 80917
section, a person who meets all the qualifications of that 80918
division. 80919

(2) "Manufacturing facility" means a single location where a 80920

manufacturing operation is conducted, including locations 80921
consisting of one or more buildings or structures in a contiguous 80922
area owned or controlled by the manufacturer. 80923

(3) "Materials handling" means the movement of the product 80924
being or to be manufactured, during which movement the product is 80925
not undergoing any substantial change or alteration in its state 80926
or form. 80927

(4) "Testing" means a process or procedure to identify the 80928
properties or assure the quality of a material or product. 80929

(5) "Completed product" means a manufactured item that is in 80930
the form and condition as it will be sold by the manufacturer. An 80931
item is completed when all processes that change or alter its 80932
state or form or enhance its value are finished, even though the 80933
item subsequently will be tested to ensure its quality or be 80934
packaged for storage or shipment. 80935

(6) "Continuous manufacturing operation" means the process in 80936
which raw materials or components are moved through the steps 80937
whereby manufacturing occurs. Materials handling of raw materials 80938
or parts from the point of receipt or preproduction storage or of 80939
a completed product, to or from storage, to or from packaging, or 80940
to the place from which the completed product will be shipped, is 80941
not a part of a continuous manufacturing operation. 80942

(B) For purposes of division (B)(42)(g) of section 5739.02 of 80943
the Revised Code, the "thing transferred" includes, but is not 80944
limited to, any of the following: 80945

(1) Production machinery and equipment that act upon the 80946
product or machinery and equipment that treat the materials or 80947
parts in preparation for the manufacturing operation; 80948

(2) Materials handling equipment that moves the product 80949
through a continuous manufacturing operation; equipment that 80950
temporarily stores the product during the manufacturing operation; 80951

or, excluding motor vehicles licensed to operate on public highways, equipment used in intraplant or interplant transfers of work in process where the plant or plants between which such transfers occur are manufacturing facilities operated by the same person;

(3) Catalysts, solvents, water, acids, oil, and similar consumables that interact with the product and that are an integral part of the manufacturing operation;

(4) Machinery, equipment, and other tangible personal property used during the manufacturing operation that control, physically support, produce power for, lubricate, or are otherwise necessary for the functioning of production machinery and equipment and the continuation of the manufacturing operation;

(5) Machinery, equipment, fuel, power, material, parts, and other tangible personal property used to manufacture machinery, equipment, or other tangible personal property used in manufacturing a product for sale;

(6) Machinery, equipment, and other tangible personal property used by a manufacturer to test raw materials, the product being manufactured, or the completed product;

(7) Machinery and equipment used to handle or temporarily store scrap that is intended to be reused in the manufacturing operation at the same manufacturing facility;

(8) Coke, gas, water, steam, and similar substances used in the manufacturing operation; machinery and equipment used for, and fuel consumed in, producing or extracting those substances; machinery, equipment, and other tangible personal property used to treat, filter, pump, or otherwise make the substance suitable for use in the manufacturing operation; and machinery and equipment used for, and fuel consumed in, producing electricity for use in the manufacturing operation;

(9) Machinery, equipment, and other tangible personal property used to transport or transmit electricity, coke, gas, water, steam, or similar substances used in the manufacturing operation from the point of generation, if produced by the manufacturer, or from the point where the substance enters the manufacturing facility, if purchased by the manufacturer, to the manufacturing operation;

(10) Machinery, equipment, and other tangible personal property that treats, filters, cools, refines, or otherwise renders water, steam, acid, oil, solvents, or similar substances used in the manufacturing operation reusable, provided that the substances are intended for reuse and not for disposal, sale, or transportation from the manufacturing facility;

(11) Parts, components, and repair and installation services for items described in division (B) of this section;

(12) Machinery and equipment, detergents, supplies, solvents, and any other tangible personal property located at a manufacturing facility that are used in the process of removing soil, dirt, or other contaminants from, or otherwise preparing in a suitable condition for use, towels, linens, articles of clothing, floor mats, mop heads, or other similar items, to be supplied to a consumer as part of laundry and dry cleaning services as defined in division (BB) of section 5739.01 of the Revised Code, only when the towels, linens, articles of clothing, floor mats, mop heads, or other similar items belong to the provider of the services;

(13) Equipment and supplies used to clean processing equipment that is part of a continuous manufacturing operation to produce milk, ice cream, yogurt, cheese, and similar dairy products for human consumption;

(14) Machinery and equipment, including motor vehicles

powered by a single power source and registered or not registered 81014
for operation on public highways, used to pump concrete or 81015
concrete-related products. 81016

(C) For purposes of division (B)(42)(g) of section 5739.02 of 81017
the Revised Code, the "thing transferred" does not include any of 81018
the following: 81019

(1) Tangible personal property used in administrative, 81020
personnel, security, inventory control, record-keeping, ordering, 81021
billing, or similar functions; 81022

(2) Tangible personal property used in storing raw materials 81023
or parts prior to the commencement of the manufacturing operation 81024
or used to handle or store a completed product, including storage 81025
that actively maintains a completed product in a marketable state 81026
or form; 81027

(3) Tangible personal property used to handle or store scrap 81028
or waste intended for disposal, sale, or other disposition, other 81029
than reuse in the manufacturing operation at the same 81030
manufacturing facility; 81031

(4) Tangible personal property that is or is to be 81032
incorporated into realty; 81033

(5) Machinery, equipment, and other tangible personal 81034
property used for ventilation, dust or gas collection, humidity or 81035
temperature regulation, or similar environmental control, except 81036
machinery, equipment, and other tangible personal property that 81037
totally regulates the environment in a special and limited area of 81038
the manufacturing facility where the regulation is essential for 81039
production to occur; 81040

(6) Tangible personal property used for the protection and 81041
safety of workers, unless the property is attached to or 81042
incorporated into machinery and equipment used in a continuous 81043
manufacturing operation; 81044

(7) Tangible personal property used to store fuel, water, 81045
solvents, acid, oil, or similar items consumed in the 81046
manufacturing operation; 81047

(8) Except as provided in division (B)(13) of this section, 81048
machinery, equipment, and other tangible personal property used to 81049
clean, repair, or maintain real or personal property in the 81050
manufacturing facility; 81051

(9) Motor vehicles registered for operation on public 81052
highways. 81053

(D) For purposes of division (B)(42)(g) of section 5739.02 of 81054
the Revised Code, if the "thing transferred" is a machine used by 81055
a manufacturer in both a taxable and an exempt manner, it shall be 81056
totally taxable or totally exempt from taxation based upon its 81057
quantified primary use. If the "things transferred" are fungibles, 81058
they shall be taxed based upon the proportion of the fungibles 81059
used in a taxable manner. 81060

Sec. 5739.02. For the purpose of providing revenue with which 81061
to meet the needs of the state, for the use of the general revenue 81062
fund of the state, for the purpose of securing a thorough and 81063
efficient system of common schools throughout the state, for the 81064
purpose of affording revenues, in addition to those from general 81065
property taxes, permitted under constitutional limitations, and 81066
from other sources, for the support of local governmental 81067
functions, and for the purpose of reimbursing the state for the 81068
expense of administering this chapter, an excise tax is hereby 81069
levied on each retail sale made in this state. 81070

(A)(1) The tax shall be collected as provided in section 81071
5739.025 of the Revised Code. The rate of the tax shall be five 81072
and one-half per cent. The tax applies and is collectible when the 81073
sale is made, regardless of the time when the price is paid or 81074
delivered. 81075

(2) In the case of the lease or rental, with a fixed term of 81076
more than thirty days or an indefinite term with a minimum period 81077
of more than thirty days, of any motor vehicles designed by the 81078
manufacturer to carry a load of not more than one ton, watercraft, 81079
outboard motor, or aircraft, or of any tangible personal property, 81080
other than motor vehicles designed by the manufacturer to carry a 81081
load of more than one ton, to be used by the lessee or renter 81082
primarily for business purposes, the tax shall be collected by the 81083
vendor at the time the lease or rental is consummated and shall be 81084
calculated by the vendor on the basis of the total amount to be 81085
paid by the lessee or renter under the lease agreement. If the 81086
total amount of the consideration for the lease or rental includes 81087
amounts that are not calculated at the time the lease or rental is 81088
executed, the tax shall be calculated and collected by the vendor 81089
at the time such amounts are billed to the lessee or renter. In 81090
the case of an open-end lease or rental, the tax shall be 81091
calculated by the vendor on the basis of the total amount to be 81092
paid during the initial fixed term of the lease or rental, and for 81093
each subsequent renewal period as it comes due. As used in this 81094
division, "motor vehicle" has the same meaning as in section 81095
4501.01 of the Revised Code, and "watercraft" includes an outdrive 81096
unit attached to the watercraft. 81097

A lease with a renewal clause and a termination penalty or 81098
similar provision that applies if the renewal clause is not 81099
exercised is presumed to be a sham transaction. In such a case, 81100
the tax shall be calculated and paid on the basis of the entire 81101
length of the lease period, including any renewal periods, until 81102
the termination penalty or similar provision no longer applies. 81103
The taxpayer shall bear the burden, by a preponderance of the 81104
evidence, that the transaction or series of transactions is not a 81105
sham transaction. 81106

(3) Except as provided in division (A)(2) of this section, in 81107

the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and of magazine subscriptions and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner

may deduct the amount of tax levied by this section applicable to 81138
the price of motor fuel when granting a refund of motor fuel tax 81139
pursuant to division (A) of section 5735.14 of the Revised Code 81140
and shall cause the amount deducted to be paid into the general 81141
revenue fund of this state; 81142

(7) Sales of natural gas by a natural gas company, of water 81143
by a water-works company, or of steam by a heating company, if in 81144
each case the thing sold is delivered to consumers through pipes 81145
or conduits, and all sales of communications services by a 81146
telegraph company, all terms as defined in section 5727.01 of the 81147
Revised Code, and sales of electricity delivered through wires; 81148

(8) Casual sales by a person, or auctioneer employed directly 81149
by the person to conduct such sales, except as to such sales of 81150
motor vehicles, watercraft or outboard motors required to be 81151
titled under section 1548.06 of the Revised Code, watercraft 81152
documented with the United States coast guard, snowmobiles, and 81153
all-purpose vehicles as defined in section 4519.01 of the Revised 81154
Code; 81155

(9)(a) Sales of services or tangible personal property, other 81156
than motor vehicles, mobile homes, and manufactured homes, by 81157
churches, organizations exempt from taxation under section 81158
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 81159
organizations operated exclusively for charitable purposes as 81160
defined in division (B)(12) of this section, provided that the 81161
number of days on which such tangible personal property or 81162
services, other than items never subject to the tax, are sold does 81163
not exceed six in any calendar year, except as otherwise provided 81164
in division (B)(9)(b) of this section. If the number of days on 81165
which such sales are made exceeds six in any calendar year, the 81166
church or organization shall be considered to be engaged in 81167
business and all subsequent sales by it shall be subject to the 81168
tax. In counting the number of days, all sales by groups within a 81169

church or within an organization shall be considered to be sales 81170
of that church or organization. 81171

(b) The limitation on the number of days on which tax-exempt 81172
sales may be made by a church or organization under division 81173
(B)(9)(a) of this section does not apply to sales made by student 81174
clubs and other groups of students of a primary or secondary 81175
school, or a parent-teacher association, booster group, or similar 81176
organization that raises money to support or fund curricular or 81177
extracurricular activities of a primary or secondary school. 81178

(c) Divisions (B)(9)(a) and (b) of this section do not apply 81179
to sales by a noncommercial educational radio or television 81180
broadcasting station. 81181

(10) Sales not within the taxing power of this state under 81182
the Constitution of the United States; 81183

(11) Except for transactions that are sales under division 81184
(B)(3)(r) of section 5739.01 of the Revised Code, the 81185
transportation of persons or property, unless the transportation 81186
is by a private investigation and security service; 81187

(12) Sales of tangible personal property or services to 81188
churches, to organizations exempt from taxation under section 81189
501(c)(3) of the Internal Revenue Code of 1986, and to any other 81190
nonprofit organizations operated exclusively for charitable 81191
purposes in this state, no part of the net income of which inures 81192
to the benefit of any private shareholder or individual, and no 81193
substantial part of the activities of which consists of carrying 81194
on propaganda or otherwise attempting to influence legislation; 81195
sales to offices administering one or more homes for the aged or 81196
one or more hospital facilities exempt under section 140.08 of the 81197
Revised Code; and sales to organizations described in division (D) 81198
of section 5709.12 of the Revised Code. 81199

"Charitable purposes" means the relief of poverty; the 81200

improvement of health through the alleviation of illness, disease, 81201
or injury; the operation of an organization exclusively for the 81202
provision of professional, laundry, printing, and purchasing 81203
services to hospitals or charitable institutions; the operation of 81204
a home for the aged, as defined in section 5701.13 of the Revised 81205
Code; the operation of a radio or television broadcasting station 81206
that is licensed by the federal communications commission as a 81207
noncommercial educational radio or television station; the 81208
operation of a nonprofit animal adoption service or a county 81209
humane society; the promotion of education by an institution of 81210
learning that maintains a faculty of qualified instructors, 81211
teaches regular continuous courses of study, and confers a 81212
recognized diploma upon completion of a specific curriculum; the 81213
operation of a parent-teacher association, booster group, or 81214
similar organization primarily engaged in the promotion and 81215
support of the curricular or extracurricular activities of a 81216
primary or secondary school; the operation of a community or area 81217
center in which presentations in music, dramatics, the arts, and 81218
related fields are made in order to foster public interest and 81219
education therein; the production of performances in music, 81220
dramatics, and the arts; or the promotion of education by an 81221
organization engaged in carrying on research in, or the 81222
dissemination of, scientific and technological knowledge and 81223
information primarily for the public. 81224

Nothing in this division shall be deemed to exempt sales to 81225
any organization for use in the operation or carrying on of a 81226
trade or business, or sales to a home for the aged for use in the 81227
operation of independent living facilities as defined in division 81228
(A) of section 5709.12 of the Revised Code. 81229

(13) Building and construction materials and services sold to 81230
construction contractors for incorporation into a structure or 81231
improvement to real property under a construction contract with 81232

this state or a political subdivision of this state, or with the 81233
United States government or any of its agencies; building and 81234
construction materials and services sold to construction 81235
contractors for incorporation into a structure or improvement to 81236
real property that are accepted for ownership by this state or any 81237
of its political subdivisions, or by the United States government 81238
or any of its agencies at the time of completion of the structures 81239
or improvements; building and construction materials sold to 81240
construction contractors for incorporation into a horticulture 81241
structure or livestock structure for a person engaged in the 81242
business of horticulture or producing livestock; building 81243
materials and services sold to a construction contractor for 81244
incorporation into a house of public worship or religious 81245
education, or a building used exclusively for charitable purposes 81246
under a construction contract with an organization whose purpose 81247
is as described in division (B)(12) of this section; building 81248
materials and services sold to a construction contractor for 81249
incorporation into a building under a construction contract with 81250
an organization exempt from taxation under section 501(c)(3) of 81251
the Internal Revenue Code of 1986 when the building is to be used 81252
exclusively for the organization's exempt purposes; building and 81253
construction materials sold for incorporation into the original 81254
construction of a sports facility under section 307.696 of the 81255
Revised Code; and building and construction materials and services 81256
sold to a construction contractor for incorporation into real 81257
property outside this state if such materials and services, when 81258
sold to a construction contractor in the state in which the real 81259
property is located for incorporation into real property in that 81260
state, would be exempt from a tax on sales levied by that state; 81261

(14) Sales of ships or vessels or rail rolling stock used or 81262
to be used principally in interstate or foreign commerce, and 81263
repairs, alterations, fuel, and lubricants for such ships or 81264
vessels or rail rolling stock; 81265

(15) Sales to persons primarily engaged in any of the 81266
activities mentioned in division (B)(42)(a) or (g) of this 81267
section, to persons engaged in making retail sales, or to persons 81268
who purchase for sale from a manufacturer tangible personal 81269
property that was produced by the manufacturer in accordance with 81270
specific designs provided by the purchaser, of packages, including 81271
material, labels, and parts for packages, and of machinery, 81272
equipment, and material for use primarily in packaging tangible 81273
personal property produced for sale, including any machinery, 81274
equipment, and supplies used to make labels or packages, to 81275
prepare packages or products for labeling, or to label packages or 81276
products, by or on the order of the person doing the packaging, or 81277
sold at retail. "Packages" includes bags, baskets, cartons, 81278
crates, boxes, cans, bottles, bindings, wrappings, and other 81279
similar devices and containers, but does not include motor 81280
vehicles or bulk tanks, trailers, or similar devices attached to 81281
motor vehicles. "Packaging" means placing in a package. Division 81282
(B)(15) of this section does not apply to persons engaged in 81283
highway transportation for hire. 81284

(16) Sales of food to persons using ~~food stamp~~ supplemental 81285
nutrition assistance program benefits to purchase the food. As 81286
used in this division, "food" has the same meaning as in ~~the "Food~~ 81287
~~Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended,~~ and 81288
federal regulations adopted pursuant to ~~that act~~ the Food and 81289
Nutrition Act of 2008. 81290

(17) Sales to persons engaged in farming, agriculture, 81291
horticulture, or floriculture, of tangible personal property for 81292
use or consumption directly in the production by farming, 81293
agriculture, horticulture, or floriculture of other tangible 81294
personal property for use or consumption directly in the 81295
production of tangible personal property for sale by farming, 81296
agriculture, horticulture, or floriculture; or material and parts 81297

for incorporation into any such tangible personal property for use 81298
or consumption in production; and of tangible personal property 81299
for such use or consumption in the conditioning or holding of 81300
products produced by and for such use, consumption, or sale by 81301
persons engaged in farming, agriculture, horticulture, or 81302
floriculture, except where such property is incorporated into real 81303
property; 81304

(18) Sales of drugs for a human being that may be dispensed 81305
only pursuant to a prescription; insulin as recognized in the 81306
official United States pharmacopoeia; urine and blood testing 81307
materials when used by diabetics or persons with hypoglycemia to 81308
test for glucose or acetone; hypodermic syringes and needles when 81309
used by diabetics for insulin injections; epoetin alfa when 81310
purchased for use in the treatment of persons with medical 81311
disease; hospital beds when purchased by hospitals, nursing homes, 81312
or other medical facilities; and medical oxygen and medical 81313
oxygen-dispensing equipment when purchased by hospitals, nursing 81314
homes, or other medical facilities; 81315

(19) Sales of prosthetic devices, durable medical equipment 81316
for home use, or mobility enhancing equipment, when made pursuant 81317
to a prescription and when such devices or equipment are for use 81318
by a human being. 81319

(20) Sales of emergency and fire protection vehicles and 81320
equipment to nonprofit organizations for use solely in providing 81321
fire protection and emergency services, including trauma care and 81322
emergency medical services, for political subdivisions of the 81323
state; 81324

(21) Sales of tangible personal property manufactured in this 81325
state, if sold by the manufacturer in this state to a retailer for 81326
use in the retail business of the retailer outside of this state 81327
and if possession is taken from the manufacturer by the purchaser 81328
within this state for the sole purpose of immediately removing the 81329

same from this state in a vehicle owned by the purchaser;	81330
(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;	81331 81332 81333 81334 81335
(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;	81336 81337 81338
(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.	81339 81340 81341 81342 81343 81344 81345 81346 81347 81348 81349 81350 81351 81352 81353
(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;	81354 81355 81356
(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	81357 81358 81359 81360

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	81361 81362
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	81363 81364 81365 81366
(a) To prepare food for human consumption for sale;	81367
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	81368 81369 81370 81371
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	81372 81373
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	81374 81375
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	81376 81377 81378 81379
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	81380 81381 81382
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	81383 81384 81385
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the	81386 81387 81388 81389 81390

transportation of tangible personal property; 81391

(33) Sales to the state headquarters of any veterans' 81392
organization in this state that is either incorporated and issued 81393
a charter by the congress of the United States or is recognized by 81394
the United States veterans administration, for use by the 81395
headquarters; 81396

(34) Sales to a telecommunications service vendor, mobile 81397
telecommunications service vendor, or satellite broadcasting 81398
service vendor of tangible personal property and services used 81399
directly and primarily in transmitting, receiving, switching, or 81400
recording any interactive, one- or two-way electromagnetic 81401
communications, including voice, image, data, and information, 81402
through the use of any medium, including, but not limited to, 81403
poles, wires, cables, switching equipment, computers, and record 81404
storage devices and media, and component parts for the tangible 81405
personal property. The exemption provided in this division shall 81406
be in lieu of all other exemptions under division (B)(42)(a) of 81407
this section to which the vendor may otherwise be entitled, based 81408
upon the use of the thing purchased in providing the 81409
telecommunications, mobile telecommunications, or satellite 81410
broadcasting service. 81411

(35)(a) Sales where the purpose of the consumer is to use or 81412
consume the things transferred in making retail sales and 81413
consisting of newspaper inserts, catalogues, coupons, flyers, gift 81414
certificates, or other advertising material that prices and 81415
describes tangible personal property offered for retail sale. 81416

(b) Sales to direct marketing vendors of preliminary 81417
materials such as photographs, artwork, and typesetting that will 81418
be used in printing advertising material; of printed matter that 81419
offers free merchandise or chances to win sweepstake prizes and 81420
that is mailed to potential customers with advertising material 81421
described in division (B)(35)(a) of this section; and of equipment 81422

such as telephones, computers, facsimile machines, and similar 81423
tangible personal property primarily used to accept orders for 81424
direct marketing retail sales. 81425

(c) Sales of automatic food vending machines that preserve 81426
food with a shelf life of forty-five days or less by refrigeration 81427
and dispense it to the consumer. 81428

For purposes of division (B)(35) of this section, "direct 81429
marketing" means the method of selling where consumers order 81430
tangible personal property by United States mail, delivery 81431
service, or telecommunication and the vendor delivers or ships the 81432
tangible personal property sold to the consumer from a warehouse, 81433
catalogue distribution center, or similar fulfillment facility by 81434
means of the United States mail, delivery service, or common 81435
carrier. 81436

(36) Sales to a person engaged in the business of 81437
horticulture or producing livestock of materials to be 81438
incorporated into a horticulture structure or livestock structure; 81439

(37) Sales of personal computers, computer monitors, computer 81440
keyboards, modems, and other peripheral computer equipment to an 81441
individual who is licensed or certified to teach in an elementary 81442
or a secondary school in this state for use by that individual in 81443
preparation for teaching elementary or secondary school students; 81444

(38) Sales to a professional racing team of any of the 81445
following: 81446

(a) Motor racing vehicles; 81447

(b) Repair services for motor racing vehicles; 81448

(c) Items of property that are attached to or incorporated in 81449
motor racing vehicles, including engines, chassis, and all other 81450
components of the vehicles, and all spare, replacement, and 81451
rebuilt parts or components of the vehicles; except not including 81452

tires, consumable fluids, paint, and accessories consisting of 81453
instrumentation sensors and related items added to the vehicle to 81454
collect and transmit data by means of telemetry and other forms of 81455
communication. 81456

(39) Sales of used manufactured homes and used mobile homes, 81457
as defined in section 5739.0210 of the Revised Code, made on or 81458
after January 1, 2000; 81459

(40) Sales of tangible personal property and services to a 81460
provider of electricity used or consumed directly and primarily in 81461
generating, transmitting, or distributing electricity for use by 81462
others, including property that is or is to be incorporated into 81463
and will become a part of the consumer's production, transmission, 81464
or distribution system and that retains its classification as 81465
tangible personal property after incorporation; fuel or power used 81466
in the production, transmission, or distribution of electricity; 81467
and tangible personal property and services used in the repair and 81468
maintenance of the production, transmission, or distribution 81469
system, including only those motor vehicles as are specially 81470
designed and equipped for such use. The exemption provided in this 81471
division shall be in lieu of all other exemptions in division 81472
(B)(42)(a) of this section to which a provider of electricity may 81473
otherwise be entitled based on the use of the tangible personal 81474
property or service purchased in generating, transmitting, or 81475
distributing electricity. 81476

(41) Sales to a person providing services under division 81477
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 81478
personal property and services used directly and primarily in 81479
providing taxable services under that section. 81480

(42) Sales where the purpose of the purchaser is to do any of 81481
the following: 81482

(a) To incorporate the thing transferred as a material or a 81483

part into tangible personal property to be produced for sale by 81484
manufacturing, assembling, processing, or refining; or to use or 81485
consume the thing transferred directly in producing tangible 81486
personal property for sale by mining, including, without 81487
limitation, the extraction from the earth of all substances that 81488
are classed geologically as minerals, production of crude oil and 81489
natural gas, farming, agriculture, horticulture, or floriculture, 81490
or directly in the rendition of a public utility service, except 81491
that the sales tax levied by this section shall be collected upon 81492
all meals, drinks, and food for human consumption sold when 81493
transporting persons. Persons engaged in rendering farming, 81494
agricultural, horticultural, or floricultural services, and 81495
services in the exploration for, and production of, crude oil and 81496
natural gas, for others are deemed engaged directly in farming, 81497
agriculture, horticulture, and floriculture, or exploration for, 81498
and production of, crude oil and natural gas. This paragraph does 81499
not exempt from "retail sale" or "sales at retail" the sale of 81500
tangible personal property that is to be incorporated into a 81501
structure or improvement to real property. 81502

(b) To hold the thing transferred as security for the 81503
performance of an obligation of the vendor; 81504

(c) To resell, hold, use, or consume the thing transferred as 81505
evidence of a contract of insurance; 81506

(d) To use or consume the thing directly in commercial 81507
fishing; 81508

(e) To incorporate the thing transferred as a material or a 81509
part into, or to use or consume the thing transferred directly in 81510
the production of, magazines distributed as controlled circulation 81511
publications; 81512

(f) To use or consume the thing transferred in the production 81513
and preparation in suitable condition for market and sale of 81514

printed, imprinted, overprinted, lithographic, multilithic, 81515
blueprinted, photostatic, or other productions or reproductions of 81516
written or graphic matter; 81517

(g) To use the thing transferred, as described in section 81518
5739.011 of the Revised Code, primarily in a manufacturing 81519
operation to produce tangible personal property for sale; 81520

(h) To use the benefit of a warranty, maintenance or service 81521
contract, or similar agreement, as described in division (B)(7) of 81522
section 5739.01 of the Revised Code, to repair or maintain 81523
tangible personal property, if all of the property that is the 81524
subject of the warranty, contract, or agreement would not be 81525
subject to the tax imposed by this section; 81526

(i) To use the thing transferred as qualified research and 81527
development equipment; 81528

(j) To use or consume the thing transferred primarily in 81529
storing, transporting, mailing, or otherwise handling purchased 81530
sales inventory in a warehouse, distribution center, or similar 81531
facility when the inventory is primarily distributed outside this 81532
state to retail stores of the person who owns or controls the 81533
warehouse, distribution center, or similar facility, to retail 81534
stores of an affiliated group of which that person is a member, or 81535
by means of direct marketing. This division does not apply to 81536
motor vehicles registered for operation on the public highways. As 81537
used in this division, "affiliated group" has the same meaning as 81538
in division (B)(3)(e) of section 5739.01 of the Revised Code and 81539
"direct marketing" has the same meaning as in division (B)(35) of 81540
this section. 81541

(k) To use or consume the thing transferred to fulfill a 81542
contractual obligation incurred by a warrantor pursuant to a 81543
warranty provided as a part of the price of the tangible personal 81544
property sold or by a vendor of a warranty, maintenance or service 81545

contract, or similar agreement the provision of which is defined 81546
as a sale under division (B)(7) of section 5739.01 of the Revised 81547
Code; 81548

(l) To use or consume the thing transferred in the production 81549
of a newspaper for distribution to the public; 81550

(m) To use tangible personal property to perform a service 81551
listed in division (B)(3) of section 5739.01 of the Revised Code, 81552
if the property is or is to be permanently transferred to the 81553
consumer of the service as an integral part of the performance of 81554
the service; 81555

(n) To use or consume the thing transferred in acquiring, 81556
formatting, editing, storing, and disseminating data or 81557
information by electronic publishing. 81558

As used in division (B)(42) of this section, "thing" includes 81559
all transactions included in divisions (B)(3)(a), (b), and (e) of 81560
section 5739.01 of the Revised Code. 81561

(43) Sales conducted through a coin operated device that 81562
activates vacuum equipment or equipment that dispenses water, 81563
whether or not in combination with soap or other cleaning agents 81564
or wax, to the consumer for the consumer's use on the premises in 81565
washing, cleaning, or waxing a motor vehicle, provided no other 81566
personal property or personal service is provided as part of the 81567
transaction. 81568

(44) Sales of replacement and modification parts for engines, 81569
airframes, instruments, and interiors in, and paint for, aircraft 81570
used primarily in a fractional aircraft ownership program, and 81571
sales of services for the repair, modification, and maintenance of 81572
such aircraft, and machinery, equipment, and supplies primarily 81573
used to provide those services. 81574

(45) Sales of telecommunications service that is used 81575
directly and primarily to perform the functions of a call center. 81576

As used in this division, "call center" means any physical 81577
location where telephone calls are placed or received in high 81578
volume for the purpose of making sales, marketing, customer 81579
service, technical support, or other specialized business 81580
activity, and that employs at least fifty individuals that engage 81581
in call center activities on a full-time basis, or sufficient 81582
individuals to fill fifty full-time equivalent positions. 81583

(46) Sales by a telecommunications service vendor of 900 81584
service to a subscriber. This division does not apply to 81585
information services, as defined in division (FF) of section 81586
5739.01 of the Revised Code. 81587

(47) Sales of value-added non-voice data service. This 81588
division does not apply to any similar service that is not 81589
otherwise a telecommunications service. 81590

(48)(a) Sales of machinery, equipment, and software to a 81591
qualified direct selling entity for use in a warehouse or 81592
distribution center primarily for storing, transporting, or 81593
otherwise handling inventory that is held for sale to independent 81594
salespersons who operate as direct sellers and that is held 81595
primarily for distribution outside this state; 81596

(b) As used in division (B)(48)(a) of this section: 81597

(i) "Direct seller" means a person selling consumer products 81598
to individuals for personal or household use and not from a fixed 81599
retail location, including selling such product at in-home product 81600
demonstrations, parties, and other one-on-one selling. 81601

(ii) "Qualified direct selling entity" means an entity 81602
selling to direct sellers at the time the entity enters into a tax 81603
credit agreement with the tax credit authority pursuant to section 81604
122.17 of the Revised Code, provided that the agreement was 81605
entered into on or after January 1, 2007. Neither contingencies 81606
relevant to the granting of, nor later developments with respect 81607

to, the tax credit shall impair the status of the qualified direct 81608
selling entity under division (B)(48) of this section after 81609
execution of the tax credit agreement by the tax credit authority. 81610

(c) Division (B)(48) of this section is limited to machinery, 81611
equipment, and software first stored, used, or consumed in this 81612
state within the period commencing June 24, 2008, and ending on 81613
the date that is five years after that date. 81614

(49) Sales of materials, parts, equipment, or engines used in 81615
the repair or maintenance of aircraft or avionics systems of such 81616
aircraft, and sales of repair, remodeling, replacement, or 81617
maintenance services in this state performed on aircraft or on an 81618
aircraft's avionics, engine, or component materials or parts. As 81619
used in division (B)(49) of this section, "aircraft" means 81620
aircraft of more than six thousand pounds maximum certified 81621
takeoff weight or used exclusively in general aviation. 81622

(50) Sales of full flight simulators that are used for pilot 81623
or flight-crew training, sales of repair or replacement parts or 81624
components, and sales of repair or maintenance services for such 81625
full flight simulators. "Full flight simulator" means a replica of 81626
a specific type, or make, model, and series of aircraft cockpit. 81627
It includes the assemblage of equipment and computer programs 81628
necessary to represent aircraft operations in ground and flight 81629
conditions, a visual system providing an out-of-the-cockpit view, 81630
and a system that provides cues at least equivalent to those of a 81631
three-degree-of-freedom motion system, and has the full range of 81632
capabilities of the systems installed in the device as described 81633
in appendices A and B of part 60 of chapter 1 of title 14 of the 81634
Code of Federal Regulations. 81635

(C) For the purpose of the proper administration of this 81637
chapter, and to prevent the evasion of the tax, it is presumed 81638
that all sales made in this state are subject to the tax until the 81639

contrary is established. 81640

(D) The levy of this tax on retail sales of recreation and 81641
sports club service shall not prevent a municipal corporation from 81642
levying any tax on recreation and sports club dues or on any 81643
income generated by recreation and sports club dues. 81644

(E) The tax collected by the vendor from the consumer under 81645
this chapter is not part of the price, but is a tax collection for 81646
the benefit of the state, and of counties levying an additional 81647
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 81648
Code and of transit authorities levying an additional sales tax 81649
pursuant to section 5739.023 of the Revised Code. Except for the 81650
discount authorized under section 5739.12 of the Revised Code and 81651
the effects of any rounding pursuant to section 5703.055 of the 81652
Revised Code, no person other than the state or such a county or 81653
transit authority shall derive any benefit from the collection or 81654
payment of the tax levied by this section or section 5739.021, 81655
5739.023, or 5739.026 of the Revised Code. 81656

Sec. 5739.03. (A) Except as provided in section 5739.05 or 81657
section 5739.051 of the Revised Code, the tax imposed by or 81658
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 81659
the Revised Code shall be paid by the consumer to the vendor, and 81660
each vendor shall collect from the consumer, as a trustee for the 81661
state of Ohio, the full and exact amount of the tax payable on 81662
each taxable sale, in the manner and at the times provided as 81663
follows: 81664

(1) If the price is, at or prior to the provision of the 81665
service or the delivery of possession of the thing sold to the 81666
consumer, paid in currency passed from hand to hand by the 81667
consumer or the consumer's agent to the vendor or the vendor's 81668
agent, the vendor or the vendor's agent shall collect the tax with 81669
and at the same time as the price; 81670

(2) If the price is otherwise paid or to be paid, the vendor 81671
or the vendor's agent shall, at or prior to the provision of the 81672
service or the delivery of possession of the thing sold to the 81673
consumer, charge the tax imposed by or pursuant to section 81674
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 81675
the account of the consumer, which amount shall be collected by 81676
the vendor from the consumer in addition to the price. Such sale 81677
shall be reported on and the amount of the tax applicable thereto 81678
shall be remitted with the return for the period in which the sale 81679
is made, and the amount of the tax shall become a legal charge in 81680
favor of the vendor and against the consumer. 81681

(B)(1)(a) If any sale is claimed to be exempt under division 81682
(E) of section 5739.01 of the Revised Code or under section 81683
5739.02 of the Revised Code, with the exception of divisions 81684
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 81685
consumer must provide to the vendor, and the vendor must obtain 81686
from the consumer, a certificate specifying the reason that the 81687
sale is not legally subject to the tax. The certificate shall be 81688
in such form, and shall be provided either in a hard copy form or 81689
electronic form, as the tax commissioner prescribes. 81690

(b) A vendor that obtains a fully completed exemption 81691
certificate from a consumer is relieved of liability for 81692
collecting and remitting tax on any sale covered by that 81693
certificate. If it is determined the exemption was improperly 81694
claimed, the consumer shall be liable for any tax due on that sale 81695
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 81696
5741. of the Revised Code. Relief under this division from 81697
liability does not apply to any of the following: 81698

(i) A vendor that fraudulently fails to collect tax; 81699

(ii) A vendor that solicits consumers to participate in the 81700
unlawful claim of an exemption; 81701

(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.

(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never

subject to the tax imposed or where the item of tangible personal 81733
property sold or the service provided is never subject to the tax 81734
imposed, regardless of use, or when the sale is in interstate 81735
commerce. 81736

(6) If a transaction is claimed to be exempt under division 81737
(B)(13) of section 5739.02 of the Revised Code, the contractor 81738
shall obtain certification of the claimed exemption from the 81739
contractee. This certification shall be in addition to an 81740
exemption certificate provided by the contractor to the vendor. A 81741
contractee that provides a certification under this division shall 81742
be deemed to be the consumer of all items purchased by the 81743
contractor under the claim of exemption, if it is subsequently 81744
determined that the exemption is not properly claimed. The 81745
certification shall be in such form as the tax commissioner 81746
prescribes. 81747

(C) As used in this division, "contractee" means a person who 81748
seeks to enter or enters into a contract or agreement with a 81749
contractor or vendor for the construction of real property or for 81750
the sale and installation onto real property of tangible personal 81751
property. 81752

Any contractor or vendor may request from any contractee a 81753
certification of what portion of the property to be transferred 81754
under such contract or agreement is to be incorporated into the 81755
realty and what portion will retain its status as tangible 81756
personal property after installation is completed. The contractor 81757
or vendor shall request the certification by certified mail 81758
delivered to the contractee, return receipt requested. Upon 81759
receipt of such request and prior to entering into the contract or 81760
agreement, the contractee shall provide to the contractor or 81761
vendor a certification sufficiently detailed to enable the 81762
contractor or vendor to ascertain the resulting classification of 81763
all materials purchased or fabricated by the contractor or vendor 81764

and transferred to the contractee. This requirement applies to a 81765
contractee regardless of whether the contractee holds a direct 81766
payment permit under section 5739.031 of the Revised Code or 81767
provides to the contractor or vendor an exemption certificate as 81768
provided under this section. 81769

For the purposes of the taxes levied by this chapter and 81770
Chapter 5741. of the Revised Code, the contractor or vendor may in 81771
good faith rely on the contractee's certification. Notwithstanding 81772
division (B) of section 5739.01 of the Revised Code, if the tax 81773
commissioner determines that certain property certified by the 81774
contractee as tangible personal property pursuant to this division 81775
is, in fact, real property, the contractee shall be considered to 81776
be the consumer of all materials so incorporated into that real 81777
property and shall be liable for the applicable tax, and the 81778
contractor or vendor shall be excused from any liability on those 81779
materials. 81780

If a contractee fails to provide such certification upon the 81781
request of the contractor or vendor, the contractor or vendor 81782
shall comply with the provisions of this chapter and Chapter 5741. 81783
of the Revised Code without the certification. If the tax 81784
commissioner determines that such compliance has been performed in 81785
good faith and that certain property treated as tangible personal 81786
property by the contractor or vendor is, in fact, real property, 81787
the contractee shall be considered to be the consumer of all 81788
materials so incorporated into that real property and shall be 81789
liable for the applicable tax, and the construction contractor or 81790
vendor shall be excused from any liability on those materials. 81791

This division does not apply to any contract or agreement 81792
where the tax commissioner determines as a fact that a 81793
certification under this division was made solely on the decision 81794
or advice of the contractor or vendor. 81795

(D) Notwithstanding division (B) of section 5739.01 of the 81796

Revised Code, whenever the total rate of tax imposed under this 81797
chapter is increased after the date after a construction contract 81798
is entered into, the contractee shall reimburse the construction 81799
contractor for any additional tax paid on tangible property 81800
consumed or services received pursuant to the contract. 81801

(E) A vendor who files a petition for reassessment contesting 81802
the assessment of tax on sales for which the vendor obtained no 81803
valid exemption certificates and for which the vendor failed to 81804
establish that the sales were properly not subject to the tax 81805
during the one-hundred-twenty-day period allowed under division 81806
(B) of this section, may present to the tax commissioner 81807
additional evidence to prove that the sales were properly subject 81808
to a claim of exception or exemption. The vendor shall file such 81809
evidence within ninety days of the receipt by the vendor of the 81810
notice of assessment, except that, upon application and for 81811
reasonable cause, the period for submitting such evidence shall be 81812
extended thirty days. 81813

The commissioner shall consider such additional evidence in 81814
reaching the final determination on the assessment and petition 81815
for reassessment. 81816

(F) Whenever a vendor refunds the price, minus any separately 81817
stated delivery charge, of an item of tangible personal property 81818
on which the tax imposed under this chapter has been paid, the 81819
vendor shall also refund the amount of tax paid, minus the amount 81820
of tax attributable to the delivery charge. 81821

Sec. 5739.033. (A) Except as provided in division (B) of this 81822
section, divisions (C) to (I) of this section apply to sales made 81823
on and after January 1, 2008. Any vendor previously required to 81824
comply with divisions (C) to (I) of this section and any vendor 81825
that irrevocably elects to comply with divisions (C) to (I) of 81826
this section for all of the vendor's sales and places of business 81827

in this state shall continue to source its sales under those 81828
divisions. 81829

The amount of tax due pursuant to sections 5739.02, 5739.021, 81830
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 81831
imposed pursuant to those sections at the sourcing location of the 81832
sale as determined under this section or, if applicable, under 81833
division (C) of section 5739.031 or section 5739.034 of the 81834
Revised Code, or at the situs of the sale as determined under 81835
section 5739.035 of the Revised Code. This section applies only to 81836
a vendor's or seller's obligation to collect and remit sales taxes 81837
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 81838
Revised Code or use taxes under section 5741.02, 5741.021, 81839
5741.022, or 5741.023 of the Revised Code. Division (A) of this 81840
section does not apply in determining the jurisdiction for which 81841
sellers are required to collect the use tax under section 5741.05 81842
of the Revised Code. This section does not affect the obligation 81843
of a consumer to remit use taxes on the storage, use, or other 81844
consumption of tangible personal property or on the benefit 81845
realized of any service provided, to the jurisdiction of that 81846
storage, use, or consumption, or benefit realized. 81847

(B)(1) As used in this division: 81848

(a) "Delivery sale" means the taxable sale of tangible 81849
personal property or a service that is received by a consumer, or 81850
a donee designated by the consumer, in a taxing jurisdiction that 81851
is not the taxing jurisdiction in which the vendor has a fixed 81852
place of business. 81853

(b) "Agreement" has the same meaning as in section 5740.01 of 81854
the Revised Code. 81855

(c) "Governing board" has the same meaning as in section 81856
5740.02 of the Revised Code. 81857

(2) If the tax commissioner does not make the certification 81858

under section 5740.10 of the Revised Code, a vendor that is not 81859
required by division (A) of this section to situs sales under 81860
divisions (C) to (I) of this section on the date of the 81861
commissioner's certification may continue after that date to situs 81862
its sales under section 5739.035 of the Revised Code unless it is 81863
required, under division (B)(5) of this section, to situs its 81864
sales under divisions (C) to (I) of this section. 81865

(3) Except as otherwise provided in divisions (B)(4) and (5) 81866
of this section, a vendor with total delivery sales within this 81867
state in prior calendar years, beginning with calendar year 2007, 81868
of less than five hundred thousand dollars may situs its sales 81869
under section 5739.035 of the Revised Code. 81870

(4) Once a vendor has total delivery sales in this state of 81871
five hundred thousand dollars or more for a prior calendar year, 81872
the vendor shall source its sales under divisions (C) to (I) of 81873
this section and shall continue to source its sales under those 81874
divisions regardless of the amount of the vendor's total delivery 81875
sales in future years. 81876

(5) A vendor permitted under division (B)(3) of this section 81877
to situs its sales under section 5739.035 of the Revised Code that 81878
fails to provide, absent a clerical error, the notices required 81879
under division (I)(1) of section 5739.035 of the Revised Code 81880
shall situs all subsequent sales as required under divisions (C) 81881
to (I) of this section. 81882

(C) Except for sales, other than leases, of titled motor 81883
vehicles, titled watercraft, or titled outboard motors as provided 81884
in section 5741.05 of the Revised Code, or as otherwise provided 81885
in this section and section 5739.034 of the Revised Code, all 81886
sales shall be sourced as follows: 81887

(1) If the consumer or a donee designated by the consumer 81888
receives tangible personal property or a service at a vendor's 81889

place of business, the sale shall be sourced to that place of 81890
business. 81891

(2) When the tangible personal property or service is not 81892
received at a vendor's place of business, the sale shall be 81893
sourced to the location known to the vendor where the consumer or 81894
the donee designated by the consumer receives the tangible 81895
personal property or service, including the location indicated by 81896
instructions for delivery to the consumer or the consumer's donee. 81897

(3) If divisions (C)(1) and (2) of this section do not apply, 81898
the sale shall be sourced to the location indicated by an address 81899
for the consumer that is available from the vendor's business 81900
records that are maintained in the ordinary course of the vendor's 81901
business, when use of that address does not constitute bad faith. 81902
81903

(4) If divisions (C)(1), (2), and (3) of this section do not 81904
apply, the sale shall be sourced to the location indicated by an 81905
address for the consumer obtained during the consummation of the 81906
sale, including the address associated with the consumer's payment 81907
instrument, if no other address is available, when use of that 81908
address does not constitute bad faith. 81909

(5) If divisions (C)(1), (2), (3), and (4) of this section do 81910
not apply, including in the circumstance where the vendor is 81911
without sufficient information to apply any of those divisions, 81912
the sale shall be sourced to the address from which tangible 81913
personal property was shipped, or from which the service was 81914
provided, disregarding any location that merely provided the 81915
electronic transfer of the property sold or service provided. 81916

(6) As used in division (C) of this section, "receive" means 81917
taking possession of tangible personal property or making first 81918
use of a service. "Receive" does not include possession by a 81919
shipping company on behalf of a consumer. 81920

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption certificate claiming multiple points of use to a vendor may use any reasonable, consistent, and uniform method of apportioning the tax due on the digital good, computer software, or service that is supported by the consumer's business records as they existed at the time of the sale. The business consumer shall report and pay the appropriate tax to each jurisdiction where concurrent use occurs. The tax due shall be calculated as if the apportioned amount of the digital good, computer software, or service had been delivered to each jurisdiction to which the sale is apportioned under this division.

(c) The exemption certificate claiming multiple points of use shall remain in effect for all future sales by the vendor to the business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the information certified by the business consumer.

(3) When the vendor knows that the digital good, computer software, or service will be concurrently available for use in more than one jurisdiction, and the business consumer does not have a direct pay permit and does not provide to the vendor an exemption certificate claiming multiple points of use as required in division (D)(1) of this section, or certification pursuant to division (D)(2) of this section, the vendor shall collect and remit the tax based on division (C) of this section.

(4) Nothing in this section shall limit a person's obligation for sales or use tax to any state in which a digital good, computer software, or service is concurrently available for use, nor limit a person's ability under local, state, or federal law, to claim a credit for sales or use taxes legally due and paid to other jurisdictions.

(E) A person who holds a direct payment permit issued under 81985
section 5739.031 of the Revised Code is not required to deliver an 81986
exemption certificate claiming multiple points of use to a vendor. 81987
But such permit holder shall comply with division (D)(2) of this 81988
section in apportioning the tax due on a digital good, computer 81989
software, or a service for use in business that will be 81990
concurrently available for use in more than one taxing 81991
jurisdiction. 81992

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 81993
section, the consumer of direct mail that is not a holder of a 81994
direct payment permit shall provide to the vendor in conjunction 81995
with the sale either an exemption certificate claiming direct mail 81996
prescribed by the tax commissioner, or information to show the 81997
jurisdictions to which the direct mail is delivered to recipients. 81998

(2) Upon receipt of such exemption certificate, the vendor is 81999
relieved of all obligations to collect, pay, or remit the 82000
applicable tax and the consumer is obligated to pay that tax on a 82001
direct pay basis. An exemption certificate claiming direct mail 82002
shall remain in effect for all future sales of direct mail by the 82003
vendor to the consumer until it is revoked in writing. 82004

(3) Upon receipt of information from the consumer showing the 82005
jurisdictions to which the direct mail is delivered to recipients, 82006
the vendor shall collect the tax according to the delivery 82007
information provided by the consumer. In the absence of bad faith, 82008
the vendor is relieved of any further obligation to collect tax on 82009
any transaction where the vendor has collected tax pursuant to the 82010
delivery information provided by the consumer. 82011

(4) If the consumer of direct mail does not have a direct 82012
payment permit and does not provide the vendor with either an 82013
exemption certificate claiming direct mail or delivery information 82014
as required by division (F)(1) of this section, the vendor shall 82015
collect the tax according to division (C)(5) of this section. 82016

Nothing in division (F)(4) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered.

(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or delivery information to the vendor.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment 82047
shall be sourced pursuant to division (C) of this section. 82048

(I)(1) A lease or rental of tangible personal property that 82049
does not require recurring periodic payments shall be sourced 82050
pursuant to division (C) of this section. 82051

(2) A lease or rental of tangible personal property that 82052
requires recurring periodic payments shall be sourced as follows: 82053

(a) In the case of a motor vehicle, other than a motor 82054
vehicle that is transportation equipment, or an aircraft, other 82055
than an aircraft that is transportation equipment, such lease or 82056
rental shall be sourced as follows: 82057

(i) An accelerated tax payment on a lease or rental taxed 82058
pursuant to division (A)(2) of section 5739.02 of the Revised Code 82059
shall be sourced to the primary property location at the time the 82060
lease or rental is consummated. Any subsequent taxable charges on 82061
the lease or rental shall be sourced to the primary property 82062
location for the period in which the charges are incurred. 82063

(ii) For a lease or rental taxed pursuant to division (A)(3) 82064
of section 5739.02 of the Revised Code, each lease or rental 82065
installment shall be sourced to the primary property location for 82066
the period covered by the installment. 82067

(b) In the case of a lease or rental of all other tangible 82068
personal property, other than transportation equipment, such lease 82069
or rental shall be sourced as follows: 82070

(i) An accelerated tax payment on a lease or rental that is 82071
taxed pursuant to division (A)(2) of section 5739.02 of the 82072
Revised Code shall be sourced pursuant to division (C) of this 82073
section at the time the lease or rental is consummated. Any 82074
subsequent taxable charges on the lease or rental shall be sourced 82075
to the primary property location for the period in which the 82076
charges are incurred. 82077

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) Sales described in division (B)(11) of section 5739.01 of the Revised Code shall be sourced to the location of the enrollee for whom a medicaid health insuring corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a particular taxing jurisdiction in Ohio as compared to all managed care premiums received by the medicaid health insuring corporation.

Sec. 5739.051. (A) The tax commissioner shall issue a direct payment permit to a medicaid health insuring corporation that authorizes the medicaid health insuring corporation to pay all taxes due on sales described in division (B)(11) of section 5739.01 of the Revised Code directly to the state. Each medicaid health insuring corporation shall pay pursuant to such direct payment authority all sales tax levied on such sales by sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and all use tax levied on such sales pursuant to sections 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, unless division (B)(11)(b) of section 5739.01 of the Revised Code

applies. 82109

(B) Each medicaid health insuring corporation shall, on or 82110
before the twenty-third day of each month, file a return for the 82111
preceding month on a form prescribed by the tax commissioner and 82112
shall pay the tax shown on the return to be due, unless division 82113
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 82114
return shall show the amount of tax due from the medicaid health 82115
care insuring corporation for the period covered by the return and 82116
other such information as the commissioner deems necessary. Upon 82117
written request, the commissioner may extend the time for filing 82118
the return and paying the tax. The commissioner may require each 82119
medicaid health insuring corporation to file returns and remit 82120
payment by electronic means as provided in section 5739.032 of the 82121
Revised Code. 82122

Sec. 5739.131. Any nonresident of this state who accepts the 82123
privilege extended by the laws of this state to nonresidents of 82124
engaging in the business of selling in this state, as defined in 82125
section 5741.01 of the Revised Code, and any resident of this 82126
state who is required by sections 5739.17 and 5739.31 of the 82127
Revised Code to have a vendor's license and subsequently becomes a 82128
nonresident or conceals ~~his~~ the person's whereabouts, makes the 82129
secretary of state ~~his~~ the person's agent for the service of 82130
process or notice in any assessment, action, or proceedings 82131
instituted in this state against such person under sections 82132
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 82133

Such process or notice shall be served, ~~by the officer to 82134~~
~~whom the same is directed or by the tax commissioner, or by the 82135~~
~~sheriff of Franklin county, who may be deputized for such purpose 82136~~
~~by the officer to whom the service is directed, upon the secretary 82137~~
~~of state by leaving at the office of the secretary of state, at 82138~~
~~least fifteen days before the return day of such process or 82139~~

~~notice, a true and attested copy thereof, and by sending to the~~ 82140
~~defendant by certified mail, postage prepaid, a like and true~~ 82141
~~attested copy, with an endorsement thereon of the service upon the~~ 82142
~~secretary of state, addressed to such defendant at his last known~~ 82143
~~address as provided under section 5703.37 of the Revised Code.~~ 82144

Sec. 5743.15. (A) ~~Ne~~ Except as otherwise provided in this 82145
division, no person shall engage in this state in the wholesale or 82146
retail business of trafficking in cigarettes or in the business of 82147
a manufacturer or importer of cigarettes without having a license 82148
to conduct each such activity issued by a county auditor under 82149
division (B) of this section or the tax commissioner under 82150
~~division (E)~~ divisions (C) and (F) of this section, ~~except that~~ 82151
~~en.~~ On dissolution of a partnership by death, the surviving 82152
partner may operate under the license of the partnership until 82153
expiration of the license, and the heirs or legal representatives 82154
of deceased persons, and receivers and trustees in bankruptcy 82155
appointed by any competent authority, may operate under the 82156
license of the person succeeded in possession by such heir, 82157
representative, receiver, or trustee in bankruptcy if the partner 82158
or successor notifies the issuer of the license of the dissolution 82159
or succession within thirty days after the dissolution or 82160
succession. 82161

(B)(1) Each applicant for a license to engage in the 82162
~~wholesale or~~ retail business of trafficking in cigarettes under 82163
this section, annually, on or before the fourth Monday of May, 82164
shall make and deliver to the county auditor of the county in 82165
which the applicant desires to engage in the ~~wholesale or~~ retail 82166
business of trafficking in cigarettes, upon a blank form furnished 82167
by such auditor for that purpose, a statement showing the name of 82168
the applicant, each physical place in the county where the 82169
applicant's business is conducted, the nature of the business, and 82170
any other information the tax commissioner requires in the form of 82171

statement prescribed by the commissioner. If the applicant is a 82172
firm, partnership, or association other than a corporation, the 82173
application shall state the name and address of each of its 82174
members. If the applicant is a corporation, the application shall 82175
state the name and address of each of its officers. At the time of 82176
making the application required by this section, every person 82177
~~desiring to engage in the wholesale business of trafficking in~~ 82178
~~cigarettes shall pay into the county treasury a license tax in the~~ 82179
~~sum of two hundred dollars, or if desiring to engage in the retail~~ 82180
~~business of trafficking in cigarettes, a license tax shall pay an~~ 82181
application fee in the sum of ~~thirty~~ one hundred twenty-five 82182
dollars for each of ~~the first five places~~ physical place where the 82183
person proposes to carry on such business ~~and twenty five dollars~~ 82184
~~for each additional place~~. Each place of business shall be deemed 82185
such space, under lease or license to, or under the control of, or 82186
under the supervision of the applicant, as is contained in one or 82187
more contiguous, adjacent, or adjoining buildings constituting an 82188
industrial plant or a place of business operated by, or under the 82189
control of, one person, or under one roof and connected by doors, 82190
halls, stairways, or elevators, which space may contain any number 82191
of points at which cigarettes are offered for sale, provided that 82192
each additional point at which cigarettes are offered for sale 82193
shall be listed in the application. 82194

(2) Upon receipt of the application and exhibition of the 82196
county treasurer's receipt showing the payment of the ~~tax~~ 82197
application fee, the county auditor shall issue to the applicant a 82198
license for each place of business designated in the application, 82199
authorizing the applicant to engage in such business at such place 82200
for one year commencing on the fourth Monday of May. ~~Companies~~ 82201
~~operating club or dining cars or other cars upon which cigarettes~~ 82202
~~are sold shall obtain licenses at railroad terminals within the~~ 82203
~~state, under such rules as are prescribed by the commissioner.~~ The 82204

form of the license shall be prescribed by the commissioner. A 82205
duplicate license may be obtained from the county auditor upon 82206
payment of a ~~fifty-cent~~ five-dollar fee if the original license is 82207
lost, destroyed, or defaced. When an application is filed after 82208
the fourth Monday of May, the ~~license tax~~ application fee required 82209
to be paid shall be proportioned in amount to the remainder of the 82210
license year, except that it shall not be less than ~~one-fifth of~~ 82211
~~the whole amount~~ twenty-five dollars in any one year. 82212

82213

(3) The holder of a ~~wholesale or~~ retail dealer's cigarette 82214
license may transfer the license to a place of business within the 82215
same county other than that designated on the license ~~or may~~ 82216
~~assign the license to another person for use in the same county on~~ 82217
~~condition that the licensee or assignee, whichever is applicable,~~ 82218
~~make application~~ licensee's ownership interest and business 82219
structure remain unchanged, and that the licensee applies to the 82220
county auditor therefor, upon forms approved by the commissioner 82221
and the payment of a fee of ~~one dollar~~ five dollars into the 82222
county treasury. 82223

(C)(1) Each applicant for a license to engage in the 82224
wholesale business of trafficking in cigarettes under this 82225
section, annually, on or before the fourth Monday in May, shall 82226
make and deliver to the tax commissioner, upon a blank form 82227
furnished by the commissioner for that purpose, a statement 82228
showing the name of the applicant, physical street address where 82229
the applicant's business is conducted, the nature of the business, 82230
and any other information required by the commissioner. If the 82231
applicant is a firm, partnership, or association other than a 82232
corporation, the applicant shall state the name and address of 82233
each of its members. If the applicant is a corporation, the 82234
applicant shall state the name and address of each of its 82235
officers. At the time of making the application required by this 82236

section, every person desiring to engage in the wholesale business 82237
of trafficking in cigarettes shall pay an application fee of one 82238
thousand dollars for each physical place where the person proposes 82239
to carry on such business. Each place of business shall be deemed 82240
such space, under lease or license to, or under the control of, or 82241
under the supervision of the applicant, as is contained in one or 82242
more contiguous, adjacent, or adjoining buildings constituting an 82243
industrial plant or a place of business operated by, or under the 82244
control of, one person, or under one roof and connected by doors, 82245
halls, stairways, or elevators. A duplicate license may be 82246
obtained from the commissioner upon payment of a 82247
twenty-five-dollar fee if the original license is lost, destroyed, 82248
or defaced. 82249

(2) Upon receipt of the application and payment of any 82250
application fee required by this section, the commissioner shall 82251
verify that the applicant is in good standing under Chapter 1346. 82252
and Title LVII of the Revised Code. Upon approval, the 82253
commissioner shall issue to the applicant a license for each 82254
physical place of business designated in the application 82255
authorizing the applicant to engage in business at that location 82256
for one year commencing on the fourth Monday in May. For licenses 82257
issued after the fourth Monday in May, the application fee shall 82258
be reduced proportionately by the remainder of the twelve-month 82259
period for which the license is issued, except that the 82260
application fee required to be paid under this section shall be 82261
not less than two hundred dollars in any one year. 82262

(3) The holder of a wholesale dealer cigarette license may 82263
transfer the license to a place of business other than that 82264
designated on the license on condition that the licensee's 82265
ownership or business structure remains unchanged, and that the 82266
licensee applies to the commissioner for such a transfer upon a 82267
form promulgated by the commissioner and pays a fee of twenty-five 82268

dollars, which shall be deposited into the cigarette tax 82269
enforcement fund created in division (E) of this section. 82270

(D)(1) The wholesale cigarette license ~~tax revenue~~ 82271
application fees collected under this section shall be ~~distributed~~ 82272
~~as follows:~~ 82273

~~(a) Thirty seven and one half per cent shall be paid upon the~~ 82274
~~warrant of the county auditor into the treasury of the municipal~~ 82275
~~corporation or township in which the place of business for which~~ 82276
~~the tax revenue was received is located;~~ 82277

~~(b) Fifteen per cent shall be credited to the general fund of~~ 82278
~~the county;~~ 82279

~~(c) Forty seven and one half per cent shall be paid into the~~ 82280
~~cigarette tax enforcement fund created by division (C) of this~~ 82281
~~section.~~ 82282

(2) The ~~revenue~~ retail cigarette license application fees 82283
collected from the thirty dollar tax imposed upon the first five 82284
places of business of a person engaged in the retail business of 82285
trafficking in cigarettes under this section shall be distributed 82286
as follows: 82287

(a) ~~Sixty two and one half~~ Thirty per cent shall be paid upon 82288
the warrant of the county auditor into the treasury of the 82289
municipal corporation or township in which the places of business 82290
for which the tax revenue was received are located; 82291

(b) ~~Twenty two and one half~~ Ten per cent shall be credited to 82292
the general fund of the county; 82293

(c) ~~Fifteen~~ Sixty per cent shall be paid into the cigarette 82294
tax enforcement fund ~~created by division (C) of this section.~~ 82295

(3) The remainder of the revenues and fines collected under 82296
this section and the penal laws relating to cigarettes shall be 82297
distributed as follows: 82298

(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located;

(b) One-fourth shall be credited to the general fund of the county.

~~(D)~~(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code.

The portion of cigarette license ~~tax revenues~~ application fees received by a county auditor during the annual application period that ends ~~before~~ on the fourth Monday in May ~~which and that~~ is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year accompanied by the form prescribed by the tax commissioner. The portion of cigarette license ~~tax money~~ application fees received by each county auditor after the fourth Monday in May ~~which and that~~ is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the ~~thirty first day of December~~ last day of the month following the month in which such fees were collected.

~~(E)~~(F)(1) Every person who desires to engage in the business of a manufacturer or importer of cigarettes shall, annually, on or before the fourth Monday of May, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the

name and address of each of its officers. 82331

(2) Upon receipt of the application required under this 82332
section, the commissioner shall verify that the applicant is in 82333
good standing under Chapter 1346. and Title LVII of the Revised 82334
Code. Upon approval, the commissioner shall issue to the applicant 82335
a license authorizing the applicant to engage in the business of 82336
manufacturer or importer, whichever the case may be, for one year 82337
commencing on the fourth Monday of May. 82338

~~(2)~~(3) The issuing of a license under division ~~(E)~~(F)(1) of 82339
this section to a manufacturer does not excuse a manufacturer from 82340
the certification process required under section 1346.05 of the 82341
Revised Code. A manufacturer who is issued a license under 82342
division ~~(E)~~(F)(1) of this section and who is not listed on the 82343
directory required under section 1346.05 of the Revised Code shall 82344
not be permitted to sell cigarettes in this state other than to a 82345
licensed cigarette wholesaler for sale outside this state. Such a 82346
manufacturer shall provide documentation to the commissioner 82347
evidencing that the cigarettes are legal for sale in another 82348
state. 82349

~~(3)~~(G) The tax commissioner may adopt rules necessary to 82350
administer ~~division (E)~~ of this section. 82351

Sec. 5743.61. (A) ~~No~~ Except as otherwise provided in this 82352
division, no distributor shall engage in the business of 82353
distributing tobacco products within this state without having a 82354
license issued by the department of taxation to engage in that 82355
business, ~~except that on~~. On the dissolution of a partnership by 82356
death, the surviving partner may operate under the license of the 82357
partnership until the expiration of the license, and the heirs or 82358
legal representatives of deceased persons, and receivers and 82359
trustees in bankruptcy appointed by any competent authority, may 82360
operate under the license of the person succeeded in possession by 82361

the heir, representative, receiver, or trustee in bankruptcy if 82362
the partner or successor notifies the department of taxation of 82363
the dissolution or succession within thirty days after the 82364
dissolution or succession. 82365

(B)(1) Each applicant for a license to engage in the business 82366
of distributing tobacco products, annually, on or before the first 82367
day of February, shall make and deliver to the tax commissioner, 82368
upon a form furnished by the commissioner for that purpose, a 82369
statement showing the name of the applicant, each physical place 82370
from which the applicant distributes to distributors, retail 82371
dealers, or wholesale dealers, and any other information the 82372
commissioner considers necessary for the administration of 82373
sections 5743.51 to 5743.66 of the Revised Code. 82374

(2) At the time of making the license application, the 82375
applicant shall pay ~~a license~~ an application fee of one ~~hundred~~ 82376
thousand dollars for each place listed ~~in~~ on the application where 82377
~~he~~ the applicant proposes to carry on that business. The fee 82378
charged for the ~~license~~ application shall accompany the 82379
application and shall be made payable to the treasurer of state 82380
for deposit into the cigarette tax enforcement fund. 82381

(3) Upon receipt of the application and payment of any 82382
licensing fee required by this section, the commissioner shall 82383
issue to the applicant a license for each place of distribution 82384
designated in the application authorizing the applicant to engage 82385
in business at that location for one year commencing on the first 82386
day of February. For licenses issued after the first day of 82387
February, the license application fee shall be reduced 82388
proportionately by the remainder of the twelve-month period for 82389
which the license is issued, except that the application fee 82390
required to be paid under this section shall be not less than two 82391
hundred dollars. If the original license is lost, destroyed, or 82392
defaced, a duplicate license may be obtained from the commissioner 82393

upon payment of a license replacement fee of twenty-five dollars. 82394
82395

(C) The holder of a tobacco products license may transfer the 82396
license to a place of business ~~or may assign the license to~~ 82397
~~another person for use,~~ on condition that the licensee's ownership 82398
and business structure remains unchanged and the licensee or 82399
~~assignee~~ applies to the commissioner for the transfer, ~~upon forms~~ 82400
on a form issued by the commissioner, and pays a transfer fee of 82401
twenty-five dollars. 82402

(D) If a distributor fails to file ~~the returns forms~~ forms as 82403
required under Chapter 1346. or section 5743.52 of the Revised 82404
Code, ~~or pay the tax due thereon, on for~~ two consecutive ~~months~~ 82405
periods or three ~~months periods~~ periods during any twelve-month period, 82406
the commissioner may suspend the license issued to the distributor 82407
under this section. The suspension is effective ten days after the 82408
commissioner notifies the distributor of the suspension in writing 82409
personally or by certified mail. The commissioner shall lift the 82410
suspension when the distributor files the delinquent ~~returns forms~~ forms 82411
and pays the tax due, including any penalties, interest, and 82412
additional charges. The commissioner may refuse to issue the 82413
annual renewal of the license required by this section and may 82414
refuse to issue a new license for the same location until all 82415
delinquent ~~returns forms~~ forms are filed and outstanding taxes are paid. 82416
This division does not apply to any unpaid or underpaid tax 82417
liability that is the subject of a ~~petition~~ petition or appeal 82418
filed pursuant to section 5743.56, 5717.02, or 5717.04 of the 82419
Revised Code. 82420

Sec. 5747.113. (A) Any taxpayer claiming a refund under 82421
section 5747.11 of the Revised Code ~~for taxable years ending on or~~ 82422
~~after October 14, 1983,~~ who wishes to contribute any part of the 82423
taxpayer's refund to the natural areas and preserves fund created 82424

in section 1517.11 of the Revised Code, the nongame and endangered 82425
wildlife fund created in section 1531.26 of the Revised Code, the 82426
military injury relief fund created in section 5101.98 of the 82427
Revised Code, the Ohio historical society income tax contribution 82428
fund created in section 149.308 of the Revised Code, the Ohio 82429
veterans' home agency income tax contribution fund created in 82430
section 5907.111 of the Revised Code, or all of those funds, may 82431
designate on the taxpayer's income tax return the amount that the 82432
taxpayer wishes to contribute to the fund or funds. A designated 82433
contribution is irrevocable upon the filing of the return and 82434
shall be made in the full amount designated if the refund found 82435
due the taxpayer upon the initial processing of the taxpayer's 82436
return, after any deductions including those required by section 82437
5747.12 of the Revised Code, is greater than or equal to the 82438
designated contribution. If the refund due as initially determined 82439
is less than the designated contribution, the contribution shall 82440
be made in the full amount of the refund. The tax commissioner 82441
shall subtract the amount of the contribution from the amount of 82442
the refund initially found due the taxpayer and shall certify the 82443
difference to the director of budget and management and treasurer 82444
of state for payment to the taxpayer in accordance with section 82445
5747.11 of the Revised Code. For the purpose of any subsequent 82446
determination of the taxpayer's net tax payment, the contribution 82447
shall be considered a part of the refund paid to the taxpayer. 82448

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(B) The tax commissioner shall provide a space on the income 82450
tax return form in which a taxpayer may indicate that the taxpayer 82451
wishes to make a donation in accordance with this section. The tax 82452
commissioner shall also print in the instructions accompanying the 82453
income tax return form a description of the purposes for which the 82454
natural areas and preserves fund, the nongame and endangered 82455
wildlife fund, ~~and~~ the military injury relief fund, the Ohio 82456
historical society income tax contribution fund, and the Ohio 82457

veterans' home agency income tax contribution fund were created 82458
and the use of moneys from the income tax refund contribution 82459
system established in this section. No person shall designate on 82460
the person's income tax return any part of a refund claimed under 82461
section 5747.11 of the Revised Code as a contribution to any fund 82462
other than the natural areas and preserves fund, the nongame and 82463
endangered wildlife fund, the military injury relief fund ~~or all~~ 82464
~~of those funds~~, the Ohio historical society income tax 82465
contribution fund, or the Ohio veterans' home agency income tax 82466
contribution fund. 82467

(C) The money collected under the income tax refund 82468
contribution system established in this section shall be deposited 82469
by the tax commissioner into the natural areas and preserves fund, 82470
the nongame and endangered wildlife fund, ~~and~~ the military injury 82471
relief fund, the Ohio historical society income tax contribution 82472
fund, and the Ohio veterans' home agency income tax contribution 82473
fund in the amounts designated on the tax returns. 82474

(D) No later than the thirtieth day of September each year, 82475
the tax commissioner shall determine the total amount contributed 82476
to each fund under this section during the preceding eight months, 82477
any adjustments to prior months, and the cost to the department of 82478
taxation of administering the income tax refund contribution 82479
system during that eight-month period. The commissioner shall make 82480
an additional determination no later than the thirty-first day of 82481
January of each year of the total amount contributed to each fund 82482
under this section during the preceding four calendar months, any 82483
adjustments to prior years made during that four-month period, and 82484
the cost to the department of taxation of administering the income 82485
tax contribution system during that period. The cost of 82486
administering the income tax contribution system shall be 82487
certified by the tax commissioner to the director of budget and 82488
management, who shall transfer an amount equal to ~~one-third~~ 82489

one-fifth of such administrative costs from the natural areas and preserves fund, ~~one-third~~ one-fifth of such costs from the nongame and endangered wildlife fund, ~~and one-third~~ one-fifth of such costs from the military injury relief fund, one-fifth of such costs from the Ohio historical society income tax contribution fund, and one-fifth of such costs from the Ohio veterans' home agency income tax contribution fund to the ~~litter control and natural resource~~ income tax contribution administration fund, which is hereby created, provided that the moneys that the department receives to pay the cost of administering the income tax refund contribution system in any year shall not exceed two and one-half per cent of the total amount contributed under that system during that year.

(E)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of job and family services, the director of the Ohio historical society, and the superintendent of the Ohio veterans' home agency, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund, the Ohio historical society income tax contribution fund, and the Ohio veterans' home agency income tax contribution fund, respectively. The report shall include the amount of money contributed to the fund in each of the previous

five years, the amount of money contributed directly to the fund 82522
in addition to or independently of the income tax refund 82523
contribution system in each of the previous five years, and the 82524
purposes for which the money was expended. 82525

Sec. 5747.13. (A) If any employer collects the tax imposed by 82526
section 5747.02 or under Chapter 5748. of the Revised Code and 82527
fails to remit the tax as required by law, or fails to collect the 82528
tax, the employer is personally liable for any amount collected 82529
that the employer fails to remit, or any amount that the employer 82530
fails to collect. If any taxpayer fails to file a return or fails 82531
to pay the tax imposed by section 5747.02 or under Chapter 5748. 82532
of the Revised Code, the taxpayer is personally liable for the 82533
amount of the tax. 82534

If any employer, taxpayer, or qualifying entity required to 82535
file a return under this chapter fails to file the return within 82536
the time prescribed, files an incorrect return, fails to remit the 82537
full amount of the taxes due for the period covered by the return, 82538
or fails to remit any additional tax due as a result of a 82539
reduction in the amount of the credit allowed under division (B) 82540
of section 5747.05 of the Revised Code together with interest on 82541
the additional tax within the time prescribed by that division, 82542
the tax commissioner may make an assessment against any person 82543
liable for any deficiency for the period for which the return is 82544
or taxes are due, based upon any information in the commissioner's 82545
possession. 82546

An assessment issued against either the employer or the 82547
taxpayer pursuant to this section shall not be considered an 82548
election of remedies or a bar to an assessment against the other 82549
for failure to report or pay the same tax. No assessment shall be 82550
issued against any person if the tax actually has been paid by 82551
another. 82552

No assessment shall be made or issued against an employer, taxpayer, or qualifying entity more than four years after the final date the return subject to assessment was required to be filed or the date the return was filed, whichever is later. However, the commissioner may assess any balance due as the result of a reduction in the credit allowed under division (B) of section 5747.05 of the Revised Code, including applicable penalty and interest, within four years of the date on which the taxpayer reports a change in either the portion of the taxpayer's adjusted gross income subjected to an income tax or tax measured by income in another state or the District of Columbia, or the amount of liability for an income tax or tax measured by income to another state or the District of Columbia, as required by division (B)(3) of section 5747.05 of the Revised Code. Such time limits may be extended if both the employer, taxpayer, or qualifying entity and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limits has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit in division (B) of section 5747.11 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against an employer for taxes withheld from employees and not remitted to the state, against an employer, taxpayer, or qualifying entity that fails to file a return subject to assessment as required by this chapter, or against an employer, taxpayer, or qualifying entity that files a fraudulent return.

The commissioner shall give the party assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner

within sixty days after service of the notice of assessment, 82585
either personally or by certified mail, a written petition for 82586
reassessment, signed by the party assessed or that party's 82587
authorized agent having knowledge of the facts, the assessment 82588
becomes final, and the amount of the assessment is due and payable 82589
from the party assessed to the commissioner with remittance made 82590
payable to the treasurer of state. The petition shall indicate the 82591
objections of the party assessed, but additional objections may be 82592
raised in writing if received by the commissioner prior to the 82593
date shown on the final determination. If the petition has been 82594
properly filed, the commissioner shall proceed under section 82595
5703.60 of the Revised Code. 82596

(C) After an assessment becomes final, if any portion of the 82597
assessment remains unpaid, including accrued interest, a certified 82598
copy of the tax commissioner's entry making the assessment final 82599
may be filed in the office of the clerk of the court of common 82600
pleas in the county in which the employer's, taxpayer's, or 82601
qualifying entity's place of business is located or the county in 82602
which the party assessed resides. If the party assessed is not a 82603
resident of this state, the certified copy of the entry may be 82604
filed in the office of the clerk of the court of common pleas of 82605
Franklin county. 82606

Immediately upon the filing of the entry, the clerk shall 82607
enter a judgment against the party assessed in the amount shown on 82608
the entry. The judgment shall be filed by the clerk in one of two 82609
loose-leaf books, one entitled "special judgments for state and 82610
school district income taxes," and the other entitled "special 82611
judgments for qualifying entity taxes." The judgment shall have 82612
the same effect as other judgments. Execution shall issue upon the 82613
judgment upon the request of the tax commissioner, and all laws 82614
applicable to sales on execution shall apply to sales made under 82615
the judgment. 82616

The portion of the assessment not paid within sixty days 82617
after the assessment was issued shall bear interest at the rate 82618
per annum prescribed by section 5703.47 of the Revised Code from 82619
the day the tax commissioner issues the assessment until it is 82620
paid. Interest shall be paid in the same manner as the tax and may 82621
be collected by the issuance of an assessment under this section. 82622

(D) All money collected under this section shall be 82623
considered as revenue arising from the taxes imposed by this 82624
chapter or Chapter 5733. or 5748. of the Revised Code, as 82625
appropriate. 82626

~~(E) The portion of an assessment that must be paid upon the 82627
filing of a petition for reassessment shall be as follows: 82628~~

~~(1) If the sole item objected to is the assessed penalty or 82629
interest, payment of the assessment, including interest but not 82630
penalty, is required; 82631~~

~~(2) If the taxpayer or qualifying entity that is assessed 82632
failed to file, prior to the date of issuance of the assessment, 82633
the annual return or report required by section 5747.08 or 5747.42 82634
of the Revised Code, any amended return or amended report required 82635
by section 5747.10 or 5747.45 of the Revised Code for the taxable 82636
year at issue, or any report required by division (B) of section 82637
5747.05 of the Revised Code to indicate a reduction in the amount 82638
of the credit provided under that division, payment of the 82639
assessment, including interest but not penalty, is required, 82640
except as otherwise provided under division (E)(6) or (7) of this 82641
section; 82642~~

~~(3) If the employer assessed had not filed, prior to the date 82643
of issuance of the assessment, the annual return required by 82644
division (E)(2) of section 5747.07 of the Revised Code covering 82645
the period at issue, payment of the assessment, including interest 82646
but not penalty, is required; 82647~~

~~(4) If the taxpayer or qualifying entity that is assessed filed, prior to the date of issuance of the assessment, the annual return or report required by section 5747.08 or 5747.42 of the Revised Code, all amended returns or reports required by section 5747.10 or 5747.45 of the Revised Code for the taxable year at issue, and all reports required by division (B) of section 5747.05 of the Revised Code to indicate a reduction in the amount of the credit provided under that division, and a balance of the taxes shown due on the returns or reports as computed on the returns or reports remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 82648
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~~(5) If the employer assessed filed, prior to the date of issuance of the assessment, the annual return required by division (E)(2) of section 5747.07 of the Revised Code covering the period at issue, and a balance of the taxes shown due on the return as computed on the return remains unpaid, payment of only that portion of the assessment representing the unpaid balance of tax and interest is required;~~ 82660
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~~(6) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does not dispute that it is a qualifying entity subject to that tax but claims the protections of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, no payment is required;~~ 82667
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~~(7) In the case of a party assessed as a qualifying entity subject to the tax levied under section 5733.41 or 5747.41 of the Revised Code, if the party does dispute that it is a qualifying entity subject to that tax, no payment is required;~~ 82673
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~~(8) If none of the conditions specified in divisions (E)(1) to (7) of this section apply, no payment is required If the party assessed files a petition for reassessment under division (B) of~~ 82677
82678
82679

this section, the person, on or before the last day the petition 82680
may be filed, shall pay the assessed amount, including assessed 82681
interest and assessed penalties, if any of the following 82682
conditions exists: 82683

(1) The person files a tax return reporting Ohio adjusted 82684
gross income, less the exemptions allowed by section 5747.025 of 82685
the Revised Code, in an amount less than one cent, and the 82686
reported amount is not based on the computations required under 82687
division (A) of section 5747.01 or section 5747.025 of the Revised 82688
Code. 82689

(2) The person files a tax return that the tax commissioner 82690
determines to be incomplete, false, fraudulent, or frivolous. 82691

(3) The person fails to file a tax return, and the basis for 82692
this failure is not either of the following: 82693

(a) An assertion that the person has no nexus with this 82694
state; 82695

(b) The computations required under division (A) of section 82696
5747.01 of the Revised Code or the application of credits allowed 82697
under this chapter has the result that the person's tax liability 82698
is less than one dollar and one cent. 82699

(F) Notwithstanding the fact that a petition for reassessment 82700
is pending, the petitioner may pay all or a portion of the 82701
assessment that is the subject of the petition. The acceptance of 82702
a payment by the treasurer of state does not prejudice any claim 82703
for refund upon final determination of the petition. 82704

If upon final determination of the petition an error in the 82705
assessment is corrected by the tax commissioner, upon petition so 82706
filed or pursuant to a decision of the board of tax appeals or any 82707
court to which the determination or decision has been appealed, so 82708
that the amount due from the party assessed under the corrected 82709
assessment is less than the portion paid, there shall be issued to 82710

the petitioner or to the petitioner's assigns or legal 82711
representative a refund in the amount of the overpayment as 82712
provided by section 5747.11 of the Revised Code, with interest on 82713
that amount as provided by such section, subject to section 82714
5747.12 of the Revised Code. 82715

Sec. 5747.16. Any nonresident who accepts the privileges 82716
extended by the laws of this state to nonresidents earning or 82717
receiving income in this state, and any resident who becomes a 82718
nonresident or conceals ~~his~~ the person's whereabouts thereby makes 82719
the secretary of state ~~his~~ the person's agent for the service of 82720
process or notice in any assessment, action, or proceedings 82721
instituted in this state against such person under this chapter, 82722
such process or notice shall be served ~~by the officer to whom the~~ 82723
~~same is directed by the tax commissioner, or by the sheriff of~~ 82724
~~Franklin county, who may be deputized for such purpose by the~~ 82725
~~officer to whom the service is directed, upon the secretary of~~ 82726
~~state by leaving at the secretary's office at least fifteen days~~ 82727
~~before the return day of such process or notice, a true and~~ 82728
~~attested copy thereof, and by sending to the defendant by~~ 82729
~~certified mail, postage prepaid, a like and true attested copy,~~ 82730
~~with an endorsement thereon of the service upon the secretary of~~ 82731
~~state, addressed to such defendant at his last known address as~~ 82732
provided under section 5703.37 of the Revised Code. 82733

Sec. 5747.18. The tax commissioner shall enforce and 82734
administer this chapter. In addition to any other powers conferred 82735
upon the commissioner by law, the commissioner may: 82736

(A) Prescribe all forms required to be filed pursuant to this 82737
chapter; 82738

(B) Adopt such rules as the commissioner finds necessary to 82739
carry out this chapter; 82740

(C) Appoint and employ such personnel as are necessary to 82741
carry out the duties imposed upon the commissioner by this 82742
chapter. 82743

Any information gained as the result of returns, 82744
investigations, hearings, or verifications required or authorized 82745
by this chapter is confidential, and no person shall disclose such 82746
information, except for official purposes, or as provided by 82747
section 3125.43, 4123.271, 4123.591, 4507.023, ~~or~~ 5101.182, 82748
~~division (B) of section~~ or 5703.21 of the Revised Code, or in 82749
accordance with a proper judicial order. The tax commissioner may 82750
furnish the internal revenue service with copies of returns or 82751
reports filed and may furnish the officer of a municipal 82752
corporation charged with the duty of enforcing a tax subject to 82753
Chapter 718. of the Revised Code with the names, addresses, and 82754
identification numbers of taxpayers who may be subject to such 82755
tax. A municipal corporation shall use this information for tax 82756
collection purposes only. This section does not prohibit the 82757
publication of statistics in a form which does not disclose 82758
information with respect to individual taxpayers. 82759

Sec. 5747.66. Any term used in this section has the same 82760
meaning as in section 122.85 of the Revised Code. 82761

A nonrefundable credit is allowed against the tax imposed by 82762
section 5747.02 of the Revised Code for any individual who, on the 82763
last day of the individual's taxable year, is the certificate 82764
owner of a tax credit certificate issued under section 122.85 of 82765
the Revised Code. If the individual is the qualifying investor, 82766
the credit shall be claimed for the individual's taxable year that 82767
includes the day the base investment was made. If the individual 82768
is not the qualifying investor, the credit shall be claimed for 82769
the individual's taxable year that includes the last day of the 82770
qualifying investor's taxable year in which the qualifying 82771

investor's base investment was made. The amount of the credit 82772
shall equal the credit amount certified by the transfer agent 82773
under division (G) of section 122.85 of the Revised Code. The 82774
credit shall be claimed in the order required under section 82775
5747.98 of the Revised Code. If the credit amount exceeds the tax 82776
otherwise due under section 5747.02 of the Revised Code after 82777
deducting all other credits in that order, the excess may be 82778
carried forward for not more than ten taxable years following the 82779
taxable year in which the credit is first claimed, and the amount 82780
claimed in any year shall be deducted from the balance carried 82781
forward to an ensuing year. 82782

Sec. 5747.76. (A) As used in this section, "certificate 82783
owner" has the same meaning as in section 149.311 of the Revised 82784
Code. 82785

(B) There is allowed a credit against the tax imposed under 82786
section 5747.02 of the Revised Code for a taxpayer that is the 82787
certificate owner of a rehabilitation tax credit certificate 82788
issued under section 149.311 of the Revised Code. The credit shall 82789
equal twenty-five per cent of the dollar amount indicated on the 82790
certificate, but the amount of credit allowed for any taxpayer 82791
shall not exceed five million dollars. The credit shall be claimed 82792
for the taxable year specified in the certificate and in the order 82793
required under section 5747.98 of the Revised Code. 82794

(C) Nothing in this section limits or disallows pass-through 82796
treatment of the credit if the certificate owner is a pass-through 82797
entity. If the certificate owner is a pass-through entity, the 82798
amount of the credit allowed for the pass-through entity shall not 82799
exceed five million dollars. If the certificate owner is a 82800
pass-through entity, the credit may be allocated among the 82801
entity's equity owners in proportion to their ownership interests 82802

or in such proportions or amounts as the equity owners mutually 82803
agree. 82804

(D) If the credit allowed for any taxable year exceeds the 82805
tax otherwise due under section 5747.02 of the Revised Code, after 82806
allowing for any other credits preceding the credit in the order 82807
prescribed by section 5747.98 of the Revised Code, the excess 82808
shall be refunded to the taxpayer but, if any amount of the credit 82809
is refunded, the sum of the amount refunded and the amount applied 82810
to reduce the tax otherwise due for that year shall not exceed 82811
three million dollars or, if the certificate owner is a 82812
pass-through entity, shall not exceed the taxpayer's distributive 82813
or proportionate share, as allocated under division (C) of this 82814
section, of three million dollars. The taxpayer may carry forward 82815
any balance of the credit in excess of the amount claimed for that 82816
year for not more than five ensuing taxable years, and shall 82817
deduct any amount claimed for any such year from the amount 82818
claimed in an ensuing year. 82819

(E) A taxpayer claiming a credit under this section shall 82820
retain the rehabilitation tax credit certificate for four years 82821
following the end of the taxable year to which the credit was 82822
applied, and shall make the certificate available for inspection 82823
by the tax commissioner upon the request of the tax commissioner 82824
during that period. 82825

Sec. 5747.98. (A) To provide a uniform procedure for 82826
calculating the amount of tax due under section 5747.02 of the 82827
Revised Code, a taxpayer shall claim any credits to which the 82828
taxpayer is entitled in the following order: 82829

(1) The retirement income credit under division (B) of 82830
section 5747.055 of the Revised Code; 82831

(2) The senior citizen credit under division (C) of section 82832
5747.05 of the Revised Code; 82833

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	82834 82835
(4) The dependent care credit under section 5747.054 of the Revised Code;	82836 82837
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	82838 82839
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	82840 82841
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	82842 82843
(8) The low-income credit under section 5747.056 of the Revised Code;	82844 82845
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	82846 82847
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	82848 82849
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	82850 82851
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	82852 82853
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	82854 82855
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	82856 82857
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	82858 82859
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	82860 82861
(17) The credit for adoption of a minor child under section	82862

5747.37 of the Revised Code;	82863
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	82864 82865
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	82866 82867
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	82868 82869
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	82870 82871 82872
(22) The job training credit under section 5747.39 of the Revised Code;	82873 82874
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	82875 82876
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	82877 82878
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	82879 82880
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	82881 82882
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	82883 82884
(28) The export sales credit under section 5747.057 of the Revised Code;	82885 82886
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	82887 82888
(30) The enterprise zone credits under section 5709.65 of the Revised Code;	82889 82890
(31) <u>The credit for investment in a motion picture production</u>	82891

<u>under section 5747.66 of the Revised Code;</u>	82892
(32) The research and development credit under section 5747.331 of the Revised Code;	82893 82894
(32) (33) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	82895 82896
(33) (34) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	82897 82898
(34) (35) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	82899 82900
(35) (36) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	82901 82902
(36) (37) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	82903 82904 82905
(37) (38) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	82906 82907
(38) (39) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	82908 82909 82910
(B) For any credit, except the <u>refundable</u> credits enumerated in divisions (A)(33) to (38) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	82911 82912 82913 82914 82915 82916 82917 82918 82919 82920 82921

Sec. 5748.02. (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than eighty-five days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a proposal to levy an income tax at any other election, it shall request another certification for that election in the manner prescribed in this division.

(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on school district income. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed, the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, the number of years the tax will be levied or that it will be levied for a continuing period of time, the date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted, and the date of the election at which the proposal shall be submitted to the electors of the district, which shall be on the date of a primary, general, or special election the date of which is consistent with section 3501.01 of the Revised Code. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. The specification shall be the same as the specification in the resolution adopted and certified under division (A) of this section.

If the tax is to be levied for current expenses and permanent improvements, the resolution shall apportion the annual rate of the tax. The apportionment may be the same or different for each year the tax is levied, but the respective portions of the rate actually levied each year for current expenses and for permanent improvements shall be limited by the apportionment.

If the board of education currently imposes an income tax pursuant to this chapter that is due to expire and a question is

submitted under this section for a proposed income tax to take 82985
effect upon the expiration of the existing tax, the board may 82986
specify in the resolution that the proposed tax renews the 82987
expiring tax ~~and is not an additional income tax, provided that,~~ 82988
Two or more expiring income taxes may be renewed under this 82989
paragraph if the taxes are due to expire on the same date. If the 82990
tax rate being proposed is no higher than the total tax rate ~~that~~ 82991
~~is currently imposed by the expiring tax or taxes, the resolution~~ 82992
may state that the proposed tax is not an additional income tax. 82993

(2) A board of education adopting a resolution under division 82994
(B)(1) of this section proposing a school district income tax for 82995
a continuing period of time and limited to the purpose of current 82996
expenses may propose in that resolution to reduce the rate or 82997
rates of one or more of the school district's property taxes 82998
levied for a continuing period of time in excess of the ten-mill 82999
limitation for the purpose of current expenses. The reduction in 83000
the rate of a property tax may be any amount, expressed in mills 83001
per one dollar in valuation, not exceeding the rate at which the 83002
tax is authorized to be levied. The reduction in the rate of a tax 83003
shall first take effect for the tax year that includes the day on 83004
which the school district income tax first takes effect, and shall 83005
continue for each tax year that both the school district income 83006
tax and the property tax levy are in effect. 83007

In addition to the matters required to be set forth in the 83008
resolution under division (B)(1) of this section, a resolution 83009
containing a proposal to reduce the rate of one or more property 83010
taxes shall state for each such tax the maximum rate at which it 83011
currently may be levied and the maximum rate at which the tax 83012
could be levied after the proposed reduction, expressed in mills 83013
per one dollar in valuation, and that the tax is levied for a 83014
continuing period of time. 83015

If a board of education proposes to reduce the rate of one or 83016

more property taxes under division (B)(2) of this section, the 83017
board, when it makes the certification required under division (A) 83018
of this section, shall designate the specific levy or levies to be 83019
reduced, the maximum rate at which each levy currently is 83020
authorized to be levied, and the rate by which each levy is 83021
proposed to be reduced. The tax commissioner, when making the 83022
certification to the board under division (A) of this section, 83023
also shall certify the reduction in the total effective tax rate 83024
for current expenses for each class of property that would have 83025
resulted if the proposed reduction in the rate or rates had been 83026
in effect the previous tax year. As used in this paragraph, 83027
"effective tax rate" has the same meaning as in section 323.08 of 83028
the Revised Code. 83029

(C) A resolution adopted under division (B) of this section 83030
shall go into immediate effect upon its passage, and no 83031
publication of the resolution shall be necessary other than that 83032
provided for in the notice of election. Immediately after its 83033
adoption and at least seventy-five days prior to the election at 83034
which the question will appear on the ballot, a copy of the 83035
resolution shall be certified to the board of elections of the 83036
proper county, which shall submit the proposal to the electors on 83037
the date specified in the resolution. The form of the ballot shall 83038
be as provided in section 5748.03 of the Revised Code. Publication 83039
of notice of the election shall be made in one or more newspapers 83040
of general circulation in the county once a week for two 83041
consecutive weeks prior to the election, and, if the board of 83042
elections operates and maintains a web site, the board of 83043
elections shall post notice of the election on its web site for 83044
thirty days prior to the election. The notice shall contain the 83045
time and place of the election and the question to be submitted to 83046
the electors. The question covered by the resolution shall be 83047
submitted as a separate proposition, but may be printed on the 83048
same ballot with any other proposition submitted at the same 83049

election, other than the election of officers. 83050

(D) No board of education shall submit the question of a tax 83051
on school district income to the electors of the district more 83052
than twice in any calendar year. If a board submits the question 83053
twice in any calendar year, one of the elections on the question 83054
shall be held on the date of the general election. 83055

(E)(1) No board of education may submit to the electors of 83056
the district the question of a tax on school district income on 83057
the taxable income of individuals as defined in division (E)(1)(b) 83058
of section 5748.01 of the Revised Code if that tax would be in 83059
addition to an existing tax on the taxable income of individuals 83060
and estates as defined in divisions (E)(1)(a) and (2) of that 83061
section. 83062

(2) No board of education may submit to the electors of the 83063
district the question of a tax on school district income on the 83064
taxable income of individuals and estates as defined in divisions 83065
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 83066
tax would be in addition to an existing tax on the taxable income 83067
of individuals as defined in division (E)(1)(b) of that section. 83068

Sec. 5748.03. (A) The form of the ballot on a question 83069
submitted to the electors under section 5748.02 of the Revised 83070
Code shall be as follows: 83071

"Shall an annual income tax of (state the proposed 83072
rate of tax) on the school district income of individuals and of 83073
estates be imposed by (state the name of the school 83074
district), for (state the number of years the tax would be 83075
levied, or that it would be levied for a continuing period of 83076
time), beginning (state the date the tax would first take 83077
effect), for the purpose of (state the purpose of the tax)? 83078

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	FOR THE TAX	83080
	AGAINST THE TAX	83081

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(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates."

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(2) If the question submitted to electors proposes to renew ~~an~~ one or more expiring income tax levies, the ballot shall be modified by adding the following language immediately after the name of the school district that would impose the tax: "to renew an income tax (or income taxes) expiring at the end of (state the last year the existing income tax or taxes may be levied)."

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(3) If the question includes a proposal under division (B)(2) of section 5748.02 of the Revised Code to reduce the rate of one or more school district property taxes, the ballot shall state that the purpose of the school district income tax is for current expenses, and the form of the ballot shall be modified by adding the following language immediately after the statement of the purpose of the proposed income tax: ", and shall the rate of an existing tax on property, currently levied for the purpose of current expenses at the rate of mills, be REDUCED to mills until any such time as the income tax is repealed." In lieu of "for the tax" and "against the tax," the phrases "for the issue" and "against the issue," respectively, shall be used. If a board of education proposes a reduction in the rates of more than one tax, the ballot language shall be modified accordingly to express the rates at which those taxes currently are levied and

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the rates to which the taxes will be reduced. 83112

(C) The board of elections shall certify the results of the 83113
election to the board of education and to the tax commissioner. If 83114
a majority of the electors voting on the question vote in favor of 83115
it, the income tax, the applicable provisions of Chapter 5747. of 83116
the Revised Code, and the reduction in the rate or rates of 83117
existing property taxes if the question included such a reduction 83118
shall take effect on the date specified in the resolution. If the 83119
question approved by the voters includes a reduction in the rate 83120
of a school district property tax, the board of education shall 83121
not levy the tax at a rate greater than the rate to which the tax 83122
is reduced, unless the school district income tax is repealed in 83123
an election under section 5748.04 of the Revised Code. 83124

(D) If the rate at which a property tax is levied and 83125
collected is reduced pursuant to a question approved under this 83126
section, the tax commissioner shall compute the percentage 83127
required to be computed for that tax under division (D) of section 83128
319.301 of the Revised Code each year the rate is reduced as if 83129
the tax had been levied in the preceding year at the rate at which 83130
it has been reduced. If the rate of a property tax increases due 83131
to the repeal of the school district income tax pursuant to 83132
section 5748.04 of the Revised Code, the tax commissioner, for the 83133
first year for which the rate increases, shall compute the 83134
percentage as if the tax in the preceding year had been levied at 83135
the rate at which the tax was authorized to be levied prior to any 83136
rate reduction. 83137

Sec. 5749.12. Any nonresident of this state who accepts the 83138
privilege extended by the laws of this state to nonresidents 83139
severing natural resources in this state, and any resident of this 83140
state who subsequently becomes a nonresident or conceals ~~his~~ the 83141
resident's whereabouts, makes the secretary of state of Ohio ~~his~~ 83142

~~the person's~~ agent for the service of process or notice in any 83143
assessment, action or proceedings instituted in this state against 83144
such person under this chapter. 83145

Such process or notice shall be served, ~~by the officer to~~ 83146
~~whom the same is directed by the tax commissioner or by the~~ 83147
~~sheriff of Franklin county, who may be deputized for such purpose~~ 83148
~~by the officer to whom the service is directed, upon the secretary~~ 83149
~~of state by leaving at the office of the secretary of state, at~~ 83150
~~least fifteen days before the return day of such process or~~ 83151
~~notice, a true and attested copy thereof, and by sending to the~~ 83152
~~defendant by certified mail, a like and true attested copy, with~~ 83153
~~an endorsement thereon of the service upon said secretary of~~ 83154
~~state, addressed to such defendant at his last known address as~~ 83155
~~provided under section 5703.37 of the Revised Code.~~ 83156

Sec. 5751.01. As used in this chapter: 83157

(A) "Person" means, but is not limited to, individuals, 83158
combinations of individuals of any form, receivers, assignees, 83159
trustees in bankruptcy, firms, companies, joint-stock companies, 83160
business trusts, estates, partnerships, limited liability 83161
partnerships, limited liability companies, associations, joint 83162
ventures, clubs, societies, for-profit corporations, S 83163
corporations, qualified subchapter S subsidiaries, qualified 83164
subchapter S trusts, trusts, entities that are disregarded for 83165
federal income tax purposes, and any other entities. ~~"Person" does~~ 83166
~~not include nonprofit organizations or the state, its agencies,~~ 83167
~~its instrumentalities, and its political subdivisions.~~ 83168

(B) "Consolidated elected taxpayer" means a group of two or 83169
more persons treated as a single taxpayer for purposes of this 83170
chapter as the result of an election made under section 5751.011 83171
of the Revised Code. 83172

(C) "Combined taxpayer" means a group of two or more persons 83173

treated as a single taxpayer for purposes of this chapter under 83174
section 5751.012 of the Revised Code. 83175

(D) "Taxpayer" means any person, or any group of persons in 83176
the case of a consolidated elected taxpayer or combined taxpayer 83177
treated as one taxpayer, required to register or pay tax under 83178
this chapter. "Taxpayer" does not include excluded persons. 83179

(E) "Excluded person" means any of the following: 83180

(1) Any person with not more than one hundred fifty thousand 83181
dollars of taxable gross receipts during the calendar year. 83182
Division (E)(1) of this section does not apply to a person that is 83183
a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~ 83184
~~combined taxpayer;~~ 83185

(2) A public utility that paid the excise tax imposed by 83186
section 5727.24 or 5727.30 of the Revised Code based on one or 83187
more measurement periods that include the entire tax period under 83188
this chapter, except that a public utility that is a combined 83189
company is a taxpayer with regard to the following gross receipts: 83190

(a) Taxable gross receipts directly attributed to a public 83191
utility activity, but not directly attributed to an activity that 83192
is subject to the excise tax imposed by section 5727.24 or 5727.30 83193
of the Revised Code; 83194

(b) Taxable gross receipts that cannot be directly attributed 83195
to any activity, multiplied by a fraction whose numerator is the 83196
taxable gross receipts described in division (E)(2)(a) of this 83197
section and whose denominator is the total taxable gross receipts 83198
that can be directly attributed to any activity; 83199

(c) Except for any differences resulting from the use of an 83200
accrual basis method of accounting for purposes of determining 83201
gross receipts under this chapter and the use of the cash basis 83202
method of accounting for purposes of determining gross receipts 83203
under section 5727.24 of the Revised Code, the gross receipts 83204

directly attributed to the activity of a natural gas company shall 83205
be determined in a manner consistent with division (D) of section 83206
5727.03 of the Revised Code. 83207

As used in division (E)(2) of this section, "combined 83208
company" and "public utility" have the same meanings as in section 83209
5727.01 of the Revised Code. 83210

(3) A financial institution, as defined in section 5725.01 of 83211
the Revised Code, that paid the corporation franchise tax charged 83212
by division (D) of section 5733.06 of the Revised Code based on 83213
one or more taxable years that include the entire tax period under 83214
this chapter; 83215

(4) A dealer in intangibles, as defined in section 5725.01 of 83216
the Revised Code, that paid the dealer in intangibles tax levied 83217
by division (D) of section 5707.03 of the Revised Code based on 83218
one or more measurement periods that include the entire tax period 83219
under this chapter; 83220

(5) A financial holding company as defined in the "Bank 83221
Holding Company Act," 12 U.S.C. 1841(p); 83222

(6) A bank holding company as defined in the "Bank Holding 83223
Company Act," 12 U.S.C. 1841(a); 83224

(7) A savings and loan holding company as defined in the 83225
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 83226
only in activities or investments permissible for a financial 83227
holding company under 12 U.S.C. 1843(k); 83228

(8) A person directly or indirectly owned by one or more 83229
financial institutions, financial holding companies, bank holding 83230
companies, or savings and loan holding companies described in 83231
division (E)(3), (5), (6), or (7) of this section that is engaged 83232
in activities permissible for a financial holding company under 12 83233
U.S.C. 1843(k), except that any such person held pursuant to 83234
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 83235

U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 83236
directly or indirectly owned by one or more insurance companies 83237
described in division (E)(9) of this section that is authorized to 83238
do the business of insurance in this state. 83239

For the purposes of division (E)(8) of this section, a person 83240
owns another person under the following circumstances: 83241

(a) In the case of corporations issuing capital stock, one 83242
corporation owns another corporation if it owns fifty per cent or 83243
more of the other corporation's capital stock with current voting 83244
rights; 83245

(b) In the case of a limited liability company, one person 83246
owns the company if that person's membership interest, as defined 83247
in section 1705.01 of the Revised Code, is fifty per cent or more 83248
of the combined membership interests of all persons owning such 83249
interests in the company; 83250

(c) In the case of a partnership, trust, or other 83251
unincorporated business organization other than a limited 83252
liability company, one person owns the organization if, under the 83253
articles of organization or other instrument governing the affairs 83254
of the organization, that person has a beneficial interest in the 83255
organization's profits, surpluses, losses, or distributions of 83256
fifty per cent or more of the combined beneficial interests of all 83257
persons having such an interest in the organization; 83258

(d) In the case of multiple ownership, the ownership 83259
interests of more than one person may be aggregated to meet the 83260
fifty per cent ownership tests in this division only when each 83261
such owner is described in division (E)(3), (5), (6), or (7) of 83262
this section and is engaged in activities permissible for a 83263
financial holding company under 12 U.S.C. 1843(k) or is a person 83264
directly or indirectly owned by one or more insurance companies 83265
described in division (E)(9) of this section that is authorized to 83266

do the business of insurance in this state. 83267

(9) A domestic insurance company or foreign insurance 83268
company, as defined in section 5725.01 of the Revised Code, that 83269
paid the insurance company premiums tax imposed by section 5725.18 83270
or Chapter 5729. of the Revised Code based on one or more 83271
measurement periods that include the entire tax period under this 83272
chapter; 83273

(10) A person that solely facilitates or services one or more 83274
securitizations or similar transactions for any person described 83275
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 83276
For purposes of this division, "securitization" means transferring 83277
one or more assets to one or more persons and then issuing 83278
securities backed by the right to receive payment from the asset 83279
or assets so transferred. 83280

(11) Except as otherwise provided in this division, a 83281
pre-income tax trust as defined in division (FF)(4) of section 83282
5747.01 of the Revised Code and any pass-through entity of which 83283
such pre-income tax trust owns or controls, directly, indirectly, 83284
or constructively through related interests, more than five per 83285
cent of the ownership or equity interests. If the pre-income tax 83286
trust has made a qualifying pre-income tax trust election under 83287
division (FF)(3) of section 5747.01 of the Revised Code, then the 83288
trust and the pass-through entities of which it owns or controls, 83289
directly, indirectly, or constructively through related interests, 83290
more than five per cent of the ownership or equity interests, 83291
shall not be excluded persons for purposes of the tax imposed 83292
under section 5751.02 of the Revised Code. 83293

(12) Nonprofit organizations or the state and its agencies, 83294
instrumentalities, or political subdivisions. 83295

(F) Except as otherwise provided in divisions (F)(2), (3), 83296
and (4) of this section, "gross receipts" means the total amount 83297

realized by a person, without deduction for the cost of goods sold 83298
or other expenses incurred, that contributes to the production of 83299
gross income of the person, including the fair market value of any 83300
property and any services received, and any debt transferred or 83301
forgiven as consideration. 83302

(1) The following are examples of gross receipts: 83303

(a) Amounts realized from the sale, exchange, or other 83304
disposition of the taxpayer's property to or with another; 83305

(b) Amounts realized from the taxpayer's performance of 83306
services for another; 83307

(c) Amounts realized from another's use or possession of the 83308
taxpayer's property or capital; 83309

(d) Any combination of the foregoing amounts. 83310

(2) "Gross receipts" excludes the following amounts: 83311

(a) Interest income except interest on credit sales; 83312

(b) Dividends and distributions from corporations, and 83313
distributive or proportionate shares of receipts and income from a 83314
pass-through entity as defined under section 5733.04 of the 83315
Revised Code; 83316

(c) Receipts from the sale, exchange, or other disposition of 83317
an asset described in section 1221 or 1231 of the Internal Revenue 83318
Code, without regard to the length of time the person held the 83319
asset. Notwithstanding section 1221 of the Internal Revenue Code, 83320
receipts from hedging transactions also are excluded to the extent 83321
the transactions are entered into primarily to protect a financial 83322
position, such as managing the risk of exposure to (i) foreign 83323
currency fluctuations that affect assets, liabilities, profits, 83324
losses, equity, or investments in foreign operations; (ii) 83325
interest rate fluctuations; or (iii) commodity price fluctuations. 83326
As used in division (F)(2)(c) of this section, "hedging 83327

transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from life insurance policies, except those proceeds received for the loss of

<u>business revenue;</u>	83359
(j) Gifts or charitable contributions received; i membership	83360
dues received; <u>by trade, professional, homeowners', or condominium</u>	83361
<u>associations;</u> and payments received for educational courses,	83362
meetings, meals, or similar payments to a trade, professional, or	83363
other similar association; <u>and</u> fundraising receipts received by	83364
any person when any excess receipts are donated or used	83365
exclusively for charitable purposes; and proceeds received by a	83366
nonprofit organization including proceeds realized with regard to	83367
its unrelated business taxable income;	83368
(k) Damages received as the result of litigation in excess of	83369
amounts that, if received without litigation, would be gross	83370
receipts;	83371
(l) Property, money, and other amounts received or acquired	83372
by an agent on behalf of another in excess of the agent's	83373
commission, fee, or other remuneration;	83374
(m) Tax refunds, other tax benefit recoveries, and	83375
reimbursements for the tax imposed under this chapter made by	83376
entities that are part of the same combined taxpayer or	83377
consolidated elected taxpayer group, and reimbursements made by	83378
entities that are not members of a combined taxpayer or	83379
consolidated elected taxpayer group that are required to be made	83380
for economic parity among multiple owners of an entity whose tax	83381
obligation under this chapter is required to be reported and paid	83382
entirely by one owner, pursuant to the requirements of sections	83383
5751.011 and 5751.012 of the Revised Code;	83384
(n) Pension reversions;	83385
(o) Contributions to capital;	83386
(p) Sales or use taxes collected as a vendor or an	83387
out-of-state seller on behalf of the taxing jurisdiction from a	83388
consumer or other taxes the taxpayer is required by law to collect	83389

directly from a purchaser and remit to a local, state, or federal
tax authority; 83390
83391

(q) In the case of receipts from the sale of cigarettes or 83392
tobacco products by a wholesale dealer, retail dealer, 83393
distributor, manufacturer, or seller, all as defined in section 83394
5743.01 of the Revised Code, an amount equal to the federal and 83395
state excise taxes paid by any person on or for such cigarettes or 83396
tobacco products under subtitle E of the Internal Revenue Code or 83397
Chapter 5743. of the Revised Code; 83398

(r) In the case of receipts from the sale of motor fuel by a 83399
licensed motor fuel dealer, licensed retail dealer, or licensed 83400
permissive motor fuel dealer, all as defined in section 5735.01 of 83401
the Revised Code, an amount equal to federal and state excise 83402
taxes paid by any person on such motor fuel under section 4081 of 83403
the Internal Revenue Code or Chapter 5735. of the Revised Code; 83404

(s) In the case of receipts from the sale of beer or 83405
intoxicating liquor, as defined in section 4301.01 of the Revised 83406
Code, by a person holding a permit issued under Chapter 4301. or 83407
4303. of the Revised Code, an amount equal to federal and state 83408
excise taxes paid by any person on or for such beer or 83409
intoxicating liquor under subtitle E of the Internal Revenue Code 83410
or Chapter 4301. or 4305. of the Revised Code; 83411

(t) Receipts realized by a new motor vehicle dealer or used 83412
motor vehicle dealer, as defined in section 4517.01 of the Revised 83413
Code, from the sale or other transfer of a motor vehicle, as 83414
defined in that section, to another motor vehicle dealer for the 83415
purpose of resale by the transferee motor vehicle dealer, but only 83416
if the sale or other transfer was based upon the transferee's need 83417
to meet a specific customer's preference for a motor vehicle; 83418

(u) Receipts from a financial institution described in 83419
division (E)(3) of this section for services provided to the 83420

financial institution in connection with the issuance, processing, 83421
servicing, and management of loans or credit accounts, if such 83422
financial institution and the recipient of such receipts have at 83423
least fifty per cent of their ownership interests owned or 83424
controlled, directly or constructively through related interests, 83425
by common owners; 83426

(v) Receipts realized from administering anti-neoplastic 83427
drugs and other cancer chemotherapy, biologicals, therapeutic 83428
agents, and supportive drugs in a physician's office to patients 83429
with cancer; 83430

(w) Funds received or used by a mortgage broker that is not a 83431
dealer in intangibles, other than fees or other consideration, 83432
pursuant to a table-funding mortgage loan or warehouse-lending 83433
mortgage loan. Terms used in division (F)(2)(w) of this section 83434
have the same meanings as in section 1322.01 of the Revised Code, 83435
except "mortgage broker" means a person assisting a buyer in 83436
obtaining a mortgage loan for a fee or other consideration paid by 83437
the buyer or a lender, or a person engaged in table-funding or 83438
warehouse-lending mortgage loans that are first lien mortgage 83439
loans. 83440

(x) Property, money, and other amounts received by a 83441
professional employer organization, as defined in section 4125.01 83442
of the Revised Code, from a client employer, as defined in that 83443
section, in excess of the administrative fee charged by the 83444
professional employer organization to the client employer; 83445

(y) In the case of amounts retained as commissions by a 83446
permit holder under Chapter 3769. of the Revised Code, an amount 83447
equal to the amounts specified under that chapter that must be 83448
paid to or collected by the tax commissioner as a tax and the 83449
amounts specified under that chapter to be used as purse money; 83450

(z) Qualifying distribution center receipts. 83451

(i) For purposes of division (F)(2)(z) of this section:	83452
(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage.	83453 83454 83455 83456
(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or processing.	83457 83458 83459 83460 83461 83462 83463 83464
(III) "Qualified distribution center" means a warehouse or other similar facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. However, all warehouses or other similar facilities that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center.	83465 83466 83467 83468 83469 83470 83471 83472
(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.	83473 83474
(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.	83475 83476 83477
(VI) "Qualifying certificate" means <u>the certificate issued by the tax commissioner after the operator of a distribution center files</u> an annual application approved by the tax commissioner from an operator of a distribution center that has filed an application as prescribed by the commissioner and paid the annual fee for the	83478 83479 83480 83481 83482

~~qualifying certificate on or before the first day of September~~ 83483
~~prior to the qualifying year or forty five days after the opening~~ 83484
~~of the distribution center, whichever is later~~ with the 83485
commissioner. The application and annual fee shall be filed and 83486
paid for each qualified distribution center on or before the first 83487
day of September before the qualifying year or within forty-five 83488
days after the distribution center opens, whichever is later. 83489

The applicant must substantiate to the commissioner's 83490
satisfaction that, for the qualifying period, all persons 83491
operating the distribution center have more than fifty per cent of 83492
the cost of the qualified property shipped to a location such that 83493
it would be sitused outside this state under the provisions of 83494
division (E) of section 5751.033 of the Revised Code. The 83495
applicant must also substantiate that the distribution center 83496
cumulatively had costs from its suppliers equal to or exceeding 83497
five hundred million dollars during the qualifying period. (For 83498
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 83499
excludes any person that is part of the consolidated elected 83500
taxpayer group, if applicable, of the operator of the qualified 83501
distribution center.) The commissioner may require the applicant 83502
to have an independent certified public accountant certify that 83503
the calculation of the minimum thresholds required for a qualified 83504
distribution center by the operator of a distribution center has 83505
been made in accordance with generally accepted accounting 83506
principles. The commissioner shall issue or deny the issuance of a 83507
certificate within sixty days after the receipt of the 83508
application. A denial is subject to appeal under section 5717.02 83509
of the Revised Code. If the operator files a timely appeal under 83510
section 5717.02 of the Revised Code, the operator shall be granted 83511
a qualifying certificate, provided that the operator is liable for 83512
any tax, interest, or penalty upon amounts claimed as qualifying 83513
distribution center receipts, other than those receipts exempt 83514
under division (C)(1) of section 5751.011 of the Revised Code, 83515

that would have otherwise not been owed by its suppliers if the 83516
qualifying certificate was valid. 83517

(VII) "Ohio delivery percentage" means the proportion of the 83518
total property delivered to a destination inside Ohio from the 83519
qualified distribution center during the qualifying period 83520
compared with total deliveries from such distribution center 83521
everywhere during the qualifying period. 83522

(ii) If the distribution center is new and was not open for 83523
the entire qualifying period, the operator of the distribution 83524
center may request that the commissioner grant a qualifying 83525
certificate. If the certificate is granted and it is later 83526
determined that more than fifty per cent of the qualified property 83527
during that year was not shipped to a location such that it would 83528
be situated outside of this state under the provisions of division 83529
(E) of section 5751.033 of the Revised Code or if it is later 83530
determined that the person that operates the distribution center 83531
had average monthly costs from its suppliers of less than forty 83532
million dollars during that year, then the operator of the 83533
distribution center shall be liable for any tax, interest, or 83534
penalty upon amounts claimed as qualifying distribution center 83535
receipts, other than those receipts exempt under division (C)(1) 83536
of section 5751.011 of the Revised Code, that would have not 83537
otherwise been owed by its suppliers during the qualifying year if 83538
the qualifying certificate was valid. (For purposes of division 83539
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 83540
is part of the consolidated elected taxpayer group, if applicable, 83541
of the operator of the qualified distribution center.) 83542

(iii) When filing an application for a qualifying certificate 83543
under division (F)(2)(z)(i)(VI) of this section, the operator of a 83544
qualified distribution center also shall provide documentation, as 83545
the commissioner requires, for the commissioner to ascertain the 83546
Ohio delivery percentage. The commissioner, upon issuing the 83547

qualifying certificate, also shall certify the Ohio delivery 83548
percentage. The operator of the qualified distribution center may 83549
appeal the commissioner's certification of the Ohio delivery 83550
percentage in the same manner as an appeal is taken from the 83551
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 83552
of this section. 83553

Within thirty days after all appeals have been exhausted, the 83554
operator of the qualified distribution center shall notify the 83555
affected suppliers of qualified property that such suppliers are 83556
required to file, within sixty days after receiving notice from 83557
the operator of the qualified distribution center, amended reports 83558
for the impacted calendar quarter or quarters or calendar year, 83559
whichever the case may be. Any additional tax liability or tax 83560
overpayment shall be subject to interest but shall not be subject 83561
to the imposition of any penalty so long as the amended returns 83562
are timely filed. The supplier of tangible personal property 83563
delivered to the qualified distribution center shall include in 83564
its report of taxable gross receipts the receipts from the total 83565
sales of property delivered to the qualified distribution center 83566
for the calendar quarter or calendar year, whichever the case may 83567
be, multiplied by the Ohio delivery percentage for the qualifying 83568
year. Nothing in division (F)(2)(z)(iii) of this section shall be 83569
construed as imposing liability on the operator of a qualified 83570
distribution center for the tax imposed by this chapter arising 83571
from any change to the Ohio delivery percentage. 83572

(iv) In the case where the distribution center is new and not 83573
open for the entire qualifying period, the operator shall make a 83574
good faith estimate of an Ohio delivery percentage for use by 83575
suppliers in their reports of taxable gross receipts for the 83576
remainder of the qualifying period. The operator of the facility 83577
shall disclose to the suppliers that such Ohio delivery percentage 83578
is an estimate and is subject to recalculation. By the due date of 83579

the next application for a qualifying certificate, the operator 83580
shall determine the actual Ohio delivery percentage for the 83581
estimated qualifying period and proceed as provided in division 83582
(F)(2)(z)(iii) of this section with respect to the calculation and 83583
recalculation of the Ohio delivery percentage. The supplier is 83584
required to file, within sixty days after receiving notice from 83585
the operator of the qualified distribution center, amended reports 83586
for the impacted calendar quarter or quarters or calendar year, 83587
whichever the case may be. Any additional tax liability or tax 83588
overpayment shall be subject to interest but shall not be subject 83589
to the imposition of any penalty so long as the amended returns 83590
are timely filed. 83591

(v) Qualifying certificates and Ohio delivery percentages 83592
issued by the commissioner shall be open to public inspection and 83593
shall be timely published by the commissioner. A supplier relying 83594
in good faith on a certificate issued under this division shall 83595
not be subject to tax on the qualifying distribution center 83596
receipts under division (F)(2)(z) of this section. A person 83597
receiving a qualifying certificate is responsible for paying the 83598
tax, interest, and penalty upon amounts claimed as qualifying 83599
distribution center receipts that would not otherwise have been 83600
owed by the supplier if the qualifying certificate were available 83601
when it is later determined that the qualifying certificate should 83602
not have been issued because the statutory requirements were in 83603
fact not met. 83604

(vi) The annual fee for a qualifying certificate shall be one 83605
hundred thousand dollars for each qualified distribution center. 83606
If a qualifying certificate is not issued, the annual fee is 83607
subject to refund after the exhaustion of all appeals provided for 83608
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 83609
under this division may be assessed in the same manner as the tax 83610
imposed under this chapter. The first one hundred thousand dollars 83611

of the annual application fees collected each calendar year shall 83612
be credited to the commercial activity tax administrative fund. 83613
The remainder of the annual application fees collected shall be 83614
distributed in the same manner required under section 5751.20 of 83615
the Revised Code. 83616

(vii) The tax commissioner may require that adequate security 83617
be posted by the operator of the distribution center on appeal 83618
when the commissioner disagrees that the applicant has met the 83619
minimum thresholds for a qualified distribution center as set 83620
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 83621
section. 83622

(aa) Receipts of an employer from payroll deductions relating 83623
to the reimbursement of the employer for advancing moneys to an 83624
unrelated third party on an employee's behalf; 83625

(bb) Cash discounts allowed and taken; 83626

(cc) Returns and allowances; 83627

(dd) Bad debts from receipts on the basis of which the tax 83628
imposed by this chapter was paid in a prior quarterly tax payment 83629
period. For the purpose of this division, "bad debts" means any 83630
debts that have become worthless or uncollectible between the 83631
preceding and current quarterly tax payment periods, have been 83632
uncollected for at least six months, and that may be claimed as a 83633
deduction under section 166 of the Internal Revenue Code and the 83634
regulations adopted under that section, or that could be claimed 83635
as such if the taxpayer kept its accounts on the accrual basis. 83636
"Bad debts" does not include repossessed property, uncollectible 83637
amounts on property that remains in the possession of the taxpayer 83638
until the full purchase price is paid, or expenses in attempting 83639
to collect any account receivable or for any portion of the debt 83640
recovered; 83641

(ee) Any amount realized from the sale of an account 83642

receivable to the extent the receipts from the underlying 83643
transaction giving rise to the account receivable were included in 83644
the gross receipts of the taxpayer; 83645

(ff) Any receipts for which the tax imposed by this chapter 83646
is prohibited by the Constitution or laws of the United States or 83647
the Constitution of Ohio. 83648

(3) In the case of a taxpayer when acting as a real estate 83649
broker, "gross receipts" includes only the portion of any fee for 83650
the service of a real estate broker, or service of a real estate 83651
salesperson associated with that broker, that is retained by the 83652
broker and not paid to an associated real estate salesperson or 83653
another real estate broker. For the purposes of this division, 83654
"real estate broker" and "real estate salesperson" have the same 83655
meanings as in section 4735.01 of the Revised Code. 83656

(4) A taxpayer's method of accounting for gross receipts for 83657
a tax period shall be the same as the taxpayer's method of 83658
accounting for federal income tax purposes for the taxpayer's 83659
federal taxable year that includes the tax period. If a taxpayer's 83660
method of accounting for federal income tax purposes changes, its 83661
method of accounting for gross receipts under this chapter shall 83662
be changed accordingly. 83663

~~In calculating gross receipts, the following shall be~~ 83664
~~deducted to the extent included as a gross receipt in the current~~ 83665
~~tax period or reported as taxable gross receipts in a prior tax~~ 83666
~~period:~~ 83667

~~(a) Cash discounts allowed and taken;~~ 83668

~~(b) Returns and allowances;~~ 83669

~~(c) Bad debts. For the purposes of this division, "bad debts"~~ 83670
~~mean any debts that have become worthless or uncollectible between~~ 83671
~~the preceding and current quarterly tax payment periods, have been~~ 83672
~~uncollected for at least six months, and may be claimed as a~~ 83673

~~deduction under section 166 of the Internal Revenue Code and the 83674
regulations adopted pursuant thereto, or that could be claimed as 83675
such if the taxpayer kept its accounts on the accrual basis. "Bad 83676
debts" does not include uncollectible amounts on property that 83677
remains in the possession of the taxpayer until the full purchase 83678
price is paid, expenses in attempting to collect any account 83679
receivable or for any portion of the debt recovered, and 83680
repossessed property;~~ 83681

~~(d) Any amount realized from the sale of an account 83682
receivable but only to the extent the receipts from the underlying 83683
transaction giving rise to the account receivable were included in 83684
the gross receipts of the taxpayer.~~ 83685

(G) "Taxable gross receipts" means gross receipts sitused to 83686
this state under section 5751.033 of the Revised Code. 83687

(H) A person has "substantial nexus with this state" if any 83688
of the following applies. The person: 83689

(1) Owns or uses a part or all of its capital in this state; 83690

(2) Holds a certificate of compliance with the laws of this 83691
state authorizing the person to do business in this state; 83692

(3) Has bright-line presence in this state; 83693

(4) Otherwise has nexus with this state to an extent that the 83694
person can be required to remit the tax imposed under this chapter 83695
under the Constitution of the United States. 83696

(I) A person has "bright-line presence" in this state for a 83697
reporting period and for the remaining portion of the calendar 83698
year if any of the following applies. The person: 83699

(1) Has at any time during the calendar year property in this 83700
state with an aggregate value of at least fifty thousand dollars. 83701
For the purpose of division (I)(1) of this section, owned property 83702
is valued at original cost and rented property is valued at eight 83703

times the net annual rental charge. 83704

(2) Has during the calendar year payroll in this state of at 83705
least fifty thousand dollars. Payroll in this state includes all 83706
of the following: 83707

(a) Any amount subject to withholding by the person under 83708
section 5747.06 of the Revised Code; 83709

(b) Any other amount the person pays as compensation to an 83710
individual under the supervision or control of the person for work 83711
done in this state; and 83712

(c) Any amount the person pays for services performed in this 83713
state on its behalf by another. 83714

(3) Has during the calendar year taxable gross receipts of at 83715
least five hundred thousand dollars. 83716

(4) Has at any time during the calendar year within this 83717
state at least twenty-five per cent of the person's total 83718
property, total payroll, or total gross receipts. 83719

(5) Is domiciled in this state as an individual or for 83720
corporate, commercial, or other business purposes. 83721

(J) "Tangible personal property" has the same meaning as in 83722
section 5739.01 of the Revised Code. 83723

(K) "Internal Revenue Code" means the Internal Revenue Code 83724
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 83725
this chapter that is not otherwise defined has the same meaning as 83726
when used in a comparable context in the laws of the United States 83727
relating to federal income taxes unless a different meaning is 83728
clearly required. Any reference in this chapter to the Internal 83729
Revenue Code includes other laws of the United States relating to 83730
federal income taxes. 83731

(L) "Calendar quarter" means a three-month period ending on 83732
the thirty-first day of March, the thirtieth day of June, the 83733

thirtieth day of September, or the thirty-first day of December.	83734
(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.	83735 83736 83737
(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	83738 83739
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	83740 83741
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	83742 83743 83744
(1) A person receiving a fee to sell financial instruments;	83745
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	83746 83747 83748
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	83749 83750
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	83751 83752
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	83753 83754
(Q) "Received" includes amounts accrued under the accrual method of accounting.	83755 83756
<u>(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.</u>	83757 83758 83759 83760 83761 83762 83763

Sec. 5751.011. (A) A group of two or more persons may elect 83764
to be a consolidated elected taxpayer for the purposes of this 83765
chapter if the group satisfies all of the following requirements: 83766

(1) The group elects to include all persons, including 83767
persons enumerated in divisions (E)(2) to (10) of section 5751.01 83768
of the Revised Code, having at least eighty per cent, or having at 83769
least fifty per cent, of the value of their ownership interests 83770
owned or controlled, directly or constructively through related 83771
interests, by common owners during all or any portion of the tax 83772
period, together with the common owners. ~~At~~ 83773

A group making its initial election on the basis of the 83774
eighty per cent ownership test may change its election so that its 83775
consolidated elected taxpayer group is formed on the basis of the 83776
fifty per cent ownership test if all of the following are 83777
satisfied: 83778

(a) When the initial election was made, the group did not 83779
have any persons satisfying the fifty per cent ownership test; 83780

(b) One or more of the persons in the initial group 83781
subsequently acquires ownership interests in a person such that 83782
the fifty per cent ownership test is satisfied, the eighty per 83783
cent ownership test is not satisfied, and the acquired person 83784
would be required to be included in a combined taxpayer group 83785
under section 5751.012 of the Revised Code; 83786

(c) The group requests the change in a written request to the 83787
tax commissioner on or before the due date for filing the first 83788
return due under section 5751.051 of the Revised Code after the 83789
date of the acquisition; 83790

(d) The group has not previously changed its election. 83791

At the election of the group, all entities that are not 83792
incorporated or formed under the laws of a state or of the United 83793

States and that meet the consolidated elected ownership test shall 83794
either be included in the group or all shall be excluded from the 83795
group. ~~The~~ If, at the time of registration, the group does not 83796
include any such entities that meet the consolidated elected 83797
ownership test, the group shall elect to either include or exclude 83798
the newly acquired entities before the due date of the first 83799
return due after the date of the acquisition. 83800

Each group shall notify the tax commissioner of the foregoing 83801
elections before the due date of the return ~~in which the election~~ 83802
~~is to become effective~~ for the period in which the election 83803
becomes binding. If fifty per cent of the value of a person's 83804
ownership interests is owned or controlled by each of two 83805
consolidated elected taxpayer groups formed under the fifty per 83806
cent ownership or control test, that person is a member of each 83807
group for the purposes of this section, and each group shall 83808
include in the group's taxable gross receipts fifty per cent of 83809
that person's taxable gross receipts. Otherwise, all of that 83810
person's taxable gross receipts shall be included in the taxable 83811
gross receipts of the consolidated elected taxpayer group of which 83812
the person is a member. In no event shall the ownership or control 83813
of fifty per cent of the value of a person's ownership interests 83814
by two otherwise unrelated groups form the basis for consolidating 83815
the groups into a single consolidated elected taxpayer group or 83816
permit any exclusion under division (C) of this section of taxable 83817
gross receipts between members of the two groups. Division (A)(3) 83818
of this section applies with respect to the elections described in 83819
this division. 83820

(2) The group makes the election to be treated as a 83821
consolidated elected taxpayer in the manner prescribed under 83822
division (D) of this section. 83823

(3) Subject to review and audit by the tax commissioner, the 83824
group agrees that all of the following apply: 83825

(a) The group shall file reports as a single taxpayer for at least the next eight calendar quarters following the election so long as at least two or more of the members of the group meet the requirements of division (A)(1) of this section.

(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters.

(c) If, at any time during any of those eight calendar quarters following the election, a former member of the group no longer meets the requirements under division (A)(1) of this section, that member shall report and pay the tax imposed under this chapter separately, as a member of a combined taxpayer, or, if the former member satisfies such requirements with respect to another consolidated elected group, as a member of that consolidated elected group.

(d) The group agrees to the application of division (B) of this section.

(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist for one or more persons in the group.

(C)(1)(a) Members of a consolidated elected taxpayer group shall exclude gross receipts among persons included in the consolidated elected taxpayer group.

(b) Subject to divisions (C)(1)(c) and (C)(2) of this section, nothing in this section shall have the effect of requiring a consolidated elected taxpayer group to include gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code if that person is a

member of the group pursuant to the elections made by the group 83857
under division (A)(1) of this section. 83858

(c)(i) As used in division (C)(1)(c) of this section, "dealer 83859
transfer" means a transfer of property that satisfies both of the 83860
following: (I) the property is directly transferred by any means 83861
from one member of the group to another member of the group that 83862
is a dealer in intangibles but is not a qualifying dealer as 83863
defined in section 5725.24 of the Revised Code; and (II) the 83864
property is subsequently delivered by the dealer in intangibles to 83865
a person that is not a member of the group. 83866

(ii) In the event of a dealer transfer, a consolidated 83867
elected taxpayer group shall not exclude, under division (C) of 83868
this section, gross receipts from the transfer described in 83869
division (C)(1)(c)(i)(I) of this section. 83870

(2) Gross receipts related to the sale or transmission of 83871
electricity through the use of an intermediary regional 83872
transmission organization approved by the federal energy 83873
regulatory commission shall be excluded from taxable gross 83874
receipts under division (C)(1) of this section if all other 83875
requirements of that division are met, even if the receipts are 83876
from and to the same member of the group. 83877

(D) To make the election to be a consolidated elected 83878
taxpayer, a group of persons shall notify the tax commissioner of 83879
the election in the manner prescribed by the commissioner and pay 83880
the commissioner a registration fee equal to the lesser of two 83881
hundred dollars or twenty dollars for each person in the group. No 83882
additional fee shall be imposed for the addition of new members to 83883
the group once the group has remitted a fee in the amount of two 83884
hundred dollars. The election shall be made and the fee paid 83885
before ~~the later of~~ the beginning of the first calendar quarter to 83886
which the election applies ~~or November 15, 2005~~. The fee shall be 83887
collected and used in the same manner as provided in section 83888

5751.04 of the Revised Code. 83889

The election shall be made on a form prescribed by the tax commissioner for that purpose and shall be signed by one or more individuals with authority, separately or together, to make a binding election on behalf of all persons in the group. 83890
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Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A)(1) of this section, and the group shall notify the tax commissioner of any additions to the group with the next tax return it files with the commissioner. 83894
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~~(E) Each member of a consolidated elected taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.~~ 83899
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83901
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83905

Sec. 5751.012. (A) All persons, other than persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having more than fifty per cent of the value of their ownership interest owned or controlled, directly or constructively through related interests, by common owners during all or any portion of the tax period, together with the common owners, shall be members of a combined taxpayer if those persons are not members of a consolidated elected taxpayer pursuant to an election under section 5751.011 of the Revised Code. 83906
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(B) A combined taxpayer shall register, file returns, and pay taxes under this chapter as a single taxpayer. 83915
83916

(C) A combined taxpayer shall neither exclude taxable gross receipts between its members nor from others that are not members. 83917
83918

(D) A combined taxpayer shall pay to the tax commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The fee shall be timely paid before the later of the beginning of the first calendar quarter or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A) of this section, and the group must notify the tax commissioner of any additions with the next quarterly tax return it files with the commissioner.

~~(E) Each member of a combined taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties or interest thereon. The tax commissioner may require one person in the group to be the taxpayer for purposes of registration and remittance of the tax, but all members of the group are subject to assessment under section 5751.09 of the Revised Code.~~

Sec. 5751.013. (A) Except as provided in division (B) of this section:

(1) A person shall include as taxable gross receipts the value of property the person transfers into this state for the person's own use within one year after the person receives the property outside this state; and

(2) In the case of ~~an elected~~ a consolidated elected taxpayer group or a combined taxpayer group, the taxpayer shall include as taxable gross receipts the value of property that any of the taxpayer's members transferred into this state for the use of any

of the taxpayer's members within one year after the taxpayer 83950
receives the property outside this state. 83951

(B) Property brought into this state within one year after it 83952
is received outside this state by a person or group described in 83953
division (A)(1) or (2) of this section shall not be included as 83954
taxable gross receipts as required under those divisions if the 83955
tax commissioner ascertains that the property's receipt outside 83956
this state by the person or group followed by its transfer into 83957
this state within one year was not intended in whole or in part to 83958
avoid in whole or in part the tax imposed under this chapter. 83959

(C) The tax commissioner may adopt rules necessary to 83960
administer this section. 83961

Sec. 5751.014. All members of a consolidated elected taxpayer 83962
or combined taxpayer group during the tax period or periods for 83963
which additional tax, penalty, or interest is owed are jointly and 83964
severally liable for such amounts. Although the reporting person 83965
will be assessed for the liability, such amounts due may be 83966
pursued against any member of the group when a liability is 83967
certified to the attorney general under section 131.02 of the 83968
Revised Code. 83969

Sec. 5751.03. (A) Except as provided in divisions (B) and (D) 83970
of this section and in sections 5751.031 and 5751.032 of the 83971
Revised Code, the tax levied under this section for each tax 83972
period shall be the product of two and six-tenths mills per dollar 83973
times the remainder of the taxpayer's taxable gross receipts for 83974
the tax period after subtracting the exclusion amount provided for 83975
in division (C) of this section. 83976

(B) Notwithstanding division (C) of this section, the tax on 83977
the first one million dollars in taxable gross receipts each 83978
calendar year shall be one hundred fifty dollars. For calendar 83979

year 2006, the tax imposed under this division shall be paid not 83980
later than May 10, 2006, by both calendar year taxpayers and 83981
calendar quarter taxpayers. For calendar ~~year years~~ 2007 ~~and~~ 83982
~~thereafter, 2008, and 2009~~, the tax imposed under this division 83983
shall be paid with the fourth-quarter tax return or annual tax 83984
return for the prior calendar year by both calendar year taxpayers 83985
and calendar quarter taxpayers. For calendar years 2010 and 83986
thereafter, the tax imposed under this division shall be paid not 83987
later than the tenth day of May of each year along with the first 83988
quarter or annual tax return, as applicable. 83989

(C)(1) Each calendar quarter taxpayer may exclude the first 83990
two hundred fifty thousand dollars of taxable gross receipts for a 83991
calendar quarter and may carry forward and apply any unused 83992
exclusion amount to the three subsequent calendar quarters. Each 83993
calendar year taxpayer may exclude the first one million dollars 83994
of taxable gross receipts for a calendar year. 83995

(2) A taxpayer switching from a calendar year tax period to a 83996
calendar quarter tax period may, for the first quarter of the 83997
change, apply the prior calendar quarter exclusion amounts to the 83998
first calendar quarter return the taxpayer files that calendar 83999
year. The tax rate shall be based on the rate imposed that 84000
calendar quarter when the taxpayer switches from a calendar year 84001
to a calendar quarter tax period. 84002

(D) There is hereby allowed a credit against the tax imposed 84003
under this chapter for each of the following calendar years if a 84004
transfer was made in the preceding calendar year from the general 84005
revenue fund to the commercial activity tax refund fund under 84006
division (D) of section 5751.032 of the Revised Code: calendar 84007
years 2008, 2010, and 2012. The credit is allowed for taxpayers 84008
that paid in full the tax imposed under this chapter for the 84009
calendar year in which the transfer was made. The amount of a 84010
taxpayer's credit equals the amount computed under division (D) of 84011

section 5751.032 of the Revised Code. 84012

Sec. 5751.04. (A) As used in this section, "person" includes a reporting person. 84013
84014

(B) Not later than ~~the later of November 15, 2005, or~~ thirty 84015
days after a person first has more than one hundred fifty thousand 84016
dollars in taxable gross receipts in a calendar year, each person 84017
subject to this chapter shall register with the tax commissioner 84018
on the form prescribed by the commissioner. The form shall include 84019
the following: 84020

(1) The person's name; 84021

(2) If applicable, the name of the state or country under the 84022
laws of which the person is incorporated; 84023

(3) If applicable, the location of a person's principal 84024
office and the name and address of the officer or agent of the 84025
corporation in charge of the business; 84026

(4) If applicable, the names of the person's president, 84027
secretary, treasurer, and statutory agent designated pursuant to 84028
section 1703.041 of the Revised Code, with the post office address 84029
of each; 84030

(5) The kind of business in which the person is engaged, 84031
including applicable business or industry codes; 84032

(6) If required by the tax commissioner, the date of the 84033
beginning of the person's annual accounting period that includes 84034
the first day of January of the taxable calendar year; 84035

(7) If the person is not a corporation or a sole proprietor, 84036
the names of the person's owners and officers, if required by the 84037
tax commissioner; 84038

(8) The person's federal employer identification number or 84039
numbers or, if those are not applicable, the person's social 84040

security number or equivalent; 84041

(9) All other information that the commissioner requires to 84042
administer and enforce this chapter. 84043

~~(B)~~(C) Except as otherwise provided in this division, each 84044
person registering with the tax commissioner as required by 84045
division ~~(A)~~(B) of this section shall pay a registration fee. The 84046
fee shall be in the amount of fifteen dollars if a person 84047
registers electronically and twenty dollars if a person does not 84048
register electronically. The registration fee shall be paid in the 84049
manner prescribed by the tax commissioner at the same time the 84050
registration is due if a person is subject to the tax imposed 84051
under this chapter before January 1, 2006. If a person first 84052
becomes subject to the tax after that date, the registration fee 84053
is payable with the first tax period return the person is required 84054
to file as prescribed by section 5751.051 of the Revised Code. If 84055
~~a registration fee is not paid when due~~ person does not register 84056
within the time prescribed by this section, an additional fee is 84057
imposed in the amount of one hundred dollars per month or part 84058
thereof that the fee is outstanding, not to exceed one thousand 84059
dollars. The tax commissioner may abate the additional fee. The 84060
fee imposed under this division may be assessed in the same manner 84061
as the tax imposed under this chapter. Proceeds from the fee shall 84062
be credited to the commercial activity tax administrative fund, 84063
which is hereby created in the state treasury for the commissioner 84064
to use in implementing and administering the tax imposed under 84065
this chapter. 84066

~~No registration fee is payable by a person for a calendar 84067
year if the person first begins business operations in this state 84068
after the thirtieth day of November of that calendar year or if 84069
the person's taxable gross receipts for the calendar year exceed 84070
one hundred fifty thousand dollars but do not exceed one hundred 84071
fifty thousand dollars as of the first day of December of the 84072~~

~~calendar year.~~ 84073

Registration fees paid under this section, excluding any 84074
additional fee imposed for ~~late payment of the registration fee a~~ 84075
person's failure to timely register, shall be credited against the 84076
first payment of tax payable under section 5751.03 of the Revised 84077
Code ~~after the registration fee is paid.~~ 84078

~~(C)~~(D) If a person that has registered under this section is 84079
no longer a taxpayer subject to this chapter, including no longer 84080
being a taxpayer because of the application of division (E)(1) of 84081
section 5751.01 of the Revised Code, the person shall notify the 84082
commissioner that the person's registration should be cancelled. 84083

(E) With respect to registrations received by the 84084
commissioner before the effective date of the amendment of this 84085
section by the main operating appropriations act of the 128th 84086
general assembly, the taxpayer listed as the primary taxpayer on 84087
the registration shall be the reporting person until the taxpayer 84088
notifies the commissioner otherwise. 84089

Sec. 5751.05. (A) If a person subject to this chapter 84090
anticipates that the person's taxable gross receipts will be more 84091
than one million dollars ~~or less~~ in a calendar year ~~2006~~, the 84092
person ~~may elect to be a calendar year taxpayer. If a person is~~ 84093
~~not required to be registered under this section for calendar year~~ 84094
~~2006 and anticipates that the person's taxable gross receipts will~~ 84095
~~be one million dollars or less in the first calendar year the~~ 84096
~~person is required to register under this section, the person may~~ 84097
elect to be a calendar year taxpayer shall notify the tax 84098
commissioner on the person's initial registration form and file on 84099
a quarterly basis as a calendar quarter taxpayer. Any taxpayer 84100
with taxable gross receipts of one million dollars or less shall 84101
register as a calendar year taxpayer and shall file annually. 84102

(B) Any person that is a calendar year taxpayer ~~pursuant to~~ 84103

~~an election~~ under division (A) of this section shall become a 84104
calendar quarter taxpayer in the subsequent calendar year if the 84105
person's taxable gross receipts for the prior calendar year are 84106
more than one million dollars, and shall remain a calendar quarter 84107
taxpayer until the person notifies the tax commissioner, and 84108
receives approval in writing from the tax commissioner, to switch 84109
back to being a calendar year taxpayer. Nothing in this division 84110
prohibits a person that has elected to be a calendar year taxpayer 84111
from notifying the tax commissioner, using the procedures 84112
prescribed by the commissioner, that it is switching back to being 84113
a calendar quarter taxpayer. 84114

(C) Any taxpayer that is not a calendar ~~year~~ quarter taxpayer 84115
pursuant to this section is a calendar ~~quarter~~ year taxpayer. The 84116
~~tax~~ commissioner may grant written approval for a calendar quarter 84117
taxpayer to use an alternative reporting schedule or estimate the 84118
amount of tax due for a calendar quarter if the taxpayer 84119
demonstrates to the commissioner the need for such a deviation. 84120
The commissioner may adopt a rule to apply division (C) of this 84121
section to a group of taxpayers without the taxpayers having to 84122
receive written approval from the commissioner. 84123

Sec. 5751.051. (A)(1) Not later than ~~forty days~~ the tenth day 84124
of the second month after the end of each calendar quarter, every 84125
taxpayer other than a calendar year taxpayer shall file with the 84126
tax commissioner a tax return in such form as the commissioner 84127
prescribes. The return shall include, but is not limited to, the 84128
amount of the taxpayer's taxable gross receipts for the calendar 84129
quarter and shall indicate the amount of tax due under section 84130
5751.03 of the Revised Code for the calendar quarter. 84131

(2)(a) Subject to division (C) of section 5751.05 of the 84132
Revised Code, a calendar quarter taxpayer shall report the taxable 84133
gross receipts for that calendar quarter. 84134

(b) With respect to taxable gross receipts incorrectly reported in a calendar quarter that has a lower tax rate, the tax shall be computed at the tax rate in effect for the quarterly return in which such receipts should have been reported. Nothing in division (A)(2)(b) of this section prohibits a taxpayer from filing an application for refund under section 5751.08 of the Revised Code with regard to the incorrect reporting of taxable gross receipts discovered after filing the annual return described in division (A)(3) of this section.

A tax return shall not be deemed to be an incorrect reporting of taxable gross receipts for the purposes of division (A)(2)(b) of this section if the return reflects between ninety-five and one hundred five per cent of the actual taxable gross receipts for the calendar quarter.

(3) ~~The~~ For the purposes of division (A)(2)(b) of this section, the tax return filed for the fourth calendar quarter of a calendar year is the annual return for the privilege tax imposed by this chapter. Such return shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year. If the taxpayer ceases to be a taxpayer before the end of the calendar year, the last return the taxpayer is required to file shall be the annual return for the taxpayer and the taxpayer shall report any additional taxable gross receipts not previously reported in the calendar year and shall adjust for any over-reported taxable gross receipts in the calendar year.

(4) Because the tax imposed by this chapter is a privilege tax, the tax rate with respect to taxable gross receipts for a calendar quarter is not fixed until the end of the measurement period for each calendar quarter. Subject to division (A)(2)(b) of this section, the total amount of taxable gross receipts reported for a given calendar quarter shall be subject to the tax rate in

effect in that quarter. 84167

(5) Not later than ~~forty days after~~ the tenth day of May 84168
following the end of each calendar year, every calendar year 84169
taxpayer shall file with the tax commissioner a tax return in such 84170
form as the commissioner prescribes. The return shall include, but 84171
is not limited to, the amount of the taxpayer's taxable gross 84172
receipts for the calendar year and shall indicate the amount of 84173
tax due under section 5751.03 of the Revised Code for the calendar 84174
year. 84175

(B)(1) A person that first becomes subject to the tax imposed 84176
under this chapter shall pay the minimum tax imposed under 84177
division (B) of section 5751.03 of the Revised Code along with the 84178
registration fee imposed under this section, if applicable, on or 84179
before the day the return is required to be filed for that quarter 84180
under division (A)(1) of this section, regardless of whether the 84181
person elects to be a calendar year taxpayer under section 5751.05 84182
of the Revised Code. 84183

(2) The amount of the minimum tax for a person subject to 84184
division (B)(1) of this section shall be reduced to seventy-five 84185
dollars if the registration is timely filed after the first day of 84186
May and before the first day of January of the following calendar 84187
year. 84188

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 84189
pay the full amount of the tax due within the period prescribed 84190
therefor under this chapter shall pay a penalty in an amount not 84191
exceeding the greater of fifty dollars or ten per cent of the tax 84192
required to be paid for the tax period. 84193

(B)(1) If any additional tax is found to be due, the tax 84194
commissioner may impose an additional penalty of up to fifteen per 84195
cent on the additional tax found to be due. 84196

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section ~~5751.10~~ 5751.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

(C) After calendar year 2008, the tax commissioner may impose an additional penalty against a taxpayer that fails to switch to being a calendar quarter taxpayer at the time it had over two million in taxable gross receipts in the calendar year, as required under section 5751.04 of the Revised Code. The penalty may be imposed in an amount not to exceed ten per cent of the tax due above two million dollars in taxable gross receipts for the calendar year. Any penalty imposed under this division is in addition to any other penalties imposed under this section.

(D) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section.

(E) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

(F) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.

(G) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment was issued, whichever occurs first.

(H) The tax commissioner may impose a penalty of up to ten per cent for any additional tax that is due under division (A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer incorrectly reporting its taxable gross receipts.

(I) If the tax commissioner discovers that a taxpayer has billed or invoiced another person for the tax imposed under this chapter in violation of division (B) of section 5751.02 of the Revised Code, the tax commissioner shall notify the taxpayer of the violation by certified mail and may impose a penalty of up to five hundred dollars. If the taxpayer subsequently bills or invoices a person for the tax imposed under this chapter, the tax commissioner shall impose a penalty of five hundred dollars.

Sec. 5751.08. (A) An application for refund to the taxpayer of the amount of taxes imposed under this chapter that are overpaid, paid illegally or erroneously, or paid on any illegal or erroneous assessment shall be filed by the reporting person with the tax commissioner, on the form prescribed by the commissioner, within four years after the date of the illegal or erroneous payment of the tax. The applicant shall provide the amount of the requested refund along with the claimed reasons for, and documentation to support, the issuance of a refund.

(B) On the filing of the refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from

the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 84259
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(C) Interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was paid or when the tax payment was due. 84263
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(D) A calendar quarter taxpayer with more than one million dollars in taxable gross receipts in a calendar year other than calendar year 2005 and that is not able to exclude one million dollars in taxable gross receipts because of the operation of the taxpayer's business in that calendar year may file for a refund under this section to obtain the full exclusion of one million dollars in taxable gross receipts for that calendar year. 84267
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(E) No person with an active registration as a taxpayer under this chapter may claim a refund under this section for the tax imposed under division (B) of section 5751.03 of the Revised Code unless the person cancelled the registration before the tenth day of ~~February~~ May of the current calendar year pursuant to division ~~(C)~~ (D) of section 5751.04 of the Revised Code. 84274
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(F) Except as provided in section 5751.091 of the Revised Code, the tax commissioner may, with the consent of the taxpayer, provide for the crediting against tax due for a tax year the amount of any refund due the taxpayer under this chapter for a preceding tax year. 84280
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Sec. 5751.09. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or pay any tax as required by this chapter. The commissioner shall give the person assessed written notice of the assessment as provided 84285
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in section 5703.37 of the Revised Code. With the notice, the 84290
commissioner shall provide instructions on the manner in which to 84291
petition for reassessment and request a hearing with respect to 84292
the petition. The commissioner shall send any assessments against 84293
consolidated elected taxpayer and combined taxpayer groups under 84294
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 84295
"reporting person" as defined under division (R) of section 84296
5751.01 of the Revised Code. The reporting person shall notify all 84297
members of the group of the assessment and all outstanding taxes, 84298
interest, and penalties for which the assessment is issued. 84299

(B) Unless the person assessed, within sixty days after 84300
service of the notice of assessment, files with the tax 84301
commissioner, either personally or by certified mail, a written 84302
petition signed by the person or the person's authorized agent 84303
having knowledge of the facts, the assessment becomes final, and 84304
the amount of the assessment is due and payable from the person 84305
assessed to the treasurer of state. The petition shall indicate 84306
the objections of the person assessed, but additional objections 84307
may be raised in writing if received by the commissioner prior to 84308
the date shown on the final determination. 84309

If a petition for reassessment has been properly filed, the 84310
commissioner shall proceed under section 5703.60 of the Revised 84311
Code. 84312

(C)(1) After an assessment becomes final, if any portion of 84313
the assessment, including accrued interest, remains unpaid, a 84314
certified copy of the tax commissioner's entry making the 84315
assessment final may be filed in the office of the clerk of the 84316
court of common pleas in the county in which the person resides or 84317
has its principal place of business in this state, or in the 84318
office of the clerk of court of common pleas of Franklin county. 84319

(2) Immediately upon the filing of the entry, the clerk shall 84320

enter judgment for the state against the person assessed in the 84321
amount shown on the entry. The judgment may be filed by the clerk 84322
in a loose-leaf book entitled, "special judgments for the 84323
commercial activity tax" and shall have the same effect as other 84324
judgments. Execution shall issue upon the judgment at the request 84325
of the tax commissioner, and all laws applicable to sales on 84326
execution shall apply to sales made under the judgment. 84327

(3) The portion of the assessment not paid within sixty days 84328
after the day the assessment was issued shall bear interest at the 84329
rate per annum prescribed by section 5703.47 of the Revised Code 84330
from the day the tax commissioner issues the assessment until it 84331
is paid. Interest shall be paid in the same manner as the tax and 84332
may be collected by the issuance of an assessment under this 84333
section. 84334

(D) If the tax commissioner believes that collection of the 84335
tax will be jeopardized unless proceedings to collect or secure 84336
collection of the tax are instituted without delay, the 84337
commissioner may issue a jeopardy assessment against the person 84338
liable for the tax. Immediately upon the issuance of the jeopardy 84339
assessment, the commissioner shall file an entry with the clerk of 84340
the court of common pleas in the manner prescribed by division (C) 84341
of this section. Notice of the jeopardy assessment shall be served 84342
on the person assessed or the person's authorized agent in the 84343
manner provided in section 5703.37 of the Revised Code within five 84344
days of the filing of the entry with the clerk. The total amount 84345
assessed is immediately due and payable, unless the person 84346
assessed files a petition for reassessment in accordance with 84347
division (B) of this section and provides security in a form 84348
satisfactory to the commissioner and in an amount sufficient to 84349
satisfy the unpaid balance of the assessment. Full or partial 84350
payment of the assessment does not prejudice the commissioner's 84351
consideration of the petition for reassessment. 84352

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section, and such amounts shall be considered as revenue arising from the tax imposed under this chapter.

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, ~~the secretary of state is hereby deemed to be that person's agent for purposes of service of process of notice of any assessment, action, or proceedings instituted in this state against the person under this chapter. Such process or notice shall be served on such person by the commissioner or by one of the commissioner's agents by leaving at the office of the secretary of state, at least fifteen days before the return day of such process or notice, a true and attested copy of the notice, and by sending to such person by ordinary mail,~~

~~with an endorsement thereon of the service upon the secretary of~~ 84385
~~state, addressed to such person at the person's last known address~~ 84386
commissioner shall follow the procedures under section 5703.37 of 84387
the Revised Code. 84388

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 84389
the Revised Code: 84390

(1) "School district," "joint vocational school district," 84391
"local taxing unit," "recognized valuation," "fixed-rate levy," 84392
and "fixed-sum levy" have the same meanings as used in section 84393
5727.84 of the Revised Code. 84394

(2) "State education aid" for a school district means the sum 84395
of state aid amounts computed for the district under division (A) 84396
of section 3317.022 of the Revised Code, including the amounts 84397
calculated under sections 3317.029 and 3317.0217 of the Revised 84398
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 84399
3317.022; divisions (B), (C), and (D) of section 3317.023; 84400
divisions (L) and (N) of section 3317.024; section 3317.0216; and 84401
any unit payments for gifted student services paid under sections 84402
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 84403
for fiscal years 2008 and 2009, the amount computed for the 84404
district under Section 269.20.80 of H.B. 119 of the 127th general 84405
assembly and as that section subsequently may be amended shall be 84406
substituted for the amount computed under division (D) of section 84407
3317.022 of the Revised Code, and the amount computed under 84408
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 84409
that section subsequently may be amended shall be included. 84410

(3) "State education aid" for a joint vocational school 84411
district means the sum of the state aid computed for the district 84412
under division (N) of section 3317.024 and section 3317.16 of the 84413
Revised Code, except that, for fiscal years 2008 and 2009, the 84414
amount computed under Section 269.30.80 of H.B. 119 of the 127th 84415

general assembly and as that section subsequently may be amended 84416
shall be included. 84417

(4) "State education aid offset" means the amount determined 84418
for each school district or joint vocational school district under 84419
division (A)(1) of section 5751.21 of the Revised Code. 84420

(5) "Machinery and equipment property tax value loss" means 84421
the amount determined under division (C)(1) of this section. 84422

(6) "Inventory property tax value loss" means the amount 84423
determined under division (C)(2) of this section. 84424

(7) "Furniture and fixtures property tax value loss" means 84425
the amount determined under division (C)(3) of this section. 84426

(8) "Machinery and equipment fixed-rate levy loss" means the 84427
amount determined under division (D)(1) of this section. 84428

(9) "Inventory fixed-rate levy loss" means the amount 84429
determined under division (D)(2) of this section. 84430

(10) "Furniture and fixtures fixed-rate levy loss" means the 84431
amount determined under division (D)(3) of this section. 84432

(11) "Total fixed-rate levy loss" means the sum of the 84433
machinery and equipment fixed-rate levy loss, the inventory 84434
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 84435
loss, and the telephone company fixed-rate levy loss. 84436

(12) "Fixed-sum levy loss" means the amount determined under 84437
division (E) of this section. 84438

(13) "Machinery and equipment" means personal property 84439
subject to the assessment rate specified in division (F) of 84440
section 5711.22 of the Revised Code. 84441

(14) "Inventory" means personal property subject to the 84442
assessment rate specified in division (E) of section 5711.22 of 84443
the Revised Code. 84444

(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.

(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.

(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.

(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.

(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.

(B) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. ~~All money in that~~ Eighty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the tax reform system implementation fund, which is hereby created in the state treasury, and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder in the commercial activities tax receipts fund shall be credited for each fiscal year in the following percentages to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section

5751.21 of the Revised Code, and to the local government tangible 84476
property tax replacement fund, which is hereby created in the 84477
state treasury for the purpose of making the payments described in 84478
section 5751.22 of the Revised Code, in the following percentages: 84479

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
				84480
				84481
2006	67.7%	22.6%	9.7%	84482
2007	0%	70.0%	30.0%	84483
2008	0%	70.0%	30.0%	84484
2009	0%	70.0%	30.0%	84485
2010	0%	70.0%	30.0%	84486
2011 <u>and</u>	0%	70.0%	30.0%	84487
<u>thereafter</u>				
2012	5.3%	70.0%	24.7%	84488
2013	10.6%	70.0%	19.4%	84489
2014	14.1%	70.0%	15.9%	84490
2015	17.6%	70.0%	12.4%	84491
2016	21.1%	70.0%	8.9%	84492
2017	24.6%	70.0%	5.4%	84493
2018	28.1%	70.0%	1.9%	84494
2019 and	30%	70%	0%	84495
thereafter				

(C) Not later than September 15, 2005, the tax commissioner 84496
shall determine for each school district, joint vocational school 84497
district, and local taxing unit its machinery and equipment, 84498
inventory property, furniture and fixtures property, and telephone 84499
property tax value losses, which are the applicable amounts 84500
described in divisions (C)(1), (2), (3), and (4) of this section, 84501
except as provided in division (C)(5) of this section: 84502

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:	84503
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	84505
(a) For tax year 2006, thirty-three and eight-tenths per cent;	84506
	84507
(b) For tax year 2007, sixty-one and three-tenths per cent;	84508
(c) For tax year 2008, eighty-three per cent;	84509
(d) For tax year 2009 and thereafter, one hundred per cent.	84510
(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:	84511
	84512
	84513
(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;	84514
	84515
	84516
(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;	84517
	84518
(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;	84519
	84520
	84521
(d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.	84522
	84523
	84524
(3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:	84525
	84526
	84527
(a) For tax year 2006, twenty-five per cent;	84528
(b) For tax year 2007, fifty per cent;	84529
(c) For tax year 2008, seventy-five per cent;	84530
(d) For tax year 2009 and thereafter, one hundred per cent.	84531

The taxable value of property reported by taxpayers used in divisions (C)(1), (2), and (3) of this section shall be such values as determined to be final by the tax commissioner as of August 31, 2005. Such determinations shall be final except for any correction of a clerical error that was made prior to August 31, 2005, by the tax commissioner.

(4) Telephone property tax value loss is the taxable value of telephone property as taxpayers would have reported that property for tax year 2004 if the assessment rate for all telephone property for that year were twenty-five per cent, multiplied by:

- (a) For tax year 2006, zero per cent;
- (b) For tax year 2007, zero per cent;
- (c) For tax year 2008, zero per cent;
- (d) For tax year 2009, sixty per cent;
- (e) For tax year 2010, eighty per cent;
- (f) For tax year 2011 and thereafter, one hundred per cent.

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such

property as listed on the general tax list of personal property 84562
for tax year 2000 shall be substituted for the taxable value of 84563
such property as reported by taxpayers for tax year 2004, in the 84564
taxing district containing the uranium facility, if the taxable 84565
value listed for tax year 2000 is greater than the taxable value 84566
reported by taxpayers for tax year 2004. For the purpose of making 84567
the computations under divisions (D)(1), (2), and (3) of this 84568
section, the tax year 2000 valuation is to be allocated to 84569
machinery and equipment, inventory, and furniture and fixtures 84570
property in the same proportions as the tax year 2004 values. For 84571
the purpose of the calculations in division (A) of section 5751.21 84572
of the Revised Code, the tax year 2004 taxable values shall be 84573
used. 84574

To facilitate the calculations required under division (C) of 84575
this section, the county auditor, upon request from the tax 84576
commissioner, shall provide by August 1, 2005, the values of 84577
machinery and equipment, inventory, and furniture and fixtures for 84578
all single-county personal property taxpayers for tax year 2004. 84579

(D) Not later than September 15, 2005, the tax commissioner 84580
shall determine for each tax year from 2006 through 2009 for each 84581
school district, joint vocational school district, and local 84582
taxing unit its machinery and equipment, inventory, and furniture 84583
and fixtures fixed-rate levy losses, and for each tax year from 84584
2006 through 2011 its telephone property fixed-rate levy loss, 84585
~~which. Except as provided in division (F) of this section, such~~ 84586
losses are the applicable amounts described in divisions (D)(1), 84587
(2), (3), and (4) of this section: 84588

(1) The machinery and equipment fixed-rate levy loss is the 84589
machinery and equipment property tax value loss multiplied by the 84590
sum of the tax rates of fixed-rate qualifying levies. 84591

(2) The inventory fixed-rate loss is the inventory property 84592
tax value loss multiplied by the sum of the tax rates of 84593

fixed-rate qualifying levies. 84594

(3) The furniture and fixtures fixed-rate levy loss is the 84595
furniture and fixture property tax value loss multiplied by the 84596
sum of the tax rates of fixed-rate qualifying levies. 84597

(4) The telephone property fixed-rate levy loss is the 84598
telephone property tax value loss multiplied by the sum of the tax 84599
rates of fixed-rate qualifying levies. 84600

(E) Not later than September 15, 2005, the tax commissioner 84601
shall determine for each school district, joint vocational school 84602
district, and local taxing unit its fixed-sum levy loss. The 84603
fixed-sum levy loss is the amount obtained by subtracting the 84604
amount described in division (E)(2) of this section from the 84605
amount described in division (E)(1) of this section: 84606

(1) The sum of the machinery and equipment property tax value 84607
loss, the inventory property tax value loss, and the furniture and 84608
fixtures property tax value loss, and, for 2008 ~~through 2017 and~~ 84609
thereafter the telephone property tax value loss of the district 84610
or unit multiplied by the sum of the fixed-sum tax rates of 84611
qualifying levies. For 2006 through 2010, this computation shall 84612
include all qualifying levies remaining in effect for the current 84613
tax year and any school district levies imposed under section 84614
5705.194 or 5705.213 of the Revised Code that are qualifying 84615
levies not remaining in effect for the current year. For 2011 84616
~~through 2017 in the case of school district levies imposed under~~ 84617
~~section 5705.194 or 5705.213 of the Revised Code and for all years~~ 84618
~~after 2010 in the case of other fixed sum levies and thereafter,~~ 84619
this computation shall include only qualifying levies remaining in 84620
effect for the current year. For purposes of this computation, a 84621
qualifying school district levy imposed under section 5705.194 or 84622
5705.213 of the Revised Code remains in effect in a year after 84623
2010 only if, for that year, the board of education levies a 84624
school district levy imposed under section 5705.194 ~~or~~, 5705.199, 84625

5705.213, or 5705.219 of the Revised Code for an annual sum at 84626
least equal to the annual sum levied by the board in tax year 2004 84627
less the amount of the payment certified under this division for 84628
2006. 84629

(2) The total taxable value in tax year 2004 less the sum of 84630
the machinery and equipment, inventory, furniture and fixtures, 84631
and telephone property tax value losses in each school district, 84632
joint vocational school district, and local taxing unit multiplied 84633
by one-half of one mill per dollar. 84634

(3) For the calculations in divisions (E)(1) and (2) of this 84635
section, the tax value losses are those that would be calculated 84636
for tax year 2009 under divisions (C)(1), (2), and (3) of this 84637
section and for tax year 2011 under division (C)(4) of this 84638
section. 84639

(4) To facilitate the calculation under divisions (D) and (E) 84640
of this section, not later than September 1, 2005, any school 84641
district, joint vocational school district, or local taxing unit 84642
that has a qualifying levy that was approved at an election 84643
conducted during 2005 before September 1, 2005, shall certify to 84644
the tax commissioner a copy of the county auditor's certificate of 84645
estimated property tax millage for such levy as required under 84646
division (B) of section 5705.03 of the Revised Code, which is the 84647
rate that shall be used in the calculations under such divisions. 84648

If the amount determined under division (E) of this section 84649
for any school district, joint vocational school district, or 84650
local taxing unit is greater than zero, that amount shall equal 84651
the reimbursement to be paid pursuant to division (E) of section 84652
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 84653
and the one-half of one mill that is subtracted under division 84654
(E)(2) of this section shall be apportioned among all contributing 84655
fixed-sum levies in the proportion that each levy bears to the sum 84656
of all fixed-sum levies within each school district, joint 84657

vocational school district, or local taxing unit. 84658

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section: 84659
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(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division; 84664
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(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division. 84668
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The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code. 84671
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(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement. 84678
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~~(G)~~(H) Not later than October 1, 2005, the tax commissioner 84689
shall certify the amount of the fixed-sum levy losses to the 84690
county auditor of each county in which a school district, joint 84691
vocational school district, or local taxing unit with a fixed-sum 84692
levy loss reimbursement has territory. 84693

(I) Not later than the twenty-eighth day of February each 84694
year beginning in 2011 and ending in 2014, the tax commissioner 84695
shall certify to the department of education for each school 84696
district first levying a tax under section 5705.219 of the Revised 84697
Code in the preceding year the revised fixed-rate levy losses 84698
determined under divisions (D) and (F) of this section. 84699

Sec. 5751.21. (A) Not later than the thirtieth day of July of 84700
2007 ~~through 2017~~ and of each year thereafter, the department of 84701
education shall consult with the director of budget and management 84702
and determine the following for each school district and each 84703
joint vocational school district eligible for payment under 84704
division (B) of this section: 84705

(1) The state education aid offset, which is the difference 84706
obtained by subtracting the amount described in division (A)(1)(b) 84707
of this section from the amount described in division (A)(1)(a) of 84708
this section: 84709

(a) The state education aid computed for the school district 84710
or joint vocational school district for the current fiscal year as 84711
of the thirtieth day of July; 84712

(b) The state education aid that would be computed for the 84713
school district or joint vocational school district for the 84714
current fiscal year as of the thirtieth day of July if the 84715
recognized valuation included the machinery and equipment, 84716
inventory, furniture and fixtures, and telephone property tax 84717
value losses for the school district or joint vocational school 84718
district for the second preceding tax year, and if taxes charged 84719

and payable associated with the tax value losses are accounted for 84720
in any state education aid computation dependent on taxes charged 84721
and payable. 84722

(2) The greater of zero or the difference obtained by 84723
subtracting the state education aid offset determined under 84724
division (A)(1) of this section from the sum of the machinery and 84725
equipment fixed-rate levy loss, the inventory fixed-rate levy 84726
loss, furniture and fixtures fixed-rate levy loss, and telephone 84727
property fixed-rate levy loss certified under ~~division (F)~~ 84728
divisions (G) and (I) of section 5751.20 of the Revised Code for 84729
all taxing districts in each school district and joint vocational 84730
school district for the second preceding tax year. 84731

By the thirtieth day of July of each such year, the 84732
department of education and the director of budget and management 84733
shall agree upon the amount to be determined under division (A)(1) 84734
of this section. 84735

(B) On or before the thirty-first day of August of each year 84736
beginning in 2008, the department of education shall recalculate 84737
the offset described under division (A) of this section for the 84738
previous fiscal year and recalculate the payments made under 84739
division (C) of this section in the preceding fiscal year using 84740
the offset calculated under this division. If the payments 84741
calculated under this division differ from the payments made under 84742
division (C) of this section in the preceding fiscal year, the 84743
difference shall either be paid to a school district or recaptured 84744
from a school district through an adjustment at the same times 84745
during the current fiscal year that the payments under division 84746
(C) of this section are made. In August and October of the current 84747
fiscal year, the amount of each adjustment shall be three-sevenths 84748
of the amount calculated under this division. In May of the 84749
current fiscal year, the adjustment shall be one-seventh of the 84750
amount calculated under this division. 84751

(C) The department of education shall pay from the school district tangible property tax replacement fund to each school district and joint vocational school district all of the following for fixed-rate levy losses certified under ~~division (F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code:

(1) On or before May 31, 2006, one-seventh of the total fixed-rate levy loss for tax year 2006;

(2) On or before August 31, 2006, and October 31, 2006, one-half of six-sevenths of the total fixed-rate levy loss for tax year 2006;

(3) On or before May 31, 2007, one-seventh of the total fixed-rate levy loss for tax year 2007;

(4) On or before August 31, 2007, and October 31, 2007, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss for tax year 2007 and the total fixed-rate levy loss for tax year 2006.

(5) On or before May 31, 2008, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal year 2008, but not less than zero, plus one-seventh of the difference between the total fixed-rate levy loss for tax year 2008 and the total fixed-rate levy loss for tax year 2006.

(6) On or before August 31, 2008, and October 31, 2008, forty-three per cent of the amount determined under division (A)(2) of this section for fiscal year 2009, but not less than zero, plus one-half of six-sevenths of the difference between the total fixed-rate levy loss in tax year 2008 and the total fixed-rate levy loss in tax year 2007.

(7) On or before May 31, 2009, fourteen per cent of the amount determined under division (A)(2) of this section for fiscal

year 2009, but not less than zero, plus one-seventh of the 84783
difference between the total fixed-rate levy loss for tax year 84784
2009 and the total fixed-rate levy loss for tax year 2007. 84785

(8) On or before August 31, 2009, and October 31, 2009, 84786
forty-three per cent of the amount determined under division 84787
(A)(2) of this section for fiscal year 2010, but not less than 84788
zero, plus one-half of six-sevenths of the difference between the 84789
total fixed-rate levy loss in tax year 2009 and the total 84790
fixed-rate levy loss in tax year 2008. 84791

(9) On or before May 31, 2010, fourteen per cent of the 84792
amount determined under division (A)(2) of this section for fiscal 84793
year 2010, but not less than zero, plus one-seventh of the 84794
difference between the total fixed-rate levy loss in tax year 2010 84795
and the total fixed-rate levy loss in tax year 2008. 84796

(10) On or before August 31, 2010, and October 31, 2010, 84797
forty-three per cent of the amount determined under division 84798
(A)(2) of this section for fiscal year 2011, but not less than 84799
zero, plus one-half of six-sevenths of the difference between the 84800
telephone property fixed-rate levy loss for tax year 2010 and the 84801
telephone property fixed-rate levy loss for tax year 2009. 84802

(11) On or before May 31, 2011, fourteen per cent of the 84803
amount determined under division (A)(2) of this section for fiscal 84804
year 2011, but not less than zero, plus one-seventh of the 84805
difference between the telephone property fixed-rate levy loss for 84806
tax year 2011 and the telephone property fixed-rate levy loss for 84807
tax year 2009. 84808

(12) On or before August 31, 2011, and October 31, 2011, 84809
forty-three per cent of the amount determined under division 84810
(A)(2) of this section ~~multiplied by a fraction, the numerator of~~ 84811
~~which is fourteen and the denominator of which is seventeen, but~~ 84812
not less than zero, ~~multiplied by forty three per cent,~~ plus 84813

one-half of six-sevenths of the difference between the telephone 84814
property fixed-rate levy loss for tax year 2011 and the telephone 84815
property fixed-rate levy loss for tax year 2010. 84816

(13) On or before May 31, 2012, fourteen per cent of the 84817
amount determined under division (A)(2) of this section for fiscal 84818
year 2012, ~~multiplied by a fraction, the numerator of which is~~ 84819
~~fourteen and the denominator of which is seventeen~~ but not less 84820
than zero, plus one-seventh of the difference between the 84821
telephone property fixed-rate levy loss for tax year 2011 and the 84822
telephone property fixed-rate levy loss for tax year 2010. 84823

(14) On or before ~~August 31, 2012, October 31, 2012, and May~~ 84824
~~31, 2013, the amount determined under division (A)(2) of this~~ 84825
~~section multiplied by a fraction, the numerator of which is eleven~~ 84826
~~and the denominator of which is seventeen, but not less than zero,~~ 84827
~~multiplied by one third.~~ 84828

~~(15) On or before August 31, 2013, October 31, 2013, and May~~ 84829
~~31, 2014, the amount determined under division (A)(2) of this~~ 84830
~~section multiplied by a fraction, the numerator of which is nine~~ 84831
~~and the denominator of which is seventeen, but not less than zero,~~ 84832
~~multiplied by one third.~~ 84833

~~(16) On or before August 31, 2014, October 31, 2014, and May~~ 84834
~~31, 2015, the amount determined under division (A)(2) of this~~ 84835
~~section multiplied by a fraction, the numerator of which is seven~~ 84836
~~and the denominator of which is seventeen, but not less than zero,~~ 84837
~~multiplied by one third.~~ 84838

~~(17) On or before August 31, 2015, October 31, 2015, and May~~ 84839
~~31, 2016, the amount determined under division (A)(2) of this~~ 84840
~~section multiplied by a fraction, the numerator of which is five~~ 84841
~~and the denominator of which is seventeen, but not less than zero,~~ 84842
~~multiplied by one third.~~ 84843

~~(18) On or before August 31, 2016, October 31, 2016, and May~~ 84844

~~31, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one third.~~

~~(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one third the thirty-first day of August and October of 2012 and of each year thereafter and the thirty-first day of May of 2013 and of each year thereafter, one-third of the amount determined under division (A)(2) of this section, but not less than zero.~~

The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under ~~division (F)~~ divisions (G) and (I) of section 5751.20 of the Revised Code.

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable.

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, ~~but those payments shall extend from fiscal year 2006 through fiscal year 2018, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payments determined in division (C) of this section.~~

(E)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district

and for each year for which a determination is made under division 84876
(~~F~~)(E) of section 5751.20 of the Revised Code that a fixed-sum 84877
levy loss is to be reimbursed, the tax commissioner shall certify 84878
to the department of education the fixed-sum levy loss determined 84879
under that division. The certification shall cover a time period 84880
sufficient to include all fixed-sum levies for which the 84881
commissioner made such a determination. The department shall pay 84882
from the school district property tax replacement fund to the 84883
school district or joint vocational school district one-third of 84884
the fixed-sum levy loss so certified for each year, plus one-third 84885
of the amount certified under division (I) of section 5751.20 of 84886
the Revised Code, on or before the last day of May, August, and 84887
October of the current year. Payments under this division of the 84888
amounts certified under division (I) of section 5751.20 of the 84889
Revised Code shall continue until the levy adopted under section 84890
5705.219 of the Revised Code expires. 84891

(2) Beginning in 2006, by the first day of January of each 84892
year, the tax commissioner shall review the certification 84893
originally made under division (E)(1) of this section. If the 84894
commissioner determines that a debt levy that had been scheduled 84895
to be reimbursed in the current year has expired, a revised 84896
certification for that and all subsequent years shall be made to 84897
the department of education. 84898

(F) Beginning in September 2007 ~~and through June 2018~~, the 84899
director of budget and management shall transfer from the school 84900
district tangible property tax replacement fund to the general 84901
revenue fund each of the following: 84902

(1) On the first day of September, one-fourth of the amount 84903
determined for that fiscal year under division (A)(1) of this 84904
section; 84905

(2) On the first day of December, one-fourth of the amount 84906
determined for that fiscal year under division (A)(1) of this 84907

section; 84908

(3) On the first day of March, one-fourth of the amount 84909
determined for that fiscal year under division (A)(1) of this 84910
section; 84911

(4) On the first day of June, one-fourth of the amount 84912
determined for that fiscal year under division (A)(1) of this 84913
section. 84914

If, when a transfer is required under division (F)(1), (2), 84915
(3), or (4) of this section, there is not sufficient money in the 84916
school district tangible property tax replacement fund to make the 84917
transfer in the required amount, the director shall transfer the 84918
balance in the fund to the general revenue fund and may make 84919
additional transfers on later dates as determined by the director 84920
in a total amount that does not exceed one-fourth of the amount 84921
determined for the fiscal year. 84922

(G) ~~For each of the fiscal years 2006 through 2018, if~~ If the 84923
total amount in the school district tangible property tax 84924
replacement fund is insufficient to make all payments under 84925
divisions (C), (D), and (E) of this section at the times the 84926
payments are to be made, the director of budget and management 84927
shall transfer from the general revenue fund to the school 84928
district tangible property tax replacement fund the difference 84929
between the total amount to be paid and the amount in the school 84930
district tangible property tax replacement fund. ~~For each fiscal~~ 84931
~~year after 2018, at the time payments under division (E) of this~~ 84932
~~section are to be made, the director of budget and management~~ 84933
~~shall transfer from the general revenue fund to the school~~ 84934
~~district property tax replacement fund the amount necessary to~~ 84935
~~make such payments.~~ 84936

(H)~~(1)~~ On the fifteenth day of June of 2006 through 2011, the 84937
director of budget and management may transfer any balance in the 84938

school district tangible property tax replacement fund to the 84939
general revenue fund. ~~At the end of fiscal years 2012 through~~ 84940
~~2018, any balance in the school district tangible property tax~~ 84941
~~replacement fund shall remain in the fund to be used in future~~ 84942
~~fiscal years for school purposes.~~ 84943

~~(2) In each fiscal year beginning with fiscal year 2019~~ In 84944
each fiscal year thereafter, all amounts credited to the school 84945
district tangible personal property tax replacement fund shall be 84946
appropriated for school purposes. 84947

(I) If all of the territory of a school district or joint 84948
vocational school district is merged with another district, or if 84949
a part of the territory of a school district or joint vocational 84950
school district is transferred to an existing or newly created 84951
district, the department of education, in consultation with the 84952
tax commissioner, shall adjust the payments made under this 84953
section as follows: 84954

(1) For a merger of two or more districts, the machinery and 84955
equipment, inventory, furniture and fixtures, and telephone 84956
property fixed-rate levy losses and the fixed-sum levy losses of 84957
the successor district shall be equal to the sum of the machinery 84958
and equipment, inventory, furniture and fixtures, and telephone 84959
property fixed-rate levy losses and debt levy losses as determined 84960
in section 5751.20 of the Revised Code, for each of the districts 84961
involved in the merger. 84962

(2) If property is transferred from one district to a 84963
previously existing district, the amount of machinery and 84964
equipment, inventory, furniture and fixtures, and telephone 84965
property tax value losses and fixed-rate levy losses that shall be 84966
transferred to the recipient district shall be an amount equal to 84967
the total machinery and equipment, inventory, furniture and 84968
fixtures, and telephone property fixed-rate levy losses times a 84969
fraction, the numerator of which is the value of business tangible 84970

personal property on the land being transferred in the most recent 84971
year for which data are available, and the denominator of which is 84972
the total value of business tangible personal property in the 84973
district from which the land is being transferred in the most 84974
recent year for which data are available. For each of the first 84975
five years after the property is transferred, but not after fiscal 84976
year 2012, if the tax rate in the recipient district is less than 84977
the tax rate of the district from which the land was transferred, 84978
one-half of the payments arising from the amount of fixed-rate 84979
levy losses so transferred to the recipient district shall be paid 84980
to the recipient district and one-half of the payments arising 84981
from the fixed-rate levy losses so transferred shall be paid to 84982
the district from which the land was transferred. Fixed-rate levy 84983
losses so transferred shall be computed on the basis of the sum of 84984
the rates of fixed-rate qualifying levies of the district from 84985
which the land was transferred, notwithstanding division (E) of 84986
this section. 84987

(3) After December 31, 2004, if property is transferred from 84988
one or more districts to a district that is newly created out of 84989
the transferred property, the newly created district shall be 84990
deemed not to have any machinery and equipment, inventory, 84991
furniture and fixtures, or telephone property fixed-rate levy 84992
losses and the districts from which the property was transferred 84993
shall have no reduction in their machinery and equipment, 84994
inventory, furniture and fixtures, and telephone property 84995
fixed-rate levy losses. 84996

(4) If the recipient district under division (I)(2) of this 84997
section or the newly created district under ~~divisions~~ division 84998
(I)(3) of this section is assuming debt from one or more of the 84999
districts from which the property was transferred and any of the 85000
districts losing the property had fixed-sum levy losses, the 85001
department of education, in consultation with the tax 85002

commissioner, shall make an equitable division of the fixed-sum 85003
levy loss reimbursements. 85004

Sec. 5751.22. (A) Not later than January 1, 2006, the tax 85005
commissioner shall compute the payments to be made to each local 85006
taxing unit for each year according to divisions (A)(1), (2), (3), 85007
and (4) of this section, and shall distribute the payments in the 85008
manner prescribed by division (C) of this section. The calculation 85009
of the fixed-sum levy loss shall cover a time period sufficient to 85010
include all fixed-sum levies for which the commissioner 85011
determined, pursuant to division (E) of section 5751.20 of the 85012
Revised Code, that a fixed-sum levy loss is to be reimbursed. 85013

~~(1) Except as provided in division (A)(4) of this section,~~ 85014
~~for~~ For machinery and equipment, inventory, and furniture and 85015
fixtures fixed-rate levy losses determined under division (D) of 85016
section 5751.20 of the Revised Code, payments shall be made in an 85017
amount equal to each of those losses ~~multiplied by the following:~~ 85018

~~(a) For tax years 2006 through 2010, one hundred per cent;~~ 85019

~~(b) For tax year 2011, a fraction, the numerator of which is 85020
fourteen and the denominator of which is seventeen;~~ 85021

~~(c) For tax year 2012, a fraction, the numerator of which is 85022
eleven and the denominator of which is seventeen;~~ 85023

~~(d) For tax year 2013, a fraction, the numerator of which is 85024
nine and the denominator of which is seventeen;~~ 85025

~~(e) For tax year 2014, a fraction, the numerator of which is 85026
seven and the denominator of which is seventeen;~~ 85027

~~(f) For tax year 2015, a fraction, the numerator of which is 85028
five and the denominator of which is seventeen;~~ 85029

~~(g) For tax year 2016, a fraction, the numerator of which is 85030
three and the denominator of which is seventeen;~~ 85031

~~(h) For tax year 2017, a fraction, the numerator of which is one and the denominator of which is seventeen;~~ 85032
85033

~~(i) For tax years 2018 and thereafter, no fixed rate payments shall be made.~~ 85034
85035

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 shall not qualify for any reimbursement after the tax year to which it is last applicable. 85036
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~~(2) Except as provided in division (A)(4) of this section, for~~ 85039
For telephone property fixed-rate levy losses determined under 85040
division (D)(4) of section 5751.20 of the Revised Code, payments 85041
shall be made in an amount equal to each of those losses 85042
~~multiplied by the following:~~ 85043

~~(a) For tax years 2009 through 2011, one hundred per cent;~~ 85044

~~(b) For tax year 2012, seven eighths;~~ 85045

~~(c) For tax year 2013, six eighths;~~ 85046

~~(d) For tax year 2014, five eighths;~~ 85047

~~(e) For tax year 2015, four eighths;~~ 85048

~~(f) For tax year 2016, three eighths;~~ 85049

~~(g) For tax year 2017, two eighths;~~ 85050

~~(h) For tax year 2018, one eighth;~~ 85051

~~(i) For tax years 2019 and thereafter, no fixed rate payments shall be made.~~ 85052
85053

Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable. 85054
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(3) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 and thereafter. 85057
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(4) For taxes levied within the ten-mill limitation for debt 85061
purposes in tax year 2005, payments shall be made based on the 85062
~~schedule in division (A)(1) of this section for each of the~~ 85063
~~calendar years 2006 through 2010. For each of the calendar years~~ 85064
~~2011 through 2017, the percentages for calendar year 2010 shall be~~ 85065
~~used, as long as the qualifying levy continues to be used for debt~~ 85066
~~purposes. If the purpose of such a qualifying levy is changed,~~ 85067
~~that levy becomes subject to the payment schedules in divisions~~ 85068
~~(A)(1)(a) to (h) of this section. No payments shall be made for~~ 85069
~~such levies after calendar year 2017 equal to one-hundred per cent~~ 85070
~~of the loss computed as if the tax were a fixed-rate levy.~~ 85071

(B) Beginning in 2007, by the thirty-first day of January of 85072
each year, the tax commissioner shall review the calculation 85073
originally made under division (A) of this section of the 85074
fixed-sum levy losses determined under division (E) of section 85075
5751.20 of the Revised Code. If the commissioner determines that a 85076
fixed-sum levy that had been scheduled to be reimbursed in the 85077
current year has expired, a revised calculation for that and all 85078
subsequent years shall be made. 85079

(C) Payments to local taxing units required to be made under 85080
division (A) of this section shall be paid from the local 85081
government tangible property tax replacement fund to the county 85082
undivided income tax fund in the proper county treasury. Beginning 85083
in May 2006, one-seventh of the amount certified under that 85084
division shall be paid by the last day of May each year, and 85085
three-sevenths shall be paid by the last day of August and October 85086
each year. Within forty-five days after receipt of such payments, 85087
the county treasurer shall distribute amounts determined under 85088
division (A) of this section to the proper local taxing unit as if 85089
they had been levied and collected as taxes, and the local taxing 85090
unit shall apportion the amounts so received among its funds in 85091
the same proportions as if those amounts had been levied and 85092

collected as taxes. 85093

(D) ~~For each of the fiscal years 2006 through 2019, if~~ If the 85094
total amount in the local government tangible property tax 85095
replacement fund is insufficient to make all payments under 85096
division (C) of this section at the times the payments are to be 85097
made, the director of budget and management shall transfer from 85098
the general revenue fund to the local government tangible property 85099
tax replacement fund the difference between the total amount to be 85100
paid and the amount in the local government tangible property tax 85101
replacement fund. ~~For each fiscal year after 2019, at the time~~ 85102
~~payments under division (A)(2) of this section are to be made, the~~ 85103
~~director of budget and management shall transfer from the general~~ 85104
~~revenue fund to the local government property tax replacement fund~~ 85105
~~the amount necessary to make such payments.~~ 85106

(E) On the fifteenth day of June of each year ~~from 2006~~ 85107
~~through 2018~~ beginning in 2006, the director of budget and 85108
management may transfer any balance in the local government 85109
tangible property tax replacement fund to the general revenue 85110
fund. 85111

(F) If all or a part of the territories of two or more local 85112
taxing units are merged, or unincorporated territory of a township 85113
is annexed by a municipal corporation, the tax commissioner shall 85114
adjust the payments made under this section to each of the local 85115
taxing units in proportion to the tax value loss apportioned to 85116
the merged or annexed territory, or as otherwise provided by a 85117
written agreement between the legislative authorities of the local 85118
taxing units certified to the commissioner not later than the 85119
first day of June of the calendar year in which the payment is to 85120
be made. 85121

Sec. 5751.23. (A) As used in this section: 85122

(1) "Administrative fees" means the dollar percentages 85123

allowed by the county auditor for services or by the county 85124
treasurer as fees, or paid to the credit of the real estate 85125
assessment fund, under divisions (A) and (C) of section 319.54 and 85126
division (A) of section 321.26 of the Revised Code. 85127

(2) "Administrative fee loss" means a county's loss of 85128
administrative fees due to its tax value loss, determined ~~as~~ 85129
~~follows:~~ 85130

~~(a) For purposes of the determination made under division (B)~~ 85131
~~of this section in the years 2006 through 2010, the administrative~~ 85132
~~fee loss shall be computed~~ by multiplying the amounts determined 85133
for all taxing districts in the county under divisions (D) and (E) 85134
of section 5751.20 of the Revised Code by nine thousand six 85135
hundred fifty-nine ten-thousandths of one per cent if total taxes 85136
collected in the county in 2004 exceeded one hundred fifty million 85137
dollars, or one and one thousand one hundred fifty-nine 85138
ten-thousandths of one per cent if total taxes collected in the 85139
county in 2004 were one hundred fifty million dollars or less. 85140

~~(b) For purposes of the determination under division (B) of~~ 85141
~~this section in the years after 2010, the administrative fee~~ 85142
~~losses shall be determined by multiplying the administrative fee~~ 85143
~~losses calculated for 2010 by the fractions in divisions (A)(1)(b)~~ 85144
~~to (i) of section 5751.22 of the Revised Code.~~ 85145

(3) "Total taxes collected" means all money collected on any 85146
tax duplicate of the county, other than the estate tax duplicates. 85147
"Total taxes collected" does not include amounts received pursuant 85148
to divisions (F) and (G) of section 321.24 or section 323.156 of 85149
the Revised Code. 85150

(B) Not later than December 31, 2005, the tax commissioner 85151
shall certify to each county auditor the tax levy losses 85152
calculated under divisions (D) and (E) of section 5751.20 of the 85153
Revised Code for each school district, joint vocational school 85154

district, and local taxing unit in the county. Not later than the 85155
thirty-first day of January of 2006 through 2017, the county 85156
auditor shall determine the administrative fee loss for the county 85157
and apportion that loss ratably among the school districts, joint 85158
vocational school districts, and local taxing units on the basis 85159
of the tax levy losses certified under this division. 85160

(C) On or before each of the days prescribed for the 85161
settlements under divisions (A) and (C) of section 321.24 of the 85162
Revised Code in the years 2006 through 2017, the county treasurer 85163
shall deduct one-half of the amount apportioned to each school 85164
district, joint vocational school district, and local taxing unit 85165
from the portions of revenue payable to them. 85166

(D) On or before each of the days prescribed for settlements 85167
under divisions (A) and (C) of section 321.24 of the Revised Code 85168
in the years 2006 through 2017, the county auditor shall cause to 85169
be deposited an amount equal to one-half of the amount of the 85170
administrative fee loss in the same funds as if allowed as 85171
administrative fees. 85172

Sec. 5907.111. There is hereby created in the state treasury 85173
the Ohio veterans' home agency income tax contribution fund, which 85174
shall consist of money contributed to it under section 5747.113 of 85175
the Revised Code and of contributions made directly to it. Any 85176
person may contribute directly to the fund in addition to or 85177
independently of the income tax refund contribution system 85178
established in section 5747.113 of the Revised Code. 85179

Money credited to the fund shall be distributed by the board 85180
of trustees among residents' benefit funds created pursuant to 85181
section 5907.11 of the Revised Code and shall be used specifically 85182
for advancement of veterans' services and assisting veterans with 85183
significant financial need. 85184

Sec. 5911.10. If any armory erected or purchased by the state 85185
becomes vacant because of the deactivation of the organizations 85186
quartered in that armory, the governor and the adjutant general 85187
may lease that armory for periods not to exceed one year; or, when 85188
authorized by an act of the general assembly, may sell that armory 85189
or lease it for a period of years. ~~The~~ 85190

The proceeds from the sale or lease of such an armory, or 85191
from the sale or lease of other facilities and land owned by the 85192
adjutant general, shall be credited to the armory improvements 85193
fund, which is hereby created in the state treasury. The moneys in 85194
the fund shall be used to support Ohio army national guard 85195
facility and maintenance expenses as the adjutant general directs. 85196
Any fund expenditure related to the construction, acquisition, 85197
lease, or financing of a capital asset is subject to approval by 85198
the controlling board. Investment earnings of the fund shall be 85199
credited to the general revenue fund. 85200

Sec. 5911.11. There is hereby created in the state treasury 85201
the community match armories fund. The fund shall consist of all 85202
amounts received as revenue from contributions from local entities 85203
for construction and maintenance of Ohio army national guard 85204
readiness and community centers and facilities. The moneys in the 85205
fund shall be used to support the acquisition and maintenance 85206
costs of centers and facilities representing the local entity's 85207
share of costs, including the local entity's share of utility 85208
costs. Investment earnings of the fund shall be credited to the 85209
fund. 85210

Sec. 5913.051. ~~To supplement the military staff of the~~ 85211
~~governor, the~~ (A) The adjutant general may appoint an assistant to 85212
~~the state area commander for readiness and training for adjutant~~ 85213
general - army. This assistant shall be a brigadier general and 85214

shall aid the adjutant general by performing duties that the 85215
adjutant general assigns ~~in~~ that include the areas of readiness, 85216
~~training, and mobilization, and homeland defense preparedness.~~ 85217
This assistant shall not be a full-time state employee or a member 85218
of the governor's military staff, but shall serve in that capacity 85219
only during federally recognized training, special duty periods, 85220
~~or~~ mobilization periods, or state active duty, and shall at the 85221
time of appointment be in the rank of colonel or above but 85222
otherwise meet the qualifications established ~~in section 5913.021~~ 85223
~~of the Revised Code~~ by the department of defense/army for general 85224
officer qualification. 85225

(B) The adjutant general may appoint an assistant adjutant 85226
general - airforce. This assistant shall be a brigadier general 85227
and shall aid the adjutant general by performing duties that the 85228
adjutant general assigns that include the areas of readiness, 85229
mobilization, and homeland defense preparedness. This assistant 85230
shall not be a full-time state employee or a member of the 85231
governor's military staff, but shall serve in that capacity only 85232
during federally recognized training, special duty periods, 85233
mobilization periods, or state active duty, and shall at the time 85234
of appointment be in the rank of colonel or above but otherwise 85235
meet the qualifications established by the department of 85236
defense/air force for general officer qualification. 85237

Sec. 5913.09. (A) The adjutant general is the custodian of 85238
all military and other adjutant general's department property, 85239
both real and personal, belonging to the state. 85240

(B) The adjutant general may make changes and improvements to 85241
military and other adjutant general's department property as the 85242
needs of the state and federal government and the exigencies of 85243
the service require. All improvements made upon that property 85244
belonging to the state, from moneys received either all or in part 85245

from the state or federal government, or both, become the property 85246
of the state, except as may be provided in an agreement and 85247
corresponding regulations by which the United States contributes 85248
to the cost of an improvement. 85249

(C)(1) In accordance with applicable state and federal law 85250
and regulations, the adjutant general, with the approval of the 85251
governor, may acquire by purchase lease, license, or otherwise, 85252
real and personal property necessary for the purposes of the 85253
department. 85254

(2) In accordance with applicable state and federal law and 85255
regulations, the adjutant general, with the approval of the 85256
attorney general, may enter into contracts for the construction, 85257
repair, renovation, maintenance, and operation of military or 85258
other adjutant general's department property. 85259

(3) In accordance with applicable state and federal law and 85260
regulations, the adjutant general, with the approval of the 85261
governor, may lease or exchange all or part of any military or 85262
other adjutant general's department property or grant easements or 85263
licenses, if the lease, exchange, easement, or license is 85264
advantageous to the state. 85265

(4) All real property of the adjutant general's department 85266
shall be sold in accordance with section 5911.10 of the Revised 85267
Code. 85268

(D)(1) Except as otherwise provided in this section, all 85269
income from any military or other adjutant general's department 85270
property of the state, not made a portion of the company, troop, 85271
battery, detachment, squadron, or other organization funds by 85272
regulations, shall be credited to the funds for the operation and 85273
maintenance of the Ohio organized militia, as the adjutant general 85274
directs, in accordance with applicable state and federal law and 85275
regulations and the agreements by which the United States 85276

contributes to the cost of operation and maintenance of the Ohio national guard. 85277
85278

(2) There is hereby created in the state treasury the camp Perry/buckeye inn operations fund. The fund shall consist of all amounts received as revenue from the rental of facilities located at the camp Perry training site in Ottawa county and the buckeye inn at Rickenbacker air national guard base in Franklin county, and all amounts received from the use of the camp Perry training site and its facilities, including shooting ranges. The moneys in the fund shall be used to support the facility operations of the camp Perry clubhouse and the buckeye inn. Investment earnings of the fund shall be credited to the general revenue fund. 85279
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Sec. 5919.20. There is hereby created in the state treasury the national guard service medal fund. The fund shall consist of all amounts received from the purchase of Ohio national guard service medals for eligible national guard service members as authorized by the general assembly. The moneys in the fund shall be used to purchase additional medals. Investment earnings of the fund shall be credited to the fund. 85289
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Sec. 5919.36. There is hereby created in the state treasury the Ohio national guard facility maintenance fund. The fund shall consist of all amounts received from revenue from leases of sites, including towers and wells, and other revenue received from reimbursements for services related to Ohio national guard programs. The moneys in the fund shall be used for service, maintenance, and repair expenses, and for equipment purchases for programs and facilities of the adjutant general. Investment earnings of the fund shall be credited to the general revenue fund. 85296
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Sec. 6103.01. As used in this chapter: 85306

(A) "Public water supply facilities," "water supply facilities," "water supply improvement," or "improvement" means, without limiting the generality of those terms, water wells and well fields, springs, lakes, rivers, streams, or other sources of water supply, intakes, pumping stations and equipment, treatment, filtration, or purification plants, force and distribution lines or mains, cisterns, reservoirs, storage facilities, necessary equipment for fire protection, other related structures, equipment, and furnishings, and real estate and interests in real estate, necessary or useful in the proper development of a water supply for domestic or other purposes and its proper distribution.

(B) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(C) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of water supply facilities, but does not include repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(D) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore water supply facilities to, or to continue water supply facilities in, good order and working condition, but does not include construction of permanent improvements.

(E) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(F) "County sanitary engineer" means either of the following:

(1) The registered professional engineer employed or appointed by the board of county commissioners to be the county

sanitary engineer as provided in section 6117.01 of the Revised Code; 85338
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(2) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of the Revised Code is retained to discharge the duties of a county sanitary engineer under this chapter. 85340
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(G) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code. 85344
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(H) "Low- and moderate-income persons" has the same meaning as in section 175.01 of the Revised Code. 85346
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Sec. 6103.02. (A) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may acquire, construct, maintain, and operate any public water supply facilities within its county for one or more sewer districts and may provide for their protection and prevent their pollution and unnecessary waste. The board may negotiate and enter into a contract with any public agency or any person for the management, maintenance, operation, and repair of the facilities on behalf of the county, upon the terms and conditions as may be agreed upon with the agency or person and as may be determined by the board to be in the interests of the county. By contract with any public agency or any person operating public water supply facilities within or without its county, the board also may provide a supply of water to a sewer district from the facilities of the public agency or person. 85348
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(B) The county sanitary engineer or sanitary engineering department, in addition to other assigned duties, shall assist the board in the performance of its duties under this chapter and shall be charged with other duties and services in relation to the board's duties as the board prescribes. 85363
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(C) The board may adopt, publish, administer, and enforce 85368
rules for the construction, maintenance, protection, and use of 85369
county-owned or county-operated public water supply facilities 85370
outside municipal corporations and of public water supply 85371
facilities within municipal corporations that are owned or 85372
operated by the county or that are supplied with water from water 85373
supply facilities owned or operated by the county, including, but 85374
not limited to, rules for the establishment and use of any 85375
connections, the termination in accordance with reasonable 85376
procedures of water service for nonpayment of county water rates 85377
and charges, and the establishment and use of security deposits to 85378
the extent considered necessary to ensure the payment of county 85379
water rates and charges. The rules shall not be inconsistent with 85380
the laws of the state or any applicable rules of the director of 85381
environmental protection. 85382

(D) No public water supply facilities shall be constructed in 85383
any county outside municipal corporations by any person, except 85384
for the purpose of supplying water to those municipal 85385
corporations, until the plans and specifications for the 85386
facilities have been approved by the board. Construction shall be 85387
done under the supervision of the county sanitary engineer. Any 85388
person constructing public water supply facilities shall pay to 85389
the county all expenses incurred by the board in connection with 85390
the construction. 85391

(E) The county sanitary engineer or the county sanitary 85392
engineer's authorized assistants or agents, when properly 85393
identified in writing or otherwise and after written notice is 85394
delivered to the owner at least five days in advance or mailed at 85395
least five days in advance by first class or certified mail to the 85396
owner's tax mailing address, may enter upon any public or private 85397
property for the purpose of making, and may make, surveys or 85398
inspections necessary for the design or evaluation of county 85399

public water supply facilities. This entry is not a trespass and 85400
is not to be considered an entry in connection with any 85401
appropriation of property proceedings under sections 163.01 to 85402
163.22 of the Revised Code that may be pending. No person or 85403
public agency shall forbid the county sanitary engineer or the 85404
county sanitary engineer's authorized assistants or agents to 85405
enter, or interfere with their entry, upon the property for the 85406
purpose of making the surveys or inspections. If actual damage is 85407
done to property by the making of the surveys or inspections, the 85408
board shall pay the reasonable value of the damage to the property 85409
owner, and the cost shall be included in the cost of the 85410
facilities and may be included in any special assessments levied 85411
and collected to pay that cost. 85412

(F) The board shall fix reasonable rates, including penalties 85413
for late payments, for water supplied to public agencies and 85414
persons when the source of supply or the facilities for its 85415
distribution are owned or operated by the county and may change 85416
the rates from time to time as it considers advisable. When the 85417
source of the water supply to be used by the county is owned by 85418
another public agency or person, the schedule of rates to be 85419
charged by the public agency or person shall be approved by the 85420
board at the time it enters into a contract for the use of water 85421
from the public agency or person. ~~When~~ 85422

When the distribution facilities are owned by the county, the 85423
board also may fix reasonable charges to be collected for the 85424
privilege of connecting to the distribution facilities and may 85425
require that, prior to the connection, the charges be paid in full 85426
or, if determined by the board to be equitable in a resolution 85427
relating to the payment of the charges, may require their payment 85428
in installments, as considered adequate by the board, at the 85429
times, in the amounts, and with the security, carrying charges, 85430
and penalties as may be determined by the board in that resolution 85431

to be fair and appropriate. No public agency or person shall be 85432
permitted to connect to those facilities until the charges have 85433
been paid in full or provision for their payment in installments 85434
has been made. If the connection charges are to be paid in 85435
installments, the board shall certify, to the county auditor, 85436
information sufficient to identify each parcel of property served 85437
by a connection and, with respect to each parcel, the total of the 85438
charges to be paid in installments, the amount of each 85439
installment, and the total number of installments to be paid. The 85440
county auditor shall record and maintain the information so 85441
supplied in the waterworks record provided for in section 6103.16 85442
of the Revised Code until the connection charges are paid in full. 85443
The board may include amounts attributable to connection charges 85444
being paid in installments in its billings of rates and other 85445
charges for water supplied. In addition, the board may consider 85446
payments made to a school district under section 6103.25 of the 85447
Revised Code when the board establishes rates and other charges 85448
for water supplied. 85449

A board may establish discounted rates or charges or may 85450
establish another mechanism for providing a reduction in rates or 85451
charges for persons who are sixty-five years of age or older. The 85452
board shall establish eligibility requirements for such discounted 85453
or reduced rates or charges, including a requirement that a person 85454
be eligible for the homestead exemption or qualify as a low- and 85455
moderate-income person. 85456

(G) When any rates or charges are not paid when due, the 85457
board may do any or all of the following: 85458

(1) Certify the unpaid rates or charges, together with any 85459
penalties, to the county auditor. The county auditor shall place 85460
the certified amount upon the real property tax list and duplicate 85461
against the property served by the connection. The certified 85462
amount shall be a lien on the property from the date placed on the 85463

real property tax list and duplicate and shall be collected in the 85464
same manner as taxes, except that, notwithstanding section 323.15 85465
of the Revised Code, a county treasurer shall accept a payment in 85466
that amount when separately tendered as payment for the full 85467
amount of the unpaid rates or charges and associated penalties. 85468
The lien shall be released immediately upon payment in full of the 85469
certified amount. 85470

(2) Collect the unpaid rates or charges, together with any 85471
penalties, by actions at law in the name of the county from an 85472
owner, tenant, or other person or public agency that is liable for 85473
the payment of the rates or charges; 85474

(3) Terminate, in accordance with established rules, the 85475
water service to the particular property unless and until the 85476
unpaid rates or charges, together with any penalties, are paid in 85477
full; 85478

(4) Apply, to the extent required, any security deposit made 85479
in accordance with established rules to the payment of the unpaid 85480
rates and charges, together with any penalties, for water service 85481
to the particular property. 85482

All moneys collected as rates, charges, or penalties fixed or 85483
established in accordance with division (F) of this section for 85484
water supply purposes in or for any sewer district shall be paid 85485
to the county treasurer and kept in a separate and distinct water 85486
fund established by the board to the credit of the district. 85487

Each board that fixes water rates or charges may render 85488
estimated bills periodically, provided that at least quarterly it 85489
shall schedule an actual reading of each customer's meter so as to 85490
render a bill for the actual amount shown by the meter reading to 85491
be due, with credit for prior payments of any estimated bills 85492
submitted for any part of the billing period, except that 85493
estimated bills may be rendered if a customer's meter is not 85494

accessible for a timely reading or if the circumstances preclude a 85495
scheduled reading. Each board also shall establish procedures 85496
providing a fair and reasonable opportunity for the resolution of 85497
billing disputes. 85498

When property to which water service is provided is about to 85499
be sold, any party to the sale or an agent of a party may request 85500
the board to have the meter at that property read and to render, 85501
within ten days following the date on which the request is made, a 85502
final bill for all outstanding rates and charges for water 85503
service. The request shall be made at least fourteen days prior to 85504
the transfer of the title of the property. 85505

At any time prior to a certification under division (G)(1) of 85506
this section, the board shall accept any partial payment of unpaid 85507
water rates or charges in the amount of ten dollars or more. 85508

Except as otherwise provided in any proceedings authorizing 85509
or providing for the security for and payment of any public 85510
obligations, or in any indenture or trust or other agreement 85511
securing public obligations, moneys in the water fund shall be 85512
applied first to the payment of the cost of the management, 85513
maintenance, and operation of the water supply facilities of, or 85514
used or operated for, the sewer district, which cost may include 85515
the county's share of management, maintenance, and operation costs 85516
under cooperative contracts for the acquisition, construction, or 85517
use of water supply facilities and, in accordance with a cost 85518
allocation plan adopted under division (H) of this section, 85519
payment of all allowable direct and indirect costs of the 85520
district, the county sanitary engineer or sanitary engineering 85521
department, or a federal or state grant program, incurred for the 85522
purposes of this chapter, and shall be applied second to the 85523
payment of debt charges payable on any outstanding public 85524
obligations issued or incurred for the acquisition or construction 85525
of water supply facilities for or serving the district, or for the 85526

funding of a bond retirement or other fund established for the 85527
payment of or security for the obligations. Any surplus remaining 85528
may be applied to the acquisition or construction of those 85529
facilities or for the payment of contributions to be made, or 85530
costs incurred, for the acquisition or construction of those 85531
facilities under cooperative contracts. Moneys in the water fund 85532
shall not be expended other than for the use and benefit of the 85533
district. 85534

(H) A board of county commissioners may adopt a cost 85535
allocation plan that identifies, accumulates, and distributes 85536
allowable direct and indirect costs that may be paid from the 85537
water fund of the sewer district created pursuant to division (G) 85538
of this section, and that prescribes methods for allocating those 85539
costs. The plan shall authorize payment from the fund of only 85540
those costs incurred by the district, the county sanitary engineer 85541
or sanitary engineering department, or a federal or state grant 85542
program, and those costs incurred by the general and other funds 85543
of the county for a common or joint purpose, that are necessary 85544
and reasonable for the proper and efficient administration of the 85545
district under this chapter. The plan shall not authorize payment 85546
from the fund of any general government expense required to carry 85547
out the overall governmental responsibilities of a county. The 85548
plan shall conform to United States office of management and 85549
budget Circular A-87, "Cost Principles for State, Local, and 85550
Indian Tribal Governments," published May 17, 1995. 85551

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 85552
of this section, on and after January 1, 1994, no person shall 85553
operate or maintain a public water system in this state without a 85554
license issued by the director of environmental protection. A 85555
person who operates or maintains a public water system on January 85556
1, 1994, shall obtain an initial license under this section in 85557
accordance with the following schedule: 85558

(1) If the public water system is a community water system, 85559
not later than January 31, 1994; 85560

(2) If the public water system is not a community water 85561
system and serves a nontransient population, not later than 85562
January 31, 1994; 85563

(3) If the public water system is not a community water 85564
system and serves a transient population, not later than January 85565
31, 1995. 85566

A person proposing to operate or maintain a new public water 85567
system after January 1, 1994, in addition to complying with 85568
section 6109.07 of the Revised Code and rules adopted under it, 85569
shall submit an application for an initial license under this 85570
section to the director prior to commencing operation of the 85571
system. 85572

A license or license renewal issued under this section shall 85573
be renewed annually. Such a license or license renewal shall 85574
expire on the thirtieth day of January in the year following its 85575
issuance. A license holder that proposes to continue operating the 85576
public water system for which the license or license renewal was 85577
issued shall apply for a license renewal at least thirty days 85578
prior to that expiration date. 85579

The director shall adopt, and may amend and rescind, rules in 85580
accordance with Chapter 119. of the Revised Code establishing 85581
procedures governing and information to be included on 85582
applications for licenses and license renewals under this section. 85583
Through June 30, ~~2010~~ 2012, each application shall be accompanied 85584
by the appropriate fee established under division (M) of section 85585
3745.11 of the Revised Code, provided that an applicant for an 85586
initial license who is proposing to operate or maintain a new 85587
public water system after January 1, 1994, shall submit a fee that 85588
equals a prorated amount of the appropriate fee established under 85589

that division for the remainder of the licensing year. 85590

(B) Not later than thirty days after receiving a completed 85591
application and the appropriate license fee for an initial license 85592
under division (A) of this section, the director shall issue the 85593
license for the public water system. Not later than thirty days 85594
after receiving a completed application and the appropriate 85595
license fee for a license renewal under division (A) of this 85596
section, the director shall do one of the following: 85597

(1) Issue the license renewal for the public water system; 85598

(2) Issue the license renewal subject to terms and conditions 85599
that the director determines are necessary to ensure compliance 85600
with this chapter and rules adopted under it; 85601

(3) Deny the license renewal if the director finds that the 85602
public water system was not operated in substantial compliance 85603
with this chapter and rules adopted under it. 85604

(C) The director may suspend or revoke a license or license 85605
renewal issued under this section if the director finds that the 85606
public water system was not operated in substantial compliance 85607
with this chapter and rules adopted under it. The director shall 85608
adopt, and may amend and rescind, rules in accordance with Chapter 85609
119. of the Revised Code governing such suspensions and 85610
revocations. 85611

(D)(1) As used in division (D) of this section, "church" 85612
means a fellowship of believers, congregation, society, 85613
corporation, convention, or association that is formed primarily 85614
or exclusively for religious purposes and that is not formed or 85615
operated for the private profit of any person. 85616

(2) This section does not apply to a church that operates or 85617
maintains a public water system solely to provide water for that 85618
church or for a campground that is owned by the church and 85619
operated primarily or exclusively for members of the church and 85620

their families. A church that, on or before March 5, 1996, has
obtained a license under this section for such a public water
system need not obtain a license renewal under this section.

(E) This section does not apply to any public or nonpublic
school that meets minimum standards of the state board of
education that operates or maintains a public water system solely
to provide water for that school.

(F) The environmental protection agency shall collect well
log filing fees on behalf of the division of soil and water
resources in the department of natural resources in accordance
with section 1521.05 of the Revised Code and rules adopted under
it. The fees shall be submitted to the division quarterly as
provided in those rules.

Sec. 6111.044. Upon receipt of an application for an
injection well drilling permit, an injection well operating
permit, a renewal of an injection well operating permit, or a
modification of an injection well drilling permit, operating
permit, or renewal of an operating permit, the director of
environmental protection shall determine whether the application
is complete and demonstrates that the activities for which the
permit, renewal permit, or modification is requested will comply
with the Federal Water Pollution Control Act and regulations
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted
under it; and this chapter and the rules adopted under it. If the
application demonstrates that the proposed activities will not
comply or will pose an unreasonable risk of inducing seismic
activity, inducing geologic fracturing, or contamination of an
underground source of drinking water, the director shall deny the
application. If the application does not make the required
demonstrations, the director shall return it to the applicant with

an indication of those matters about which a required 85652
demonstration was not made. If the director determines that the 85653
application makes the required demonstrations, the director shall 85654
transmit copies of the application and all of the accompanying 85655
maps, data, samples, and information to the chief of the division 85656
of mineral resources management, the chief of the division of 85657
geological survey, and the chief of the division of soil and water 85658
resources in the department of natural resources. 85659

The chief of the division of geological survey shall comment 85660
upon the application if the chief determines that the proposed 85661
well or injection will present an unreasonable risk of loss or 85662
damage to valuable mineral resources. If the chief submits 85663
comments on the application, those comments shall be accompanied 85664
by an evaluation of the geological factors upon which the comments 85665
are based, including fractures, faults, earthquake potential, and 85666
the porosity and permeability of the injection zone and confining 85667
zone, and by the documentation supporting the evaluation. The 85668
director shall take into consideration the chief's comments, and 85669
the accompanying evaluation of geologic factors and supporting 85670
documentation, when considering the application. The director 85671
shall provide written notice to the chief of the director's 85672
decision on the application and, if the chief's comments are not 85673
included in the permit, renewal permit, or modification, of the 85674
director's rationale for not including them. 85675

The chief of the division of mineral resources management 85676
shall comment upon the application if the chief determines that 85677
the proposed well or injection will present an unreasonable risk 85678
that waste or contamination of recoverable oil or gas in the earth 85679
will occur. If the chief submits comments on the application, 85680
those comments shall be accompanied by an evaluation of the oil or 85681
gas reserves that, in the best professional judgment of the chief, 85682
are recoverable and will be adversely affected by the proposed 85683

well or injection, and by the documentation supporting the 85684
evaluation. The director shall take into consideration the chief's 85685
comments, and the accompanying evaluation and supporting 85686
documentation, when considering the application. The director 85687
shall provide written notice to the chief of the director's 85688
decision on the application and, if the chief's comments are not 85689
included in the permit, renewal permit, or modification, of the 85690
director's rationale for not including them. 85691

The chief of the division of soil and water resources shall 85692
assist the director in determining whether all underground sources 85693
of drinking water in the area of review of the proposed well or 85694
injection have been identified and correctly delineated in the 85695
application. If the application fails to identify or correctly 85696
delineate an underground source of drinking water, the chief shall 85697
provide written notice of that fact to the director. 85698

The chief of the division of mineral resources management 85699
also shall review the application as follows: 85700

If the application concerns the drilling or conversion of a 85701
well or the injection into a well that is not or is not to be 85702
located within five thousand feet of the excavation and workings 85703
of a mine, the chief of the division of mineral resources 85704
management shall note upon the application that it has been 85705
examined by the division of mineral resources management, retain a 85706
copy of the application and map, and immediately return a copy of 85707
the application to the director. 85708

If the application concerns the drilling or conversion of a 85709
well or the injection into a well that is or is to be located 85710
within five thousand feet, but more than five hundred feet from 85711
the surface excavations and workings of a mine, the chief of the 85712
division of mineral resources management immediately shall notify 85713
the owner or lessee of the mine that the application has been 85714
filed and send to the owner or lessee a copy of the map 85715

accompanying the application setting forth the location of the 85716
well. The chief of the division of mineral resources management 85717
shall note on the application that the notice has been sent to the 85718
owner or lessee of the mine, retain a copy of the application and 85719
map, and immediately return a copy of the application to the 85720
director with the chief's notation on it. 85721

If the application concerns the drilling or conversion of a 85722
well or the injection into a well that is or is to be located 85723
within five thousand feet of the underground excavations and 85724
workings of a mine or within five hundred feet of the surface 85725
excavations and workings of a mine, the chief of the division of 85726
mineral resources management immediately shall notify the owner or 85727
lessee of the mine that the application has been filed and send to 85728
the owner or lessee a copy of the map accompanying the application 85729
setting forth the location of the well. If the owner or lessee 85730
objects to the application, the owner or lessee shall notify the 85731
chief of the division of mineral resources management of the 85732
objection, giving the reasons, within six days after the receipt 85733
of the notice. If the chief of the division of mineral resources 85734
management receives no objections from the owner or lessee of the 85735
mine within ten days after the receipt of the notice by the owner 85736
or lessee, or if in the opinion of the chief of the division of 85737
mineral resources management the objections offered by the owner 85738
or lessee are not sufficiently ~~well-founded~~ well founded, the 85739
chief shall retain a copy of the application and map and return a 85740
copy of the application to the director with any applicable notes 85741
concerning it. 85742

If the chief of the division of mineral resources management 85743
receives an objection from the owner or lessee of the mine as to 85744
the application, within ten days after receipt of the notice by 85745
the owner or lessee, and if in the opinion of the chief the 85746
objection is ~~well-founded~~ well founded, the chief shall disapprove 85747

the application and immediately return it to the director together 85748
with the chief's reasons for the disapproval. The director 85749
promptly shall notify the applicant for the permit, renewal 85750
permit, or modification of the disapproval. The applicant may 85751
appeal the disapproval of the application by the chief of the 85752
division of mineral resources management to the reclamation 85753
commission created under section 1513.05 of the Revised Code, and 85754
the commission shall hear the appeal in accordance with section 85755
1513.13 of the Revised Code. The appeal shall be filed within 85756
thirty days from the date the applicant receives notice of the 85757
disapproval. No comments concerning or disapproval of an 85758
application shall be delayed by the chief of the division of 85759
mineral resources management for more than fifteen days from the 85760
date of sending of notice to the mine owner or lessee as required 85761
by this section. 85762

The director shall not approve an application for an 85763
injection well drilling permit, an injection well operating 85764
permit, a renewal of an injection well operating permit, or a 85765
modification of an injection well drilling permit, operating 85766
permit, or renewal of an operating permit for a well that is or is 85767
to be located within three hundred feet of any opening of any mine 85768
used as a means of ingress, egress, or ventilation for persons 85769
employed in the mine, nor within one hundred feet of any building 85770
or flammable structure connected with the mine and actually used 85771
as a part of the operating equipment of the mine, unless the chief 85772
of the division of mineral resources management determines that 85773
life or property will not be endangered by drilling and operating 85774
the well in that location. 85775

Upon review by the chief of the division of mineral resources 85776
management, the chief of the division of geological survey, and 85777
the chief of the division of soil and water resources, and if the 85778
chief of the division of mineral resources management has not 85779

disapproved the application, the director shall issue a permit, 85780
renewal permit, or modification with any terms and conditions that 85781
may be necessary to comply with the Federal Water Pollution 85782
Control Act and regulations adopted under it; the "Safe Drinking 85783
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 85784
and regulations adopted under it; and this chapter and the rules 85785
adopted under it. The director shall not issue a permit, renewal 85786
permit, or modification to an applicant if the applicant or 85787
persons associated with the applicant have engaged in or are 85788
engaging in a substantial violation of this chapter that is 85789
endangering or may endanger human health or the environment or if, 85790
in the case of an applicant for an injection well drilling permit, 85791
the applicant, at the time of applying for the permit, did not 85792
hold an injection well operating permit or renewal of an injection 85793
well drilling permit and failed to demonstrate sufficient 85794
expertise and competency to operate the well in compliance with 85795
the applicable provisions of this chapter. 85796

If the director receives a disapproval from the chief of the 85797
division of mineral resources management regarding an application 85798
for an injection well drilling or operating permit, renewal 85799
permit, or modification, if required, the director shall issue an 85800
order denying the application. 85801

The director need not issue a proposed action under section 85802
3745.07 of the Revised Code or hold an adjudication hearing under 85803
that section and Chapter 119. of the Revised Code before issuing 85804
or denying a permit, renewal permit, or modification of a permit 85805
or renewal permit. Before issuing or renewing a permit to drill or 85806
operate a class I injection well or a modification of it, the 85807
director shall propose the permit, renewal permit, or modification 85808
in draft form and shall hold a public hearing to receive public 85809
comment on the draft permit, renewal permit, or modification. At 85810
least fifteen days before the public hearing on a draft permit, 85811

renewal permit, or modification, the director shall publish notice 85812
of the date, time, and location of the public hearing in at least 85813
one newspaper of general circulation serving the area where the 85814
well is or is to be located. The proposing of such a draft permit, 85815
renewal permit, or modification does not constitute the issuance 85816
of a proposed action under section 3745.07 of the Revised Code, 85817
and the holding of the public hearing on such a draft permit, 85818
renewal permit, or modification does not constitute the holding of 85819
an adjudication hearing under that section and Chapter 119. of the 85820
Revised Code. Appeals of orders other than orders of the chief of 85821
the division of mineral resources management shall be taken under 85822
sections 3745.04 to 3745.08 of the Revised Code. 85823

The director may order that an injection well drilling permit 85824
or an injection well operating permit or renewal permit be 85825
suspended and that activities under it cease after determining 85826
that those activities are occurring in violation of law, rule, 85827
order, or term or condition of the permit. Upon service of a copy 85828
of the order upon the permit holder or the permit holder's 85829
authorized agent or assignee, the permit and activities under it 85830
shall be suspended immediately without prior hearing and shall 85831
remain suspended until the violation is corrected and the order of 85832
suspension is lifted. If a violation is the second within a 85833
one-year period, the director, after a hearing, may revoke the 85834
permit. 85835

The director may order that an injection well drilling permit 85836
or an injection well operating permit or renewal permit be 85837
suspended and that activities under it cease if the director has 85838
reasonable cause to believe that the permit would not have been 85839
issued if the information available at the time of suspension had 85840
been available at the time a determination was made by one of the 85841
agencies acting under authority of this section. Upon service of a 85842
copy of the order upon the permit holder or the permit holder's 85843

authorized agent or assignee, the permit and activities under it 85844
shall be suspended immediately without prior hearing, but a permit 85845
may not be suspended for that reason without prior hearing unless 85846
immediate suspension is necessary to prevent waste or 85847
contamination of oil or gas, comply with the Federal Water 85848
Pollution Control Act and regulations adopted under it; the "Safe 85849
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 85850
amended, and regulations adopted under it; and this chapter and 85851
the rules adopted under it, or prevent damage to valuable mineral 85852
resources, prevent contamination of an underground source of 85853
drinking water, or prevent danger to human life or health. If 85854
after a hearing the director determines that the permit would not 85855
have been issued if the information available at the time of the 85856
hearing had been available at the time a determination was made by 85857
one of the agencies acting under authority of this section, the 85858
director shall revoke the permit. 85859

When a permit has been revoked, the permit holder or other 85860
person responsible for it immediately shall plug the well in the 85861
manner required by the director. 85862

The director may issue orders to prevent or require cessation 85863
of violations of this section, section 6111.043, 6111.045, 85864
6111.046, or 6111.047 of the Revised Code, rules adopted under any 85865
of those sections, and terms or conditions of permits issued under 85866
any of them. The orders may require the elimination of conditions 85867
caused by the violation. 85868

Sec. 6117.01. (A) As used in this chapter: 85869

(1) "Sanitary facilities" means sanitary sewers, force mains, 85870
lift or pumping stations, and facilities for the treatment, 85871
disposal, impoundment, or storage of wastes; equipment and 85872
furnishings; and all required appurtenances and necessary real 85873
estate and interests in real estate. 85874

(2) "Drainage" or "waters" means flows from rainfall or otherwise produced by, or resulting from, the elements, storm water discharges and releases or migrations of waters from properties, accumulations, flows, and overflows of water, including accelerated flows and runoffs, flooding and threats of flooding of properties and structures, and other surface and subsurface drainage.

(3) "Drainage facilities" means storm sewers, force mains, pumping stations, and facilities for the treatment, disposal, impoundment, retention, control, or storage of waters; improvements of or for any channel, ditch, drain, floodway, or watercourse, including location, construction, reconstruction, reconditioning, widening, deepening, cleaning, removal of obstructions, straightening, boxing, culverting, tiling, filling, walling, arching, or change in course, location, or terminus; improvements of or for a river, creek, or run, including reinforcement of banks, enclosing, deepening, widening, straightening, removal of obstructions, or change in course, location, or terminus; facilities for the protection of lands from the overflow of water, including a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, retention or holding basin, control gate, or breakwater; facilities for controlled drainage, regulation of stream flow, and protection of an outlet; the vacation of a ditch or drain; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate.

(4) "County sanitary engineer" means either of the following:

(a) The registered professional engineer employed or appointed by the board of county commissioners to be the county sanitary engineer as provided in this section;

(b) The county engineer, if, for as long as and to the extent that engineer by agreement entered into under section 315.14 of

the Revised Code is retained to discharge duties of a county sanitary engineer under this chapter.

(5) "Current operating expenses," "debt charges," "permanent improvement," "public obligations," and "subdivision" have the same meanings as in section 133.01 of the Revised Code.

(6) "Construct," "construction," or "constructing" means construction, reconstruction, enlargement, extension, improvement, renovation, repair, and replacement of sanitary or drainage facilities or of prevention or replacement facilities, but does not include any repairs, replacements, or similar actions that do not constitute and qualify as permanent improvements.

(7) "Maintain," "maintaining," or "maintenance" means repairs, replacements, and similar actions that constitute and are payable as current operating expenses and that are required to restore sanitary or drainage facilities or prevention or replacement facilities to, or to continue sanitary or drainage facilities or prevention or replacement facilities in, good order and working condition, but does not include construction of permanent improvements.

(8) "Public agency" means a state and any agency or subdivision of a state, including a county, a municipal corporation, or other subdivision.

(9) "Combined sewer" means a sewer system that is designed to collect and convey sewage, including domestic, commercial, and industrial wastewater, and storm water through a single-pipe system to a treatment works or combined sewer overflow outfall approved by the director of environmental protection.

(10) "Prevention or replacement facilities" means vegetated swales or median strips, permeable pavement, trees and tree boxes, rain barrels and cisterns, rain gardens and filtration planters, vegetated roofs, wetlands, riparian buffers, and practices and

structures that use or mimic natural processes to filter or reuse 85938
storm water. 85939

(11) "Homestead exemption" means the reduction of taxes 85940
allowed under division (A) of section 323.152 of the Revised Code. 85941

(12) "Low- and moderate-income person" has the same meaning 85942
as in section 175.01 of the Revised Code. 85943

(B)(1) For the purpose of preserving and promoting the public 85944
health and welfare, a board of county commissioners may lay out, 85945
establish, consolidate, or otherwise modify the boundaries of, and 85946
maintain, one or more sewer districts within the county and 85947
outside municipal corporations and may have a registered 85948
professional engineer make the surveys necessary for the 85949
determination of the proper boundaries of each district, which 85950
shall be designated by an appropriate name or number. The board 85951
may acquire, construct, maintain, and operate within any district 85952
sanitary or drainage facilities that it determines to be necessary 85953
or appropriate for the collection of sewage and other wastes 85954
originating in or entering the district, to comply with the 85955
provisions of a contract entered into for the purposes described 85956
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 85957
those sections or other applicable provisions of law, or for the 85958
collection, control, or abatement of waters originating or 85959
accumulating in, or flowing in, into, or through, the district, 85960
and other sanitary or drainage facilities, within or outside of 85961
the district, that it determines to be necessary or appropriate to 85962
conduct the wastes and waters to a proper outlet and to provide 85963
for their proper treatment, disposal, and disposition. The board 85964
may provide for the protection of the sanitary and drainage 85965
facilities and may negotiate and enter into a contract with any 85966
public agency or person for the management, maintenance, 85967
operation, and repair of any of the facilities on behalf of the 85968
county upon the terms and conditions that may be agreed upon with 85969

the agency or person and that may be determined by the board to be 85970
in the best interests of the county. By contract with any public 85971
agency or person operating sanitary or drainage facilities within 85972
or outside of the county, the board may provide a proper outlet 85973
for any of the wastes and waters and for their proper treatment, 85974
disposal, and disposition. 85975

(2) For purposes of preventing storm water from entering a 85976
combined sewer and causing an overflow or an inflow to a sanitary 85977
sewer, the board may acquire, design, construct, operate, repair, 85978
maintain, and provide for a project or program that separates 85979
storm water from a combined sewer or for a prevention or 85980
replacement facility that prevents or minimizes storm water from 85981
entering a combined sewer or a sanitary sewer. 85982

(C) The board of county commissioners may employ a registered 85983
professional engineer to be the county sanitary engineer for the 85984
time and on the terms it considers best and may authorize the 85985
county sanitary engineer to employ necessary assistants upon the 85986
terms fixed by the board. Prior to the initial assignment of 85987
drainage facilities duties to the county sanitary engineer, if the 85988
county sanitary engineer is not the county engineer, the board 85989
first shall offer to enter into an agreement with the county 85990
engineer pursuant to section 315.14 of the Revised Code for 85991
assistance in the performance of those duties of the board 85992
pertaining to drainage facilities, and the county engineer shall 85993
accept or reject the offer within thirty days after the date the 85994
offer is made. 85995

The board may create and maintain a sanitary engineering 85996
department, which shall be under its supervision and which shall 85997
be headed by the county sanitary engineer, for the purpose of 85998
aiding it in the performance of its duties under this chapter and 85999
Chapter 6103. of the Revised Code or its other duties regarding 86000
sanitation, drainage, and water supply provided by law. The board 86001

shall provide suitable facilities for the use of the department 86002
and shall provide for and pay the compensation of the county 86003
sanitary engineer and all authorized necessary expenses of the 86004
county sanitary engineer and the sanitary engineering department. 86005
The county sanitary engineer, with the approval of the board, may 86006
appoint necessary assistants and clerks, and the compensation of 86007
those assistants and clerks shall be provided for and paid by the 86008
board. 86009

(D) The board of county commissioners may adopt, publish, 86010
administer, and enforce rules for the construction, maintenance, 86011
protection, and use of county-owned or county-operated sanitary 86012
and drainage facilities and prevention or replacement facilities 86013
outside municipal corporations, and of sanitary and drainage 86014
facilities and prevention or replacement facilities within 86015
municipal corporations that are owned or operated by the county or 86016
that discharge into sanitary or drainage facilities or prevention 86017
or replacement facilities owned or operated by the county, 86018
including, but not limited to, rules for the establishment and use 86019
of any connections, the termination in accordance with reasonable 86020
procedures of sanitary service for the nonpayment of county 86021
sanitary rates and charges and, if so determined, the concurrent 86022
termination of any county water service for the nonpayment of 86023
those rates and charges, the termination in accordance with 86024
reasonable procedures of drainage service for the nonpayment of 86025
county drainage rates and charges, and the establishment and use 86026
of security deposits to the extent considered necessary to ensure 86027
the payment of county sanitary or drainage rates and charges. The 86028
rules shall not be inconsistent with the laws of this state or any 86029
applicable rules of the director of environmental protection. 86030

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(E) No sanitary or drainage facilities or prevention or 86032
replacement facilities shall be constructed in any county outside 86033

municipal corporations by any person until the plans and 86034
specifications have been approved by the board of county 86035
commissioners, and any construction shall be done under the 86036
supervision of the county sanitary engineer. Not less than thirty 86037
days before the date drainage plans are submitted to the board for 86038
its approval, the plans shall be submitted to the county engineer. 86039
If the county engineer is of the opinion after review that the 86040
facilities will have a significant adverse effect on roads, 86041
culverts, bridges, or existing maintenance within the county, the 86042
county engineer may submit a written opinion to the board not 86043
later than thirty days after the date the plans are submitted to 86044
the county engineer. The board may take action relative to the 86045
drainage plans only after the earliest of receiving the written 86046
opinion of the county engineer, receiving a written waiver of 86047
submission of an opinion from the county engineer, or passage of 86048
thirty days from the date the plans are submitted to the county 86049
engineer. Any person constructing the facilities shall pay to the 86050
county all expenses incurred by the board in connection with the 86051
construction. 86052

(F) The county sanitary engineer or the county sanitary 86053
engineer's authorized assistants or agents, when properly 86054
identified in writing or otherwise and after written notice is 86055
delivered to the owner at least five days in advance or is mailed 86056
at least five days in advance by first class or certified mail to 86057
the owner's tax mailing address, may enter upon any public or 86058
private property for the purpose of making, and may make, surveys 86059
or inspections necessary for the laying out of sewer districts or 86060
the design or evaluation of county sanitary or drainage facilities 86061
or prevention or replacement facilities. This entry is not a 86062
trespass and is not to be considered an entry in connection with 86063
any appropriation of property proceedings under sections 163.01 to 86064
163.22 of the Revised Code that may be pending. No person or 86065
public agency shall forbid the county sanitary engineer or the 86066

county sanitary engineer's authorized assistants or agents to 86067
enter, or interfere with their entry, upon the property for that 86068
purpose or forbid or interfere with their making of surveys or 86069
inspections. If actual damage is done to property by the making of 86070
the surveys and inspections, the board shall pay the reasonable 86071
value of the damage to the property owner, and the cost shall be 86072
included in the cost of the facilities and may be included in any 86073
special assessments to be levied and collected to pay that cost. 86074

Sec. 6117.02. (A) The board of county commissioners shall fix 86075
reasonable rates, including penalties for late payments, for the 86076
use, or the availability for use, of the sanitary facilities of a 86077
sewer district to be paid by every person and public agency whose 86078
premises are served, or capable of being served, by a connection 86079
directly or indirectly to those facilities when those facilities 86080
are owned or operated by the county and may change the rates from 86081
time to time as it considers advisable. When the sanitary 86082
facilities to be used by the county are owned by another public 86083
agency or person, the schedule of rates to be charged by the 86084
public agency or person for the use of the facilities by the 86085
county, or the formula or other procedure for their determination, 86086
shall be approved by the board at the time it enters into a 86087
contract for that use. 86088

(B) The board also shall establish reasonable charges to be 86089
collected for the privilege of connecting to the sanitary 86090
facilities of the district, with the requirement that, prior to 86091
the connection, the charges shall be paid in full, or, if 86092
determined by the board to be equitable in a resolution relating 86093
to the payment of the charges, provision considered adequate by 86094
the board shall be made for their payment in installments at the 86095
times, in the amounts, and with the security, carrying charges, 86096
and penalties as may be found by the board in that resolution to 86097
be fair and appropriate. No public agency or person shall be 86098

permitted to connect to those facilities until the charges have 86099
been paid in full or provision for their payment in installments 86100
has been made. If the connection charges are to be paid in 86101
installments, the board shall certify to the county auditor 86102
information sufficient to identify each parcel of property served 86103
by a connection and, with respect to each parcel, the total of the 86104
charges to be paid in installments, the amount of each 86105
installment, and the total number of installments to be paid. The 86106
auditor shall record and maintain the information supplied in the 86107
sewer improvement record provided for in section 6117.33 of the 86108
Revised Code until the connection charges are paid in full. The 86109
board may include amounts attributable to connection charges being 86110
paid in installments in its billings of rates and charges for the 86111
use of sanitary facilities. 86112

(C) When any of the sanitary rates or charges are not paid 86113
when due, the board may do any or all of the following as it 86114
considers appropriate: 86115

(1) Certify the unpaid rates or charges, together with any 86116
penalties, to the county auditor, who shall place them upon the 86117
real property tax list and duplicate against the property served 86118
by the connection. The certified amount shall be a lien on the 86119
property from the date placed on the real property tax list and 86120
duplicate and shall be collected in the same manner as taxes, 86121
except that, notwithstanding section 323.15 of the Revised Code, a 86122
county treasurer shall accept a payment in that amount when 86123
separately tendered as payment for the full amount of the unpaid 86124
sanitary rates or charges and associated penalties. The lien shall 86125
be released immediately upon payment in full of the certified 86126
amount. 86127

(2) Collect the unpaid rates or charges, together with any 86128
penalties, by actions at law in the name of the county from an 86129
owner, tenant, or other person or public agency that is liable for 86130

the payment of the rates or charges; 86131

(3) Terminate, in accordance with established rules, the 86132
sanitary service to the particular property and, if so determined, 86133
any county water service to that property, unless and until the 86134
unpaid sanitary rates or charges, together with any penalties, are 86135
paid in full; 86136

(4) Apply, to the extent required, any security deposit made 86137
in accordance with established rules to the payment of sanitary 86138
rates and charges for service to the particular property. 86139

All moneys collected as sanitary rates, charges, or penalties 86140
fixed or established in accordance with divisions (A) and (B) of 86141
this section for any sewer district shall be paid to the county 86142
treasurer and kept in a separate and distinct sanitary fund 86143
established by the board to the credit of the district. Except as 86144
otherwise provided in any proceedings authorizing or providing for 86145
the security for and payment of any public obligations, or in any 86146
indenture or trust or other agreement securing public obligations, 86147
moneys in the sanitary fund shall be applied first to the payment 86148
of the cost of the management, maintenance, and operation of the 86149
sanitary facilities of, or used or operated for, the district, 86150
which cost may include the county's share of management, 86151
maintenance, and operation costs under cooperative contracts for 86152
the acquisition, construction, or use of sanitary facilities and, 86153
in accordance with a cost allocation plan adopted under division 86154
(E) of this section, payment of all allowable direct and indirect 86155
costs of the district, the county sanitary engineer or sanitary 86156
engineering department, or a federal or state grant program, 86157
incurred for sanitary purposes under this chapter, and shall be 86158
applied second to the payment of debt charges payable on any 86159
outstanding public obligations issued or incurred for the 86160
acquisition or construction of sanitary facilities for or serving 86161
the district, or for the funding of a bond retirement or other 86162

fund established for the payment of or security for the 86163
obligations. Any surplus remaining may be applied to the 86164
acquisition or construction of those facilities or for the payment 86165
of contributions to be made, or costs incurred, for the 86166
acquisition or construction of those facilities under cooperative 86167
contracts. Moneys in the sanitary fund shall not be expended other 86168
than for the use and benefit of the district. 86169

(D) The board may fix reasonable rates and charges, including 86170
connection charges and penalties for late payments, to be paid by 86171
any person or public agency owning or having possession or control 86172
of any properties that are connected with, capable of being served 86173
by, or otherwise served directly or indirectly by, drainage 86174
facilities owned or operated by or under the jurisdiction of the 86175
county, including, but not limited to, properties requiring, or 86176
lying within an area of the district requiring, in the judgment of 86177
the board, the collection, control, or abatement of waters 86178
originating or accumulating in, or flowing in, into, or through, 86179
the district, and may change those rates and charges from time to 86180
time as it considers advisable. In addition, the board may fix the 86181
rates and charges in order to pay the costs of complying with the 86182
requirements of phase II of the storm water program of the 86183
national pollutant discharge elimination system established in 40 86184
C.F.R. part 122. 86185

The rates and charges shall be payable periodically as 86186
determined by the board, except that any connection charges shall 86187
be paid in full in one payment, or, if determined by the board to 86188
be equitable in a resolution relating to the payment of those 86189
charges, provision considered adequate by the board shall be made 86190
for their payment in installments at the times, in the amounts, 86191
and with the security, carrying charges, and penalties as may be 86192
found by the board in that resolution to be fair and appropriate. 86193
The board may include amounts attributable to connection charges 86194

being paid in installments in its billings of rates and charges 86195
for the services provided by the drainage facilities. In the case 86196
of rates and charges that are fixed in order to pay the costs of 86197
complying with the requirements of phase II of the storm water 86198
program of the national pollutant discharge elimination system 86199
established in 40 C.F.R. part 122, the rates and charges may be 86200
paid annually or semiannually with real property taxes, provided 86201
that the board certifies to the county auditor information that is 86202
sufficient for the auditor to identify each parcel of property for 86203
which a rate or charge is levied and the amount of the rate or 86204
charge. 86205

When any of the drainage rates or charges are not paid when 86206
due, the board may do any or all of the following as it considers 86207
appropriate: 86208

(1) Certify the unpaid rates or charges, together with any 86209
penalties, to the county auditor, who shall place them upon the 86210
real property tax list and duplicate against the property to which 86211
the rates or charges apply. The certified amount shall be a lien 86212
on the property from the date placed on the real property tax list 86213
and duplicate and shall be collected in the same manner as taxes, 86214
except that notwithstanding section 323.15 of the Revised Code, a 86215
county treasurer shall accept a payment in that amount when 86216
separately tendered as payment for the full amount of the unpaid 86217
drainage rates or charges and associated penalties. The lien shall 86218
be released immediately upon payment in full of the certified 86219
amount. 86220

(2) Collect the unpaid rates or charges, together with any 86221
penalties, by actions at law in the name of the county from an 86222
owner, tenant, or other person or public agency that is liable for 86223
the payment of the rates or charges; 86224

(3) Terminate, in accordance with established rules, the 86225
drainage service for the particular property until the unpaid 86226

rates or charges, together with any penalties, are paid in full; 86227

(4) Apply, to the extent required, any security deposit made 86228
in accordance with established rules to the payment of drainage 86229
rates and charges applicable to the particular property. 86230

All moneys collected as drainage rates, charges, or penalties 86231
in or for any sewer district shall be paid to the county treasurer 86232
and kept in a separate and distinct drainage fund established by 86233
the board to the credit of the district. Except as otherwise 86234
provided in any proceedings authorizing or providing for the 86235
security for and payment of any public obligations, or in any 86236
indenture or trust or other agreement securing public obligations, 86237
moneys in the drainage fund shall be applied first to the payment 86238
of the cost of the management, maintenance, and operation of the 86239
drainage facilities of, or used or operated for, the district, 86240
which cost may include the county's share of management, 86241
maintenance, and operation costs under cooperative contracts for 86242
the acquisition, construction, or use of drainage facilities and, 86243
in accordance with a cost allocation plan adopted under division 86244
(E) of this section, payment of all allowable direct and indirect 86245
costs of the district, the county sanitary engineer or sanitary 86246
engineering department, or a federal or state grant program, 86247
incurred for drainage purposes under this chapter, and shall be 86248
applied second to the payment of debt charges payable on any 86249
outstanding public obligations issued or incurred for the 86250
acquisition or construction of drainage facilities for or serving 86251
the district, or for the funding of a bond retirement or other 86252
fund established for the payment of or security for the 86253
obligations. Any surplus remaining may be applied to the 86254
acquisition or construction of those facilities or for the payment 86255
of contributions to be made, or costs incurred, for the 86256
acquisition or construction of those facilities under cooperative 86257
contracts. Moneys in the drainage fund shall not be expended other 86258

than for the use and benefit of the district. 86259

(E) A board of county commissioners may adopt a cost 86260
allocation plan that identifies, accumulates, and distributes 86261
allowable direct and indirect costs that may be paid from each of 86262
the funds of the district created pursuant to divisions (C) and 86263
(D) of this section, and that prescribes methods for allocating 86264
those costs. The plan shall authorize payment from each of those 86265
funds of only those costs incurred by the district, the county 86266
sanitary engineer or sanitary engineering department, or a federal 86267
or state grant program, and those costs incurred by the general 86268
and other funds of the county for a common or joint purpose, that 86269
are necessary and reasonable for the proper and efficient 86270
administration of the district under this chapter and properly 86271
attributable to the particular fund of the district. The plan 86272
shall not authorize payment from either of the funds of any 86273
general government expense required to carry out the overall 86274
governmental responsibilities of a county. The plan shall conform 86275
to United States office of management and budget Circular A-87, 86276
"Cost Principles for State, Local, and Indian Tribal Governments," 86277
published May 17, 1995. 86278

(F) A board of county commissioners may establish discounted 86279
rates or charges or may establish another mechanism for providing 86280
a reduction in rates or charges for persons who are sixty-five 86281
years of age or older. The board shall establish eligibility 86282
requirements for such discounted or reduced rates or charges, 86283
including a requirement that a person be eligible for the 86284
homestead exemption or qualify as a low- and moderate-income 86285
person. 86286

Sec. 6119.011. As used in ~~Chapter 6119. of the Revised Code~~ 86287
this chapter: 86288

(A) "Court of common pleas" or "court" means, unless the 86289

context indicates a different meaning or intent, the court of 86290
common pleas in which the petition for the organization of a 86291
regional water and sewer district is filed. 86292

(B) "Political subdivision" includes departments, divisions, 86293
authorities, or other units of state governments, watershed 86294
districts, soil and water conservation districts, park districts, 86295
municipal corporations, counties, townships, and other political 86296
subdivisions, special water districts, including county and 86297
regional water and sewer districts, conservancy districts, 86298
sanitary districts, sewer districts or any other public 86299
corporation or agency having the authority to acquire, construct, 86300
or operate waste water or water management facilities, and all 86301
other governmental agencies now or hereafter granted the power of 86302
levying taxes or special assessments, the United States or any 86303
agency thereof, and any agency, commission, or authority 86304
established pursuant to an interstate compact or agreement. 86305

(C) "Person" means any natural person, firm, partnership, 86306
association, or corporation other than a political subdivision. 86307

(D) "Beneficial use" means a use of water, including the 86308
method of diversion, storage, transportation, treatment, and 86309
application, that is reasonable and consistent with the public 86310
interest in the proper utilization of water resources, including, 86311
but not limited to, domestic, agricultural, industrial, power, 86312
municipal, navigational, fish and wildlife, and recreational uses. 86313

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 86314
ponds, marshes, watercourses, waterways, wells, springs, 86315
irrigation systems, drainage systems, and all other bodies or 86316
accumulations of water, surface and underground, natural or 86317
artificial, ~~which~~ that are situated wholly or partly within, or 86318
border upon, this state, or are within its jurisdiction, except 86319
those private waters ~~which~~ that do not combine or effect a 86320
junction with natural surface or underground waters. 86321

(F) "Water resources" means all waters of the state occurring 86322
on the surface in natural or artificial channels, lakes, 86323
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 86324
that are available or may be made available to agricultural, 86325
commercial, recreational, public, and domestic users. 86326

(G) "Project" or "water resource project" means any waste 86327
water facility or water management facility acquired, constructed, 86328
or operated by or leased to a regional water and sewer district or 86329
to be acquired, constructed, or operated by or leased to a 86330
regional water and sewer district under ~~Chapter 6119. of the~~ 86331
~~Revised Code~~ this chapter, or acquired or constructed or to be 86332
acquired or constructed by a political subdivision with a portion 86333
of the cost thereof being paid from a loan or grant from the 86334
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 86335
including all buildings and facilities ~~which~~ that the district 86336
considers necessary for the operation of the project, together 86337
with all property, rights, easements, and interest ~~which~~ that may 86338
be required for the operation of the project. Any water resource 86339
project shall be determined by the board of trustees of the 86340
district to be consistent with any applicable comprehensive plan 86341
of water management approved by the director of natural resources 86342
~~of the state~~ or in the process of preparation by ~~such~~ the director 86343
and to be not inconsistent with the standards set for the waters 86344
of the state affected thereby by the ~~water pollution control board~~ 86345
~~of the state~~ environmental protection agency. Any resolution of 86346
the board of trustees of the district providing for acquiring, 86347
operating, leasing, or constructing such projects or for making a 86348
loan or grant for such projects shall include a finding by the 86349
board of trustees of the district that ~~such~~ those determinations 86350
have been made. 86351

(H) "Pollution" means the placing of any noxious or 86352
deleterious substances in any waters of the state or affecting the 86353

properties of any waters of the state in a manner ~~which~~ that 86354
renders ~~such~~ those waters harmful or inimical to the public 86355
health, or to animal or aquatic life, or to the use of ~~such~~ the 86356
waters for domestic water supply, industrial or agricultural 86357
purposes, or recreation. 86358

(I) "Sewage" means any substance that contains any of the 86359
waste products or excrementitious or other discharge from the 86360
bodies of human beings or animals, ~~which~~ that pollutes the waters 86361
of the state. 86362

(J) "Industrial waste" means any liquid, gaseous, or solid 86363
waste substance resulting from any process of industry, 86364
manufacture, trade, or business, or from the development, 86365
processing, or recovery of any natural resource, together with 86366
such sewage as is present, ~~which~~ that pollutes the waters of the 86367
state. 86368

(K) "Waste water" means any storm water and any water 86369
containing sewage or industrial waste or other pollutants or 86370
contaminants derived from the prior use of ~~such~~ the water. 86371

(L) "Waste water facilities" means facilities for the purpose 86372
of treating, neutralizing, disposing of, stabilizing, cooling, 86373
segregating, or holding waste water, including, without limiting 86374
the generality of the foregoing, facilities for the treatment and 86375
disposal of sewage or industrial waste and the residue thereof, 86376
facilities for the temporary or permanent impoundment of waste 86377
water, both surface and underground, and storm and sanitary sewers 86378
and other systems, whether on the surface or underground, designed 86379
to transport waste water, together with the equipment and 86380
furnishings thereof and their appurtenances and systems, whether 86381
on the surface or underground, including force mains and pumping 86382
facilities therefor when necessary. 86383

(M) "Water management facilities" means facilities for the 86384

purpose of the development, use, and protection of water 86385
resources, including, without limiting the generality of the 86386
foregoing, facilities for water supply, facilities for stream flow 86387
improvement, dams, reservoirs, and other impoundments, water 86388
transmission lines, water wells and well fields, pumping stations 86389
and works for underground water recharge, stream monitoring 86390
systems, facilities for the stabilization of stream and river 86391
banks, and facilities for the treatment of streams and rivers, 86392
including, without limiting the generality of the foregoing, 86393
facilities for the removal of oil, debris, and other solid waste 86394
from the waters of the state and stream and river aeration 86395
facilities. 86396

(N) "Cost" as applied to water resource projects means the 86397
cost of acquisition and construction, the cost of acquisition of 86398
all land, rights-of-way, property rights, easements, franchise 86399
rights, and interests required by the district for such 86400
acquisition and construction, the cost of demolishing or removing 86401
any buildings or structures on land so acquired, including the 86402
cost of acquiring any lands to which such buildings or structures 86403
may be moved, the cost of acquiring or constructing and equipping 86404
a principal office and sub-offices of the district, the cost of 86405
diverting highways, interchange of highways, and access roads to 86406
private property, including the cost of land or easements 86407
therefor, the cost of all machinery, furnishings, and equipment, 86408
financing charges, interest prior to and during construction and 86409
for no more than eighteen months after completion of ~~acquisition~~ 86410
acquisition or construction, engineering, expenses of research and 86411
development with respect to waste water or water management 86412
facilities, legal expenses, plans, specifications, surveys, 86413
estimates of cost and revenues, working capital, other expenses 86414
necessary or incident to determining the feasibility or 86415
practicability of acquiring or constructing any such project, 86416
administrative expense, and such other expense as may be necessary 86417

or incident to the acquisition or construction of the project, the 86418
financing of ~~such~~ the acquisition or construction, including the 86419
amount authorized in the resolution of the district providing for 86420
the issuance of water resource revenue bonds to be paid into any 86421
special funds from the proceeds of ~~such~~ those bonds and the 86422
financing of the placing of any such project in operation. Any 86423
obligation or expense incurred by any political subdivision, and 86424
approved by the district, for surveys, borings, preparation of 86425
plans and specifications, and other engineering services in 86426
connection with the acquisition or construction of a project shall 86427
be regarded as a part of the cost of ~~such~~ the project and may be 86428
reimbursed by the district. 86429

(O) "Owner" includes all individuals, partnerships, 86430
associations, corporations, or political subdivisions having any 86431
title or interest in any property rights, easements, and interests 86432
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 86433
this chapter. 86434

(P) "Revenues" means all rentals and other charges received 86435
by a district for the use or services of any project, all special 86436
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 86437
~~the Revised Code~~ this chapter, any gift or grant received with 86438
respect thereto, and moneys received in repayment of and for 86439
interest on any loan made by the district to a political 86440
subdivision, whether from the United States or a department, 86441
administration, or agency thereof, or otherwise. 86442

(Q) "Public roads" includes all public highways, roads, and 86443
streets in the state, whether maintained by the state, county, 86444
city, township, or other political subdivision. 86445

(R) "Public utility facilities" includes tracks, pipes, 86446
mains, conduits, cables, wires, towers, poles, and other equipment 86447
and appliances of any public utility. 86448

(S) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(T) "Water resources bonds," unless the context indicates a different meaning or intent, includes water resource notes and water resource refunding bonds.

(U) "Regional water and sewer district" means a district organized or operating for one or both of the purposes described in section 6119.01 of the Revised Code and, if organized or operating for only one of ~~such~~ those purposes, may be designated either a regional water district or a regional sewer district, as the case may be.

(V) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.

(W) "Low- and moderate-income person" has the same meaning as in section 175.01 of the Revised Code.

Sec. 6119.091. When fixing rentals or other charges under section 6119.09 of the Revised Code, a board of trustees of a regional water and sewer district may establish discounted rentals or charges or may establish another mechanism for providing a reduction in rentals or charges for persons who are sixty-five years of age or older. The board shall establish eligibility requirements for such discounted or reduced rentals or charges, including a requirement that a person be eligible for the homestead exemption or qualify as a low- and moderate-income person.

Section 101.02. That sections 9.03, 9.314, 101.34, 101.35, 101.72, 102.02, 103.0511, 105.41, 107.21, 107.40, 109.57, 109.572, 109.73, 109.731, 109.742, 109.744, 109.751, 109.761, 109.77, 109.802, 109.803, 111.15, 117.13, 117.20, 118.05, 119.03, 120.03,

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6103.01, 6103.02, 6109.21, 6111.044, 6117.01, 6117.02, and 86594
6119.011 of the Revised Code are hereby repealed. 86595

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Section 105.01. That sections 105.91, 105.911, 105.92, 86602
105.93, 105.94, 105.95, 105.96, 105.97, 117.102, 119.031, 121.24, 86603
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3724.11, 3724.12, 3724.13, 3724.99, 4517.052, 4517.27, 4735.22, 86619
4735.23, 4753.101, 5101.072, and 5111.178 of the Revised Code are 86620
hereby repealed. 86621

Section 110.10. That the version of section 2949.111 of the 86622
Revised Code that is scheduled to take effect January 1, 2010, be 86623
amended to read as follows: 86624

Sec. 2949.111. (A) As used in this section: 86625

(1) "Court costs" means any assessment that the court 86626
requires an offender to pay to defray the costs of operating the 86627
court. 86628

(2) "State fines or costs" means any costs imposed or 86629
forfeited bail collected by the court under section 2743.70 of the 86630
Revised Code for deposit into the reparations fund or under 86631
section 2949.091 of the Revised Code for deposit into the ~~general~~ 86632
~~revenue~~ indigent defense support fund established under section 86633
120.08 of the Revised Code and all fines, penalties, and forfeited 86634
bail collected by the court and paid to a law library association 86635

under section 307.515 of the Revised Code. 86636

(3) "Reimbursement" means any reimbursement for the costs of 86637
confinement that the court orders an offender to pay pursuant to 86638
section 2929.28 of the Revised Code, any supervision fee, any fee 86639
for the costs of house arrest with electronic monitoring that an 86640
offender agrees to pay, any reimbursement for the costs of an 86641
investigation or prosecution that the court orders an offender to 86642
pay pursuant to section 2929.71 of the Revised Code, or any other 86643
costs that the court orders an offender to pay. 86644

(4) "Supervision fees" means any fees that a court, pursuant 86645
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 86646
requires an offender who is under a community control sanction to 86647
pay for supervision services. 86648

(5) "Community control sanction" has the same meaning as in 86649
section 2929.01 of the Revised Code. 86650

(B) Unless the court, in accordance with division (C) of this 86651
section, enters in the record of the case a different method of 86652
assigning payments, if a person who is charged with a misdemeanor 86653
is convicted of or pleads guilty to the offense, if the court 86654
orders the offender to pay any combination of court costs, state 86655
fines or costs, restitution, a conventional fine, or any 86656
reimbursement, and if the offender makes any payment of any of 86657
them to a clerk of court, the clerk shall assign the offender's 86658
payment in the following manner: 86659

(1) If the court ordered the offender to pay any court costs, 86660
the offender's payment shall be assigned toward the satisfaction 86661
of those court costs until they have been entirely paid. 86662

(2) If the court ordered the offender to pay any state fines 86663
or costs and if all of the court costs that the court ordered the 86664
offender to pay have been paid, the remainder of the offender's 86665
payment shall be assigned on a pro rata basis toward the 86666

satisfaction of the state fines or costs until they have been 86667
entirely paid. 86668

(3) If the court ordered the offender to pay any restitution 86669
and if all of the court costs and state fines or costs that the 86670
court ordered the offender to pay have been paid, the remainder of 86671
the offender's payment shall be assigned toward the satisfaction 86672
of the restitution until it has been entirely paid. 86673

(4) If the court ordered the offender to pay any fine and if 86674
all of the court costs, state fines or costs, and restitution that 86675
the court ordered the offender to pay have been paid, the 86676
remainder of the offender's payment shall be assigned toward the 86677
satisfaction of the fine until it has been entirely paid. 86678

(5) If the court ordered the offender to pay any 86679
reimbursement and if all of the court costs, state fines or costs, 86680
restitution, and fines that the court ordered the offender to pay 86681
have been paid, the remainder of the offender's payment shall be 86682
assigned toward the satisfaction of the reimbursements until they 86683
have been entirely paid. 86684

(C) If a person who is charged with a misdemeanor is 86685
convicted of or pleads guilty to the offense and if the court 86686
orders the offender to pay any combination of court costs, state 86687
fines or costs, restitution, fines, or reimbursements, the court, 86688
at the time it orders the offender to make those payments, may 86689
prescribe an order of payments that differs from the order set 86690
forth in division (B) of this section by entering in the record of 86691
the case the order so prescribed. If a different order is entered 86692
in the record, on receipt of any payment, the clerk of the court 86693
shall assign the payment in the manner prescribed by the court. 86694

Section 110.11. That the existing version of section 2949.111 86695
of the Revised Code that is scheduled to take effect January 1, 86696
2010, is hereby repealed. 86697

Section 110.12. Sections 110.10 and 110.11 of this act take effect January 1, 2010.

Section 110.20. That the version of section 5739.033 of the Revised Code that is scheduled to take effect January 1, 2010, be amended to read as follows:

Sec. 5739.033. (A) The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section or, if applicable, under division (C) of section 5739.031 or section 5739.034 of the Revised Code. This section applies only to a vendor's or seller's obligation to collect and remit sales taxes under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

(B)(1) Beginning January 1, 2010, retail sales, excluding the lease or rental, of tangible personal property or digital goods shall be sourced to the location where the vendor receives an order for the sale of such property or goods if:

(a) The vendor receives the order in this state and the consumer receives the property or goods in this state;

(b) The location where the consumer receives the property or goods is determined under division (C)(2), (3), or (4) of this

section; and 86728

(c) The record-keeping system used by the vendor to calculate 86729
the tax imposed captures the location where the order is received 86730
at the time the order is received. 86731

(2) A consumer has no additional liability to this state 86732
under this chapter or Chapter 5741. of the Revised Code for tax, 86733
penalty, or interest on a sale for which the consumer remits tax 86734
to the vendor in the amount invoiced by the vendor if the invoice 86735
amount is calculated at either the rate applicable to the location 86736
where the consumer receives the property or digital good or at the 86737
rate applicable to the location where the order is received by the 86738
vendor. A consumer may rely on a written representation by the 86739
vendor as to the location where the order for the sale was 86740
received by the vendor. If the consumer does not have a written 86741
representation by the vendor as to the location where the order 86742
was received by the vendor, the consumer may use a location 86743
indicated by a business address for the vendor that is available 86744
from records that are maintained in the ordinary course of the 86745
consumer's business to determine the rate applicable to the 86746
location where the order was received. 86747

(3) For the purposes of division (B) of this section, the 86748
location where an order is received by or on behalf of a vendor 86749
means the physical location of the vendor or a third party such as 86750
an established outlet, office location, or automated order receipt 86751
system operated by or on behalf of the vendor, where an order is 86752
initially received by or on behalf of the vendor, and not where 86753
the order may be subsequently accepted, completed, or fulfilled. 86754
An order is received when all necessary information to determine 86755
whether the order can be accepted has been received by or on 86756
behalf of the vendor. The location from which the property or 86757
digital good is shipped shall not be used to determine the 86758
location where the order is received by the vendor. 86759

(4) For the purposes of division (B) of this section, if services subject to taxation under this chapter or Chapter 5741. of the Revised Code are sold with tangible personal property or digital goods pursuant to a single contract or in the same transaction, the services are billed on the same billing statement or invoice, and, because of the application of division (B) of this section, the transaction would be sourced to more than one jurisdiction, the situs of the transaction shall be the location where the order is received by or on behalf of the vendor.

(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in section 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the Revised Code, all sales shall be sourced as follows:

(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business.

(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith.

(4) If divisions (C)(1), (2), and (3) of this section do not

apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption

certificate claiming multiple points of use to a vendor may use 86823
any reasonable, consistent, and uniform method of apportioning the 86824
tax due on the digital good, computer software, or service that is 86825
supported by the consumer's business records as they existed at 86826
the time of the sale. The business consumer shall report and pay 86827
the appropriate tax to each jurisdiction where concurrent use 86828
occurs. The tax due shall be calculated as if the apportioned 86829
amount of the digital good, computer software, or service had been 86830
delivered to each jurisdiction to which the sale is apportioned 86831
under this division. 86832

(c) The exemption certificate claiming multiple points of use 86833
shall remain in effect for all future sales by the vendor to the 86834
business consumer until it is revoked in writing by the business 86835
consumer, except as to the business consumer's specific 86836
apportionment of a subsequent sale under division (D)(1)(b) of 86837
this section and the facts existing at the time of the sale. 86838

(2) When the vendor knows that a digital good, computer 86839
software, or service sold will be concurrently available for use 86840
by the business consumer in more than one jurisdiction, but the 86841
business consumer does not provide an exemption certificate 86842
claiming multiple points of use as required by division (D)(1) of 86843
this section, the vendor may work with the business consumer to 86844
produce the correct apportionment. Governed by the principles of 86845
division (D)(1)(b) of this section, the vendor and business 86846
consumer may use any reasonable, but consistent and uniform, 86847
method of apportionment that is supported by the vendor's and 86848
business consumer's books and records as they exist at the time 86849
the sale is reported for purposes of the taxes levied under this 86850
chapter. If the business consumer certifies to the accuracy of the 86851
apportionment and the vendor accepts the certification, the vendor 86852
shall collect and remit the tax accordingly. In the absence of bad 86853
faith, the vendor is relieved of any further obligation to collect 86854

tax on any transaction where the vendor has collected tax pursuant 86855
to the information certified by the business consumer. 86856

(3) When the vendor knows that the digital good, computer 86857
software, or service will be concurrently available for use in 86858
more than one jurisdiction, and the business consumer does not 86859
have a direct pay permit and does not provide to the vendor an 86860
exemption certificate claiming multiple points of use as required 86861
in division (D)(1) of this section, or certification pursuant to 86862
division (D)(2) of this section, the vendor shall collect and 86863
remit the tax based on division (C) of this section. 86864

(4) Nothing in this section shall limit a person's obligation 86865
for sales or use tax to any state in which a digital good, 86866
computer software, or service is concurrently available for use, 86867
nor limit a person's ability under local, state, or federal law, 86868
to claim a credit for sales or use taxes legally due and paid to 86869
other jurisdictions. 86870

(E) A person who holds a direct payment permit issued under 86871
section 5739.031 of the Revised Code is not required to deliver an 86872
exemption certificate claiming multiple points of use to a vendor. 86873
But such permit holder shall comply with division (D)(2) of this 86874
section in apportioning the tax due on a digital good, computer 86875
software, or a service for use in business that will be 86876
concurrently available for use in more than one taxing 86877
jurisdiction. 86878

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 86879
section, the consumer of direct mail that is not a holder of a 86880
direct payment permit shall provide to the vendor in conjunction 86881
with the sale either an exemption certificate claiming direct mail 86882
prescribed by the tax commissioner, or information to show the 86883
jurisdictions to which the direct mail is delivered to recipients. 86884

(2) Upon receipt of such exemption certificate, the vendor is 86885

relieved of all obligations to collect, pay, or remit the 86886
applicable tax and the consumer is obligated to pay that tax on a 86887
direct pay basis. An exemption certificate claiming direct mail 86888
shall remain in effect for all future sales of direct mail by the 86889
vendor to the consumer until it is revoked in writing. 86890

(3) Upon receipt of information from the consumer showing the 86891
jurisdictions to which the direct mail is delivered to recipients, 86892
the vendor shall collect the tax according to the delivery 86893
information provided by the consumer. In the absence of bad faith, 86894
the vendor is relieved of any further obligation to collect tax on 86895
any transaction where the vendor has collected tax pursuant to the 86896
delivery information provided by the consumer. 86897

(4) If the consumer of direct mail does not have a direct 86898
payment permit and does not provide the vendor with either an 86899
exemption certificate claiming direct mail or delivery information 86900
as required by division (F)(1) of this section, the vendor shall 86901
collect the tax according to division (C)(5) of this section. 86902
Nothing in division (F)(4) of this section shall limit a 86903
consumer's obligation to pay sales or use tax to any state to 86904
which the direct mail is delivered. 86905

(5) If a consumer of direct mail provides the vendor with 86906
documentation of direct payment authority, the consumer shall not 86907
be required to provide an exemption certificate claiming direct 86908
mail or delivery information to the vendor. 86909

(G) If the vendor provides lodging to transient guests as 86910
specified in division (B)(2) of section 5739.01 of the Revised 86911
Code, the sale shall be sourced to the location where the lodging 86912
is located. 86913

(H)(1) As used in this division and division (I) of this 86914
section, "transportation equipment" means any of the following: 86915

(a) Locomotives and railcars that are utilized for the 86916

carriage of persons or property in interstate commerce.	86917
(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.	86918 86919 86920 86921 86922 86923 86924 86925
(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.	86926 86927 86928 86929
(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.	86930 86931 86932
(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.	86933 86934
(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.	86935 86936 86937
(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:	86938 86939
(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:	86940 86941 86942 86943
(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the	86944 86945 86946

lease or rental is consummated. Any subsequent taxable charges on 86947
the lease or rental shall be sourced to the primary property 86948
location for the period in which the charges are incurred. 86949

(ii) For a lease or rental taxed pursuant to division (A)(3) 86950
of section 5739.02 of the Revised Code, each lease or rental 86951
installment shall be sourced to the primary property location for 86952
the period covered by the installment. 86953

(b) In the case of a lease or rental of all other tangible 86954
personal property, other than transportation equipment, such lease 86955
or rental shall be sourced as follows: 86956

(i) An accelerated tax payment on a lease or rental that is 86957
taxed pursuant to division (A)(2) of section 5739.02 of the 86958
Revised Code shall be sourced pursuant to division (C) of this 86959
section at the time the lease or rental is consummated. Any 86960
subsequent taxable charges on the lease or rental shall be sourced 86961
to the primary property location for the period in which the 86962
charges are incurred. 86963

(ii) For a lease or rental that is taxed pursuant to division 86964
(A)(3) of section 5739.02 of the Revised Code, the initial lease 86965
or rental installment shall be sourced pursuant to division (C) of 86966
this section. Each subsequent installment shall be sourced to the 86967
primary property location for the period covered by the 86968
installment. 86969

(3) As used in division (I) of this section, "primary 86970
property location" means an address for tangible personal property 86971
provided by the lessee or renter that is available to the lessor 86972
or owner from its records maintained in the ordinary course of 86973
business, when use of that address does not constitute bad faith. 86974

(J) If the vendor provides a service specified in division 86975
(B)(11) of section 5739.01 of the Revised Code, the situs of the 86976
sale is the location of the enrollee for whom a medicaid health 86977

insurance corporation receives managed care premiums. Such sales 86978
shall be sourced to the locations of the enrollees in the same 86979
proportion as the managed care premiums received by the medicaid 86980
health insuring corporation on behalf of enrollees located in a 86981
particular taxing jurisdiction in Ohio as compared to all managed 86982
care premiums received by the medicaid health insuring 86983
corporation. 86984

Section 110.21. That the existing version of section 5739.033 86985
of the Revised Code that is scheduled to take effect January 1, 86986
2010, is hereby repealed. 86987

Section 110.22. Sections 110.20 and 110.21 of this act take 86988
effect January 1, 2010. 86989

Section 125.10. Sections 5112.40, 5112.41, 5112.42, 5112.43, 86990
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the 86991
Revised Code are hereby repealed, effective October 1, 2011. 86992

Section 201.01. Except as otherwise provided in this act, all 86993
appropriation items in this act are appropriated out of any moneys 86994
in the state treasury to the credit of the designated fund that 86995
are not otherwise appropriated. For all appropriations made in 86996
this act, the amounts in the first column are for fiscal year 2010 86997
and the amounts in the second column are for fiscal year 2011. 86998
86999

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 87000
General Services Fund Group 87001
4J80 889601 CPA Education \$ 200,000 \$ 200,000 87002
Assistance
4K90 889609 Operating Expenses \$ 1,000,000 \$ 1,000,000 87003
TOTAL GSF General Services Fund 87004

Group		\$	1,200,000	\$	1,200,000	87005
TOTAL ALL BUDGET FUND GROUPS		\$	1,200,000	\$	1,200,000	87006

Section 205.10. ADJ ADJUTANT GENERAL 87008

General Revenue Fund 87009

GRF	745401	Ohio Military Reserve	\$	13,675	\$	13,675	87010
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GRF	745404	Air National Guard	\$	2,010,606	\$	2,010,606	87011
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GRF	745407	National Guard	\$	500,000	\$	500,000	87012
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Benefits

GRF	745409	Central	\$	3,105,784	\$	3,105,784	87013
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Administration

GRF	745499	Army National Guard	\$	6,008,551	\$	6,008,551	87014
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TOTAL GRF General Revenue Fund		\$	11,638,616	\$	11,638,616	87015
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General Services Fund Group 87016

5340	745612	Property	\$	534,304	\$	534,304	87017
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Operations/Management

5360	745605	Marksmanship	\$	128,600	\$	128,600	87018
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Activities

5360	745620	Camp Perry/Buckeye	\$	1,502,970	\$	1,502,970	87019
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Inn Operations

5370	745604	Ohio National Guard	\$	269,826	\$	269,826	87020
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Facility Maintenance

TOTAL GSF General Services Fund		\$	2,435,700	\$	2,435,700	87021
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Group

Federal Special Revenue Fund Group 87022

3410	745615	Air National Guard	\$	2,777,692	\$	2,777,692	87023
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Base Security

3420	745616	Army National Guard	\$	10,970,050	\$	10,970,050	87024
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Agreement

3E80	745628	Air National Guard	\$	16,048,595	\$	16,048,595	87025
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Agreement

3R80	745603	Counter Drug	\$	25,000	\$	25,000	87026
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Operations

TOTAL FED Federal Special Revenue \$ 29,821,337 \$ 29,821,337 87027

Fund Group

State Special Revenue Fund Group 87028

5U80 745613 Community Match \$ 250,000 \$ 250,000 87029

Armories

TOTAL SSR State Special Revenue \$ 250,000 \$ 250,000 87030

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 44,145,653 \$ 44,145,653 87031

NATIONAL GUARD BENEFITS 87032

The foregoing appropriation item 745407, National Guard 87033
Benefits, shall be used for purposes of sections 5919.31 and 87034
5919.33 of the Revised Code, and for administrative costs of the 87035
associated programs. 87036

For active duty members of the Ohio National Guard who died 87037
after October 7, 2001, while performing active duty, the death 87038
benefit, pursuant to section 5919.33 of the Revised Code, shall be 87039
paid to the beneficiary or beneficiaries designated on the 87040
member's Servicemembers' Group Life Insurance Policy. 87041

STATE ACTIVE DUTY COSTS 87042

Of the foregoing appropriation item 745409, Central 87043
Administration, \$50,000 in each fiscal year shall be used for the 87044
purpose of paying expenses related to state active duty of members 87045
of the Ohio organized militia, in accordance with a proclamation 87046
of the Governor. Expenses include, but are not limited to, the 87047
cost of equipment, supplies, and services, as determined by the 87048
Adjutant General's Department. 87049

Section 205.20. FUND ABOLITION 87050

On July 1, 2009, or as soon as possible thereafter, the 87051
Director of Budget and Management, upon request by the Adjutant 87052

General, shall transfer the cash balance in the Marksmanship 87053
 Activities Fund (Fund 5280) to the Camp Perry/Buckeye Inn 87054
 Operations Fund (Fund 5360). The Director shall cancel any 87055
 existing encumbrances against appropriation item 745645, 87056
 Marksmanship Activities, and re-establish them against 87057
 appropriation item 745620, Camp Perry/Buckeye Inn Operations. The 87058
 re-established encumbrance amounts are hereby appropriated. Upon 87059
 completion of the transfer, Fund 5280 is abolished. 87060

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 87061

General Revenue Fund 87062

GRF 100405 Agency Audit Expenses \$ 294,904 \$ 294,904 87063

GRF 100415 OAKS Rental Payments \$ 18,607,000 \$ 21,728,000 87064

GRF 100416 STARS Lease Rental \$ 4,977,600 \$ 7,638,500 87065

Payments

GRF 100417 EEO Project Tracking \$ 0 \$ 100,000 87066

Software-Federal

GRF 100418 Web Sites and Business \$ 2,943,074 \$ 2,943,076 87067

Gateway

GRF 100419 IT Security \$ 975,000 \$ 975,000 87068

Infrastructure

GRF 100421 OAKS Project \$ 202,500 \$ 202,500 87069

Implementation

GRF 100433 State of Ohio Computer \$ 5,819,871 \$ 5,819,871 87070

Center

GRF 100439 Equal Opportunity \$ 712,724 \$ 712,724 87071

Certification Programs

GRF 100447 OBA - Building Rent \$ 102,635,400 \$ 97,712,600 87072

Payments

GRF 100448 OBA - Building \$ 25,603,000 \$ 25,603,000 87073

Operating Payments

GRF 100449 DAS - Building \$ 3,271,384 \$ 3,271,384 87074

		Operating Payments				
GRF	100451	Minority Affairs	\$	50,016	\$	50,016 87075
GRF	102321	Construction	\$	1,108,744	\$	1,108,744 87076
		Compliance				
GRF	130321	State Agency Support	\$	3,039,578	\$	3,039,578 87077
		Services				
TOTAL GRF		General Revenue Fund	\$	170,240,795	\$	171,199,897 87078
		General Services Fund Group				87079
1120	100616	DAS Administration	\$	4,500,000	\$	4,500,000 87080
1150	100632	Central Service Agency	\$	756,642	\$	756,642 87081
1170	100644	General Services	\$	10,000,000	\$	10,000,000 87082
		Division - Operating				
1220	100637	Fleet Management	\$	1,500,000	\$	1,500,000 87083
1250	100622	Human Resources	\$	20,560,614	\$	20,560,614 87084
		Division - Operating				
1280	100620	Collective Bargaining	\$	3,662,534	\$	3,662,534 87085
1300	100606	Risk Management	\$	5,568,548	\$	5,568,548 87086
		Reserve				
1310	100639	State Architect's	\$	7,544,146	\$	7,544,146 87087
		Office				
1320	100631	DAS Building	\$	8,637,670	\$	8,637,670 87088
		Management				
1330	100607	IT Services Delivery	\$	58,750,678	\$	58,750,678 87089
1880	100649	Equal Opportunity	\$	884,650	\$	884,650 87090
		Division - Operating				
2100	100612	State Printing	\$	12,000,000	\$	12,000,000 87091
2290	100630	IT Governance	\$	15,346,474	\$	15,346,474 87092
4270	100602	Investment Recovery	\$	5,592,697	\$	5,592,697 87093
4N60	100617	Major IT Purchases	\$	7,495,719	\$	1,950,000 87094
4P30	100603	DAS Information	\$	4,054,414	\$	4,054,414 87095
		Services				
5C20	100605	MARCS Administration	\$	11,069,291	\$	11,069,291 87096
5C30	100608	Skilled Trades	\$	605,885	\$	605,885 87097

5EB0 100635	OAKS Support Organization	\$ 15,984,761	\$ 18,009,192	87098
5L70 100610	Professional Development	\$ 3,900,000	\$ 3,900,000	87099
5V60 100619	Employee Educational Development	\$ 936,129	\$ 936,129	87100
5X30 100634	Centralized Gateway Enhancement	\$ 3,676,956	\$ 2,052,308	87101
TOTAL GSF General Services Fund Group		\$ 203,027,807	\$ 197,881,871	87102 87103
TOTAL ALL BUDGET FUND GROUPS		\$ 373,268,602	\$ 369,081,768	87104

Section 207.10.10. AGENCY AUDIT EXPENSES 87106

The foregoing appropriation item 100405, Agency Audit 87107
Expenses, shall be used for auditing expenses designated in 87108
division (A)(1) of section 117.13 of the Revised Code for those 87109
state agencies audited on a biennial basis. 87110

Section 207.10.20. OAKS RENTAL PAYMENTS 87111

The foregoing appropriation item 100415, OAKS Rental 87112
Payments, shall be used for payments for the period from July 1, 87113
2009, through June 30, 2011, pursuant to leases and agreements 87114
entered into under Chapter 125. of the Revised Code, as 87115
supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 87116
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with 87117
respect to financing the costs associated with the acquisition, 87118
development, installation, and implementation of the Ohio 87119
Administrative Knowledge System. If it is determined that 87120
additional appropriations are necessary for this purpose, the 87121
amounts are hereby appropriated. 87122

Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE 87123
SYSTEM 87124

The Office of Information Technology, in conjunction with the Department of Taxation, may acquire the State Taxation Accounting and Revenue System (STARS) pursuant to Chapter 125. of the Revised Code, including, but not limited to, the application software and installation and implementation thereof, for the use of the Department of Taxation. STARS is an integrated tax collection and audit system that will replace all of the state's existing separate tax software and administration systems for the various taxes collected by the state. Any lease-purchase arrangement used under Chapter 125. of the Revised Code to acquire STARS, including any fractionalized interests therein as defined in division (N) of section 133.01 of the Revised Code, shall provide that at the end of the lease period, STARS becomes the property of the state.

Section 207.10.40. STARS LEASE RENTAL PAYMENTS

The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used for payments for the period from July 1, 2009, through June 30, 2011, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th General Assembly, with respect to financing the cost associated with the acquisition, development, installation, and implementation of the State Taxation Accounting and Revenue System (STARS). If it is determined that additional appropriations are necessary for this purpose, the amounts are appropriated.

Section 207.10.50. BUILDING RENT PAYMENTS

The foregoing appropriation item 100447, OBA - Building Rent Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, by the Department of Administrative Services to the Ohio

Building Authority pursuant to leases and agreements under Chapter 87155
152. of the Revised Code. These appropriations are the source of 87156
funds pledged for bond service charges on obligations issued 87157
pursuant to Chapter 152. of the Revised Code. 87158

The foregoing appropriation item 100448, OBA - Building 87159
Operating Payments, shall be used to meet all payments at the 87160
times that they are required to be made during the period from 87161
July 1, 2009, to June 30, 2011, by the Department of 87162
Administrative Services to the Ohio Building Authority pursuant to 87163
leases and agreements under Chapter 152. of the Revised Code, but 87164
limited to the aggregate amount of \$51,206,000. 87165

The payments to the Ohio Building Authority are for paying 87166
the expenses of agencies that occupy space in various state 87167
facilities. The Department of Administrative Services may enter 87168
into leases and agreements with the Ohio Building Authority 87169
providing for the payment of these expenses. The Ohio Building 87170
Authority shall report to the Department of Administrative 87171
Services and the Office of Budget and Management not later than 87172
five months after the start of each fiscal year the actual 87173
expenses incurred by the Ohio Building Authority in operating the 87174
facilities and any balances remaining from payments and rentals 87175
received in the prior fiscal year. The Department of 87176
Administrative Services shall reduce subsequent payments by the 87177
amount of the balance reported to it by the Ohio Building 87178
Authority. 87179

Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS 87180

The foregoing appropriation item 100449, DAS - Building 87181
Operating Payments, shall be used to pay the rent expenses of 87182
veterans organizations pursuant to section 123.024 of the Revised 87183
Code in fiscal years 2010 and 2011. 87184

The foregoing appropriation item, 100449, DAS - Building 87185

Operating Payments, also may be used to provide funding for the 87186
cost of property appraisals or building studies that the 87187
Department of Administrative Services may be required to obtain 87188
for property that is being sold by the state or property under 87189
consideration to be renovated or purchased by the state. 87190

Notwithstanding section 125.28 of the Revised Code, the 87191
remaining portion of the appropriation may be used to pay the 87192
operating expenses of state facilities maintained by the 87193
Department of Administrative Services that are not billed to 87194
building tenants. These expenses may include, but are not limited 87195
to, the costs for vacant space and space undergoing renovation, 87196
and the rent expenses of tenants that are relocated because of 87197
building renovations. These payments shall be processed by the 87198
Department of Administrative Services through intrastate transfer 87199
vouchers and placed in the Building Management Fund (Fund 1320). 87200

Notwithstanding division (A)(1) of section 125.28 of the 87201
Revised Code, the Department of Administrative Services may use 87202
the Building Management Fund (Fund 1320) to support utility costs 87203
at the State of Ohio Computer Center that exceed the available 87204
appropriation in appropriation item 100433, State of Ohio Computer 87205
Center. 87206

Section 207.10.70. CENTRAL SERVICE AGENCY FUND 87207

The appropriation item 100632, Central Service Agency, shall 87208
be used to purchase the equipment, products, and services that are 87209
needed to maintain automated applications for the professional 87210
licensing boards and to support board licensing functions in 87211
fiscal years 2010 and 2011. The Department of Administrative 87212
Services shall establish charges for recovering the costs of 87213
carrying out these functions. The charges shall be billed to the 87214
professional licensing boards and deposited via intrastate 87215
transfer vouchers to the credit of the Central Service Agency Fund 87216

(Fund 1150). Total Department of Administrative Services charges 87217
for the maintenance and support of the licensing system shall not 87218
exceed \$363,678 in each fiscal year of the biennium. 87219

Section 207.20.10. GENERAL SERVICE CHARGES 87220

The Department of Administrative Services, with the approval 87221
of the Director of Budget and Management, shall establish charges 87222
for recovering the costs of administering the programs funded by 87223
the General Services Fund (Fund 1170) and the State Printing Fund 87224
(Fund 2100). Such charges within Fund 1170 may be used to recover 87225
the cost of paying a vendor to establish reduced pricing for 87226
contracted supplies or services. 87227

If the Director of Administrative Services determines that 87228
additional amounts are necessary to pay for consulting and 87229
administrative costs related to securing lower pricing, the 87230
Director of Administrative Services may request that the Director 87231
of Budget and Management approve additional expenditures. Such 87232
approved additional amounts are appropriated to appropriation item 87233
100644, General Services Division-Operating. 87234

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 87235

87236
With approval of the Director of Budget and Management, the 87237
Department of Administrative Services may seek reimbursement from 87238
state agencies for the actual costs and expenses the Department 87239
incurs in the collective bargaining arbitration process. The 87240
reimbursements shall be processed through intrastate transfer 87241
vouchers and credited to the Collective Bargaining Fund (Fund 87242
1280). 87243

Section 207.20.40. EQUAL OPPORTUNITY PROGRAM 87244

The Department of Administrative Services, with the approval 87245

of the Director of Budget and Management, shall establish charges 87246
for recovering the costs of administering the activities supported 87247
by the State EEO Fund (Fund 1880). These charges shall be 87248
deposited to the credit of the State EEO Fund (Fund 1880) upon 87249
payment made by state agencies, state-supported or state-assisted 87250
institutions of higher education, and tax-supported agencies, 87251
municipal corporations, and other political subdivisions of the 87252
state, for services rendered. 87253

Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT 87254

On July 1, 2009, or as soon as possible thereafter, the 87255
Director of Budget and Management shall transfer the cash balance, 87256
functions, assets, and liabilities of the Merchandise Resale Fund 87257
(Fund 2010) to the State Printing Fund (Fund 2100). The Director 87258
of Budget and Management shall cancel any existing encumbrances 87259
against appropriation item 100653, General Services Resale 87260
Merchandise, and re-establish them against appropriation item 87261
100612, State Printing. The re-established encumbrances are 87262
appropriated. Upon completion of the transfer, Fund 2010 is 87263
abolished. 87264

The State Printing Fund is thereupon and thereafter successor 87265
to, assumes the obligations of, and otherwise constitutes the 87266
continuation of the Merchandise Resale Fund. Any business 87267
commenced but not completed pertaining to the Merchandise for 87268
Resale Fund by July 1, 2009, shall be completed within the State 87269
Printing Fund in the same manner and with the same effect as if it 87270
were completed within the Merchandise for Resale Fund. All of the 87271
rules, orders, and determinations associated with the Merchandise 87272
for Resale Fund continue in effect as rules, orders, and 87273
determinations associated with the State Printing Fund until 87274
modified or rescinded by the Director of Administrative Services. 87275
If necessary to ensure the integrity of the Administrative Code, 87276

the Director of the Legislative Service Commission shall renumber 87277
the rules relating to the Merchandise for Resale Fund to reflect 87278
its transfer to the State Printing Fund. 87279

On and after July 1, 2009, when the Merchandise for Resale 87280
Fund is referred to in any statute, rule, contract, grant or other 87281
document, the reference is hereby deemed to refer to the State 87282
Printing Fund. 87283

Section 207.20.80. INVESTMENT RECOVERY FUND 87284

Notwithstanding division (B) of section 125.14 of the Revised 87285
Code, cash balances in the Investment Recovery Fund (Fund 4270) 87286
may be used to support the operating expenses of the Federal 87287
Surplus Operating Program created in sections 125.84 to 125.90 of 87288
the Revised Code. 87289

Notwithstanding division (B) of section 125.14 of the Revised 87290
Code, cash balances in the Investment Recovery Fund may be used to 87291
support the operating expenses of the Asset Management Services 87292
Program, including, but not limited to, the cost of establishing 87293
and maintaining procedures for inventory records for state 87294
property as described in section 125.16 of the Revised Code. 87295

Of the foregoing appropriation item 100602, Investment 87296
Recovery, up to \$2,093,564 in fiscal year 2010 and up to 87297
\$2,107,388 in fiscal year 2011 shall be used to pay the operating 87298
expenses of the State Surplus Property Program, the Surplus 87299
Federal Property Program, and the Asset Management Services 87300
Program under Chapter 125. of the Revised Code and this section. 87301
If additional appropriations are necessary for the operations of 87302
these programs, the Director of Administrative Services shall seek 87303
increased appropriations from the Controlling Board under section 87304
131.35 of the Revised Code. 87305

Of the foregoing appropriation item 100602, Investment 87306

Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal 87307
year 2011 shall be used to transfer proceeds from the sale of 87308
surplus property from the Investment Recovery Fund to non-General 87309
Revenue Funds under division (A)(2) of section 125.14 of the 87310
Revised Code. If it is determined by the Director of 87311
Administrative Services that additional amounts are necessary for 87312
the transfer of such sale proceeds, the Director of Administrative 87313
Services may request the Director of Budget and Management to 87314
authorize additional amounts. Such authorized additional amounts 87315
are hereby appropriated. 87316

Section 207.20.90. DAS INFORMATION SERVICES 87317

There is hereby established in the State Treasury the DAS 87318
Information Services Fund. The foregoing appropriation item 87319
100603, DAS Information Services, shall be used to pay the costs 87320
of providing information systems and services in the Department of 87321
Administrative Services. Any state agency, board, or commission 87322
may use DAS Information Services by paying for the services 87323
rendered. 87324

The Department of Administrative Services shall establish 87325
user charges for all information systems and services that are 87326
allowable in the statewide indirect cost allocation plan submitted 87327
annually to the United States Department of Health and Human 87328
Services. These charges shall comply with federal regulations and 87329
shall be deposited to the credit of the DAS Information Services 87330
Fund (Fund 4P30). 87331

Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT ORGANIZATION 87332
FUND 87333

The Director of Budget and Management may transfer 87334
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund 87335
1330) to the OAKS Support Organization Fund (5EB0) to correct an 87336

intrastate transfer voucher from the Department of Administrative Services that was deposited in the IT Services Delivery Fund. 87337
87338

Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND 87339

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. 87340
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Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT 87344

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio State Troopers Association, Units 1 and 15. 87345
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If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated. 87355
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Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT FUND 87360

(A) As used in this section, "Ohio Business Gateway" refers to the internet-based system operated by the Department of Administrative Services with the advice of the Ohio Business Gateway Steering Committee established under section 5703.57 of the Revised Code. The Ohio Business Gateway is established to 87361
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provide businesses a central web site where various filings and 87366
payments are submitted on-line to government. The information is 87367
then distributed to the various government entities that interact 87368
with the business community. 87369

(B) As used in this section: 87370

(1) "State Portal" refers to the official web site of the 87371
state, operated by the Department of Administrative Services. 87372

(2) "Shared Hosting Environment" refers to the computerized 87373
system operated by the Department of Administrative Services for 87374
the purpose of providing capability for state agencies to host web 87375
sites. 87376

(C) There is hereby created in the state treasury the 87377
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 87378
appropriation item 100634, Centralized Gateway Enhancement, shall 87379
be used by the Department of Administrative Services to pay the 87380
costs of enhancing, expanding, and operating the infrastructure of 87381
the Ohio Business Gateway, State Portal, and Shared Hosting 87382
Environment. The Director of Administrative Services shall submit 87383
spending plans to the Director of Budget and Management to justify 87384
operating transfers to the fund from the General Revenue Fund. 87385
Upon approval, the Director of Budget and Management shall 87386
transfer approved amounts to the fund, not to exceed the amount of 87387
the annual appropriation in each fiscal year. The spending plans 87388
may be based on the recommendations of the Ohio Business Gateway 87389
Steering Committee or its successor. 87390

Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS 87391

The Director of Administrative Services shall compute the 87392
amount of revenue attributable to the amortization of all 87393
equipment purchases and capitalized systems from appropriation 87394
item 100607, IT Services Delivery; appropriation item 100617, 87395

Major IT Purchases; and appropriation item C10014, Major Computer 87396
Purchases, which is recovered by the Department of Administrative 87397
Services as part of the rates charged by the IT Service Delivery 87398
Fund (Fund 1330) created in section 125.15 of the Revised Code. 87399
The Director of Budget and Management may transfer cash in an 87400
amount not to exceed the amount of amortization computed from the 87401
IT Service Delivery Fund (Fund 1330) to the Major IT Purchases 87402
Fund (Fund 4N60). 87403

Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 87404
FUND 87405

Upon request of the Director of Administrative Services, the 87406
Director of Budget and Management may make the following transfers 87407
from the Major IT Purchases Fund (Fund 4N60): 87408

(1) Up to \$2,800,000 in each fiscal year of the biennium to 87409
the State Architect's Fund (Fund 1310) to support the OAKS Capital 87410
Improvements Module and other costs of the State Architect's 87411
Office that are not directly related to capital projects managed 87412
by the State Architect; 87413

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in 87414
fiscal year 2011 to the Director's Office Fund (Fund 1120) to 87415
support operating expenses of the Accountability and Results 87416
Initiative; 87417

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 87418
in fiscal year 2011 to the OAKS Support Organization Fund (Fund 87419
5EB0) to support OAKS operating costs not billed to the Office of 87420
Budget and Management's Accounting and Budgeting Fund (Fund 1050), 87421
to the Department of Administrative Services' Human Resources 87422
Services Fund (Fund 1250), or paid from other funds of the 87423
Department of Administrative Services; and 87424

(4) Up to \$639,945 in each fiscal year of the biennium to the 87425

General Revenue Fund. 87426

Upon approval of the Director of Budget and Management, the 87427
transferred amounts to non-GRF funds are appropriated in the 87428
designated fiscal years to the following appropriation items: 87429
100639, State Architect's Office (Fund 1310) in each fiscal year 87430
2010 and fiscal year 2011; 100616, DAS Administration (Fund 1120) 87431
in both fiscal year 2010 and fiscal year 2011; and 100635, OAKS 87432
Support Organization (Fund 5EB0) in fiscal year 2010 only. 87433

Section 207.30.90. CORRECTIVE CASH TRANSFER TO INFORMATION 87434
TECHNOLOGY FUND 87435

On July 1, 2009, or as soon as possible thereafter, the 87436
Director of Budget and Management shall transfer \$7,768.37 in cash 87437
from the Unemployment Compensation Fund (Fund 1130) to the 87438
Information Technology Fund (Fund 1330). This transfer corrects a 87439
deposit of revenue that was made to Fund 1130. Upon completion of 87440
the transfer, Fund 1130 is abolished. 87441

Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 87442
DEBT SERVICE PAYMENTS 87443

The Director of Administrative Services, in consultation with 87444
the Multi-Agency Radio Communication System (MARCS) Steering 87445
Committee and the Director of Budget and Management, shall 87446
determine the share of debt service payments attributable to 87447
spending for MARCS components that are not specific to any one 87448
agency and that shall be charged to agencies supported by the 87449
motor fuel tax. Such share of debt service payments shall be 87450
calculated for MARCS capital disbursements made beginning July 1, 87451
1997. Within thirty days of any payment made from appropriation 87452
item 100447, OBA - Building Rent Payments, the Director of 87453
Administrative Services shall certify to the Director of Budget 87454
and Management the amount of this share. The Director of Budget 87455

and Management shall transfer such amounts to the General Revenue Fund from the State Highway Safety Fund (Fund 7036) established in section 4501.06 of the Revised Code. 87456
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The Director of Administrative Services shall consider renting or leasing existing tower sites at reasonable or current market rates, so long as these existing sites are equipped with the technical capabilities to support the MARCS project. 87459
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Section 207.40.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 87463

Whenever the Director of Administrative Services declares a "public exigency," as provided in division (C) of section 123.15 of the Revised Code, the Director shall also notify the members of the Controlling Board. 87464
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Section 209.10. AGE DEPARTMENT OF AGING 87468

General Revenue Fund 87469

GRF	490321	Operating Expenses	\$	2,109,817	\$	2,109,817	87470
GRF	490409	AmeriCorps Operations	\$	125,000	\$	125,000	87471
GRF	490410	Long-Term Care	\$	535,857	\$	535,857	87472
		Ombudsman					
GRF	490411	Senior Community	\$	8,434,134	\$	8,434,134	87473
		Services					
GRF	490412	Residential State	\$	7,325,417	\$	7,325,417	87474
		Supplement					
GRF	490414	Alzheimer's Respite	\$	3,644,277	\$	3,685,593	87475
GRF	490423	Long Term Care Budget	\$	112,916,967	\$	149,317,603	87476
		- State					
GRF	490506	National Senior	\$	268,237	\$	268,237	87477
		Service Corps					
GRF	490625	Alzheimer's Respite -	\$	512,318	\$	471,002	87478
		Federal Stimulus					
TOTAL GRF		General Revenue Fund	\$	135,872,024	\$	172,272,660	87479

General Services Fund Group					87480
4800 490606 Senior Community	\$	372,677	\$	372,677	87481
Outreach and					
Education					
TOTAL GSF General Services Fund					87482
Group	\$	372,677	\$	372,677	87483
Federal Special Revenue Fund Group					87484
3220 490618 Federal Aging Grants	\$	10,200,000	\$	10,200,000	87485
3C40 490623 Long Term Care Budget	\$	350,162,957	\$	340,193,418	87486
3M40 490612 Federal Independence	\$	63,655,080	\$	63,655,080	87487
Services					
3R70 490617 AmeriCorps Programs	\$	8,870,000	\$	8,870,000	87488
TOTAL FED Federal Special Revenue					87489
Fund Group	\$	432,888,037	\$	422,918,498	87490
State Special Revenue Fund Group					87491
4C40 490609 Regional Long-Term	\$	935,000	\$	935,000	87492
Care Ombudsman					
Program					
4J40 490610 PASSPORT/Residential	\$	33,263,984	\$	33,263,984	87493
State Supplement					
4U90 490602 PASSPORT Fund	\$	4,424,969	\$	4,424,969	87494
5AA0 490673 Ohio's Best Rx	\$	202,712	\$	0	87495
Administration					
5BA0 490620 Ombudsman Support	\$	600,000	\$	600,000	87496
5K90 490613 Long Term Care	\$	820,400	\$	820,400	87497
Consumers Guide					
5W10 490616 Resident Services	\$	330,000	\$	330,000	87498
Coordinator Program					
6240 490604 OCSC Community	\$	470,000	\$	470,000	87499
Support					
TOTAL SSR State Special Revenue					87500
Fund Group	\$	41,047,065	\$	40,844,353	87501

The foregoing appropriation item 490423, Long Term Care Budget - State, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may also be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

The foregoing appropriation item 490623, Long Term Care Budget, shall be used to provide the federal matching share for all program costs determined by the Department of Job and Family Services to be eligible for Medicaid reimbursement.

HOME FIRST PROGRAM

(A) As used in this section, "Long Term Care Budget Services" includes the following existing programs: PASSPORT, Assisted Living, Residential State Supplement, and PACE.

(B) On a quarterly basis, on receipt of the certified expenditures related to sections 173.401, 173.351, and 5111.894 of the Revised Code, the Director of Budget and Management may do all of the following for fiscal years 2010 and 2011:

(1) Transfer cash from the Nursing Facility Stabilization Fund (Fund 5R20), used by the Department of Job and Family Services, to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging.

The transferred cash is hereby appropriated to appropriation item 490610, PASSPORT/Residential State Supplement.

(2) If receipts credited to the PASSPORT Fund (Fund 3C40) exceed the amounts appropriated from the fund, the Director of Aging may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts

appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 87565
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(3) If receipts credited to the Interagency Reimbursement Fund (Fund 3G50) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated. 87567
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(C) The individuals placed in Long Term Care Budget Services pursuant to this section shall be in addition to the individuals placed in Long Term Care Budget Services during fiscal years 2010 and 2011 before any transfers to appropriation item 490423, Long Term Care Budget-State, are made under this section. 87574
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ALLOCATION OF PACE SLOTS 87579

In order to effectively administer and manage growth within the PACE Program, the Director of Aging may, as the director deems appropriate and to the extent funding is available, expand the PACE Program to regions of Ohio beyond those currently served by the PACE Program. In implementing the expansion, the Director may not decrease the number of residents of Cuyahoga and Hamilton counties and parts of Butler, Clermont, and Warren counties who are participating in the PACE Program below the number of residents of those counties and parts of counties who are enrolled in the PACE Program on the effective date of the expansion. 87580
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Section 209.30. OHIO COMMUNITY SERVICE COUNCIL 87590

The foregoing appropriation items 490409, AmeriCorps Operations, and 490617, AmeriCorps Programs, shall be used in accordance with section 121.40 of the Revised Code. 87591
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LONG-TERM CARE OMBUDSMAN 87594

The foregoing appropriation item 490410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities as authorized in sections 173.14 to 173.27 and section 173.99 of the Revised Code.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.

RESIDENTIAL STATE SUPPLEMENT

Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:

(A) \$927 for a residential care facility, as defined in section 3721.01 of the Revised Code;

(B) \$927 for an adult group home, as defined in Chapter 3722. of the Revised Code;

(C) \$824 for an adult foster home, as defined in Chapter 173. of the Revised Code;

(D) \$824 for an adult family home, as defined in Chapter 3722. of the Revised Code;

(E) \$824 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	87625 87626
(F) \$618 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	87627 87628 87629
The Departments of Aging and Job and Family Services shall reflect these amounts in any applicable rules the departments adopt under section 173.35 of the Revised Code.	87630 87631 87632
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	87633
The foregoing appropriation items 490412, Residential State Supplement, and 490610, PASSPORT/Residential State Supplement, may be used by the Director of Aging to transfer cash to the Home and Community Based Services for the Aged Fund (Fund 4J50), which is used by the Department of Job and Family Services and the Residential State Supplement Fund (Fund 5CH0), used by the Department of Mental Health. The transferred cash shall be used to make benefit payments to residential state supplement recipients. The transfer shall be made using an intrastate transfer voucher.	87634 87635 87636 87637 87638 87639 87640 87641 87642 87643
RESIDENTIAL STATE SUPPLEMENT WORKGROUP	87644
(A) There is hereby created the Residential State Supplement Workgroup consisting of all of the following:	87645 87646
(1) The Director of Aging or the Director's designee;	87647
(2) The Director of Health or the Director's designee;	87648
(3) The Director of Job and Family Services or the Director's designee;	87649 87650
(4) The Director of Mental Health or the Director's designee.	87651
(B) The Director of Aging or the Director's designee shall serve as the chairperson of the Workgroup. Members of the Workgroup shall serve without compensation, except to the extent	87652 87653 87654

that serving on the Workgroup is considered part of their regular 87655
employment duties. 87656

(C) The Workgroup shall examine solely the issue of which 87657
state agency is the most appropriate to administer the Residential 87658
State Supplement Program. Not later than December 31, 2009, the 87659
Workgroup shall submit written recommendations on this issue to 87660
the Governor and, in accordance with section 101.68 of the Revised 87661
Code, to the General Assembly. The Workgroup shall cease to exist 87662
on submission of its recommendations. 87663

ALZHEIMER'S RESPITE 87664

The foregoing appropriation item 490414, Alzheimer's Respite, 87665
shall be used to fund only Alzheimer's disease services under 87666
section 173.04 of the Revised Code. 87667

ALZHEIMER'S RESPITE - FEDERAL STIMULUS 87668

The foregoing appropriation item 490625, Alzheimer's Respite 87669
- Federal Stimulus, shall be used to fund only Alzheimer's disease 87670
services under section 173.04 of the Revised Code. 87671

EDUCATION AND TRAINING 87672

The foregoing appropriation item 490606, Senior Community 87673
Outreach and Education, may be used to provide training to workers 87674
in the field of aging pursuant to division (G) of section 173.02 87675
of the Revised Code. 87676

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 87677

The foregoing appropriation item 490609, Regional Long-Term 87678
Care Ombudsman, shall be used to pay the costs of operating the 87679
regional long-term care ombudsman programs designated by the 87680
Long-Term Care Ombudsman. 87681

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 87682

The foregoing appropriation item 490610, PASSPORT/Residential 87683
State Supplement, may be used to fund the Residential State 87684

Supplement Program. The remaining available funds shall be used to 87685
fund the PASSPORT program. 87686

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 87687
AND FEDERAL AGING GRANTS 87688

At the request of the Director of Aging, the Director of 87689
Budget and Management may transfer appropriation between 87690
appropriation items 490612, Federal Independence Services, and 87691
490618, Federal Aging Grants. The amounts transferred shall not 87692
exceed 30 per cent of the appropriation from which the transfer is 87693
made. Any transfers shall be reported by the Department of Aging 87694
to the Controlling Board at the next scheduled meeting of the 87695
board. 87696

TRANSFER OF RESIDENT PROTECTION FUNDS 87697

In each fiscal year, the Director of Budget and Management 87698
may transfer \$600,000 cash from the Resident Protection Fund (Fund 87699
4E30), which is used by the Department of Job and Family Services, 87700
to the Ombudsman Support Fund (Fund 5BA0), which is used by the 87701
Department of Aging. 87702

Section 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP 87703

(A) There is hereby created the Unified Long-Term Care Budget 87704
Workgroup. The Workgroup shall consist of the following members: 87705

(1) The Director of Aging; 87706

(2) Consumer advocates, representatives of the provider 87707
community, representatives of managed care organizations with 87708
which the Department of Job and Family Services contracts under 87709
section 5111.17 of the Revised Code, and state policy makers, 87710
appointed by the Governor; 87711

(3) Two members of the House of Representatives, one member 87712
from the majority party and one member from the minority party, 87713
appointed by the Speaker of the House of Representatives; 87714

(4) Two members of the Senate, one member from the majority party and one member from the minority party, appointed by the President of the Senate. 87715
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The Director of Aging shall serve as the chairperson of the Workgroup. 87718
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The Workgroup shall be staffed by the departments of Aging and Job and Family Services. 87720
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(B) The Workgroup shall develop a unified long-term care budget that facilitates the following: 87722
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(1) Providing a consumer a choice of services that meet the consumer's health care needs and improve the consumer's quality of life; 87724
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(2) Providing a continuum of services that meet the needs of a consumer throughout life and promote a consumer's independence and autonomy; 87727
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(3) Consolidating policymaking authority and the associated budgets in a single entity to simplify the consumer's decision making and maximize the state's flexibility in meeting the consumer's needs; 87730
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(4) Assuring the state has a system that is cost effective and links disparate services across agencies and jurisdictions. 87734
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(C) On an annual basis, the Directors of Aging, Job and Family Services, and Budget and Management shall submit a written report to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the members of the Joint Legislative Committee on Medicaid Technology and Reform describing the progress towards establishing, or if already established, the effectiveness of the unified long-term care budget. 87736
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(D) In support of the Workgroup's proposal, the Director of Budget and Management may seek Controlling Board approval to transfer cash from the Nursing Facility Stabilization Fund (Fund 5R20), used by the Department of Job and Family Services, to the PASSPORT/Residential State Supplement Fund (Fund 4J40), used by the Department of Aging.

Any transfers of cash approved by the Controlling Board under this section are hereby appropriated to appropriation item 490610, PASSPORT/Residential State Supplement.

Section 209.45. MEDICAID MANAGED LONG-TERM CARE REPORT

Not later than July 1, 2010, the Directors of Aging and Job and Family Services shall submit a written report to the Speaker of the House of Representatives, Minority Leader of the House of Representatives, President of the Senate, Minority Leader of the Senate, and members of the Joint Legislative Committee on Medicaid Technology and Reform on the feasibility of including aged, blind, and disabled Medicaid recipients specified in division (B)(2)(a) to (e) of section 5111.16 of the Revised Code in the care management system established under that section. The report shall include all of the following:

(A) An assessment of Medicaid managed care programs in other states that include such aged, blind, and disabled Medicaid recipients;

(B) Anticipated costs and savings to the Medicaid program if such aged, blind, and disabled Medicaid recipients were included in the care management system;

(C) Options for integrating the services specified in divisions (A) and (B) of section 173.431 of the Revised Code into the care management system.

Section 209.50. OHIO'S BEST RX PROGRAM

Notwithstanding the provisions of Chapter 173. of the Revised Code regarding the establishment and operation of the Ohio's Best Rx Program, the Director of Aging shall take all actions necessary to wind up the affairs of the program not later than January 1, 2010. For purposes of this section, all of the following apply:

(A) Beginning on the effective date of this section, applications for program enrollment cards shall not be accepted and consideration of pending applications shall cease.

(B) On November 15, 2009, each program enrollment card or the portion of a Golden Buckeye card used as a program enrollment card is no longer valid.

(C) Except as provided in division (D) of this section, terminal distributors of dangerous drugs shall not dispense drugs under the program on or after November 15, 2009.

(D) The drug mail order system included in the program shall dispense drugs under the program only for orders postmarked or otherwise submitted before November 15, 2009.

(E) Drug manufacturers shall not enter into new manufacturer agreements on or after November 15, 2009, but shall continue to make payments in accordance with agreements in effect before November 15, 2009.

(F) Accounts with terminal distributors of dangerous drugs and all other accounts under the program shall continue to be reconciled as necessary on and after November 15, 2009, but the accounts shall be closed not later than January 1, 2010, and are not subject to further reconciliation on or after January 1, 2010.

OHIO'S BEST RX ADMINISTRATION

On January 1, 2010, or as soon as possible thereafter, the

Director of Budget and Management shall transfer the cash balance 87805
in the Ohio's Best Rx Administration Fund (Fund 5AA0) to the 87806
General Revenue Fund. Upon completion of the transfer, Fund 5AA0 87807
is abolished. The Director shall cancel any existing encumbrances 87808
against appropriation item 490673, Ohio's Best Rx Administration. 87809
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Section 211.10. AGR DEPARTMENT OF AGRICULTURE 87811

General Revenue Fund 87812

GRF 700401 Animal Disease Control \$ 3,617,777 \$ 3,617,777 87813

GRF 700403 Dairy Division \$ 1,110,277 \$ 1,110,277 87814

GRF 700404 Ohio Proud \$ 246,895 \$ 246,895 87815

GRF 700406 Consumer Analytical \$ 1,256,469 \$ 1,274,854 87816

Lab

GRF 700409 Farmland Preservation \$ 200,000 \$ 200,000 87817

GRF 700411 International Trade \$ 531,440 \$ 531,440 87818

and Market Development

GRF 700412 Weights and Measures \$ 200,000 \$ 200,000 87819

GRF 700415 Poultry Inspection \$ 375,401 \$ 375,401 87820

GRF 700418 Livestock Regulation \$ 1,322,784 \$ 1,353,676 87821

Program

GRF 700424 Livestock Testing and \$ 120,906 \$ 120,906 87822

Inspections

GRF 700499 Meat Inspection \$ 4,920,926 \$ 4,960,926 87823

Program - State Share

GRF 700501 County Agricultural \$ 334,903 \$ 334,903 87824

Societies

GRF 700503 Livestock Exhibition \$ 62,500 \$ 62,500 87825

Fund

GRF 700654 Agriculture Operating \$ 1,107,035 \$ 1,017,758 87826

- Federal Stimulus

TOTAL GRF General Revenue Fund \$ 15,407,313 \$ 15,407,313 87827

General Services Fund Group				87828
5DA0 700644 Laboratory	\$	1,100,000	\$ 1,100,000	87829
Administration				
Support				
TOTAL GSF General Services Fund	\$	1,100,000	\$ 1,100,000	87830
Group				
Federal Special Revenue Fund Group				87831
3260 700618 Meat Inspection	\$	4,950,000	\$ 4,950,000	87832
Program - Federal				
Share				
3360 700617 Ohio Farm Loan	\$	1,000,000	\$ 1,000,000	87833
Revolving Fund				
3820 700601 Cooperative Contracts	\$	2,000,000	\$ 2,000,000	87834
3AB0 700641 Agricultural Easement	\$	1,000,000	\$ 1,000,000	87835
3J40 700607 Indirect Cost	\$	600,000	\$ 600,000	87836
3R20 700614 Federal Plant	\$	1,000,000	\$ 1,000,000	87837
Industry				
TOTAL FED Federal Special Revenue				87838
Fund Group	\$	10,550,000	\$ 10,550,000	87839
State Special Revenue Fund Group				87840
4900 700651 License Plates -	\$	20,000	\$ 20,000	87841
Sustainable				
Agriculture				
4940 700612 Agricultural	\$	250,000	\$ 250,000	87842
Commodity Marketing				
Program				
4960 700626 Ohio Grape Industries	\$	849,999	\$ 849,999	87843
4970 700627 Commodity Handlers	\$	496,000	\$ 496,000	87844
Regulatory Program				
4C90 700605 Commercial Feed and	\$	2,200,000	\$ 2,200,000	87845
Seed				
4D20 700609 Auction Education	\$	41,000	\$ 41,000	87846

4E40	700606	Utility Radiological Safety	\$	134,631	\$	134,631	87847
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500	87848
4R20	700637	Dairy Industry Inspection	\$	1,800,000	\$	1,800,000	87849
4T60	700611	Poultry and Meat Inspection	\$	140,469	\$	140,469	87850
4T70	700613	Ohio Proud International and Domestic Market Development	\$	15,000	\$	15,000	87851
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001	87852
5B80	700629	Auctioneers	\$	365,390	\$	365,390	87853
5CP0	700652	License Plate Scholarships	\$	20,000	\$	20,000	87854
5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000	87855
5H20	700608	Metrology Lab and Scale Certification	\$	1,454,006	\$	1,454,006	87856
5L80	700604	Livestock Management Program	\$	256,286	\$	256,286	87857
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,300,000	\$	4,300,000	87858
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,470,000	\$	3,470,000	87859
TOTAL SSR State Special Revenue							87860
Fund Group			\$	17,823,282	\$	17,823,282	87861
Clean Ohio Conservation Fund Group							87862
7057	700632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	87863
TOTAL CLF Clean Ohio Conservation Fund Group			\$	149,000	\$	149,000	87864
TOTAL ALL BUDGET FUND GROUPS			\$	45,029,595	\$	45,029,595	87865

COUNTY AGRICULTURAL SOCIETIES 87866

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 87867
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FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 87871

The foregoing appropriation item 700654, Agriculture Operating - Federal Stimulus, shall be used to support government services consistent with funds received from the federal government for fiscal stabilization and recovery purposes. 87872
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COMMERCIAL FEED AND SEED FUND TRANSFER 87876

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer thirty-two per cent of the cash balance in the Commercial Feed and Seed Fund (Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and Lime Inspection Program Fund (Fund 6690). The Director shall cancel existing encumbrances against appropriation item 700605, Commercial Feed and Seed, and re-establish them against appropriation item 700635, Pesticide, Fertilizer, and Lime Inspection Program. The re-established encumbrance amounts are hereby appropriated. 87877
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FOOD SAFETY FUND TRANSFER 87887

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer the unexpended, unencumbered balance of the Food Safety Fund (Fund 4P70) to the General Revenue Fund. 87888
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PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 87892

On July, 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$600,000 in cash from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 87893
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6690)	to the Plant Pest Program Fund (Fund 5FC0).				87896	
	CLEAN OHIO AGRICULTURAL EASEMENT				87897	
	The foregoing appropriation item 700632, Clean Ohio				87898	
	Agricultural Easement, shall be used by the Department of				87899	
	Agriculture in administering sections 901.21, 901.22, and 5301.67				87900	
	to 5301.70 of the Revised Code.				87901	
	Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY				87902	
	General Revenue Fund				87903	
GRF 898402	Coal Development	\$	374,146	\$	374,146	87904
	Office					
GRF 898901	Coal Research and	\$	9,968,400	\$	10,947,000	87905
	Development General					
	Obligation Debt					
	Service					
TOTAL GRF	General Revenue Fund	\$	10,342,546	\$	11,321,146	87906
	General Services Fund Group					87907
5EG0 898608	Energy Strategy	\$	307,000	\$	307,000	87908
	Development					
TOTAL GSF	General Services Fund	\$	307,000	\$	307,000	87909
	Agency Fund Group					87910
4Z90 898602	Small Business	\$	294,290	\$	294,290	87911
	Ombudsman					
5700 898601	Operating Expenses	\$	264,000	\$	264,000	87912
5A00 898603	Small Business	\$	71,087	\$	71,087	87913
	Assistance					
TOTAL AGY	Agency Fund Group	\$	629,377	\$	629,377	87914
	Coal Research/Development Fund					87915
7046 898604	Coal Research and	\$	66,000,000	\$	10,000,000	87916
	Development Fund					
TOTAL 046	Coal Research and	\$	66,000,000	\$	10,000,000	87917

GRF	038404	Prevention Services	\$	837,131	\$	837,131	87946
GRF	038626	Local Alcohol and Other Drug Subsidy - Federal Stimulus	\$	0	\$	2,954,598	87947
TOTAL GRF	General Revenue Fund		\$	33,837,131	\$	36,791,729	87948
General Services Fund							87949
5T90	038616	Problem Gambling Services	\$	335,000	\$	335,000	87950
TOTAL GSF	General Services Fund		\$	335,000	\$	335,000	87951
Group							
Federal Special Revenue Fund Group							87952
3G30	038603	Drug Free Schools	\$	2,260,000	\$	2,260,000	87953
3G40	038614	Substance Abuse Block Grant	\$	71,500,000	\$	71,500,000	87954
3H80	038609	Demonstration Grants	\$	7,093,075	\$	7,093,075	87955
3J80	038610	Medicaid	\$	62,772,342	\$	60,817,910	87956
3N80	038611	Administrative Reimbursement	\$	500,000	\$	500,000	87957
TOTAL FED	Federal Special Revenue Fund Group		\$	144,125,417	\$	142,170,985	87958 87959
State Special Revenue Fund Group							87960
4750	038621	Statewide Treatment and Prevention	\$	18,000,000	\$	18,000,000	87961
5DH0	038620	Fetal Alcohol Spectrum Disorder	\$	327,500	\$	327,500	87962
6890	038604	Education and Conferences	\$	200,000	\$	200,000	87963
TOTAL SSR	State Special Revenue Fund Group		\$	18,527,500	\$	18,527,500	87964 87965
TOTAL ALL BUDGET FUND GROUPS			\$	196,825,048	\$	197,825,214	87966
Section 217.10. ARC ARCHITECTS BOARD							87968

General Services Fund Group				87969
4K90 891609 Operating Expenses	\$	522,055	\$ 550,718	87970
TOTAL GSF General Services Fund				87971
Group	\$	522,055	\$ 550,718	87972
TOTAL ALL BUDGET FUND GROUPS	\$	522,055	\$ 550,718	87973

Section 219.10. ART OHIO ARTS COUNCIL

				87975
General Revenue Fund				87976
GRF 370321 Operating Expenses	\$	2,072,545	\$ 2,072,545	87977
GRF 370502 State Program	\$	5,000,000	\$ 5,000,000	87978
Subsidies				
TOTAL GRF General Revenue Fund	\$	7,072,545	\$ 7,072,545	87979
General Services Fund Group				87980
4600 370602 Management Expenses	\$	285,000	\$ 285,000	87981
and Donations				
4B70 370603 Percent for Art	\$	86,366	\$ 86,366	87982
Acquisitions				
TOTAL GSF General Services Fund	\$	371,366	\$ 371,366	87983
Group				
Federal Special Revenue Fund Group				87984
3140 370601 Federal Support	\$	1,000,000	\$ 1,000,000	87985
TOTAL FED Federal Special Revenue	\$	1,000,000	\$ 1,000,000	87986
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	8,443,911	\$ 8,443,911	87987

PROGRAM SUBSIDIES

A museum is not eligible to receive funds from appropriation	87989
item 370502, State Program Subsidies, if \$8,000,000 or more in	87990
capital appropriations were appropriated by the state for the	87991
museum between January 1, 1986, and December 31, 2002.	87992

Section 221.10. ATH ATHLETIC COMMISSION

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General Services Fund Group				87994
4K90 175609 Operating Expenses	\$	247,624	\$ 247,624	87995
TOTAL GSF General Services Fund	\$	247,624	\$ 247,624	87996
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	247,624	\$ 247,624	87997

Section 223.10. AGO ATTORNEY GENERAL 87999

General Revenue Fund				88000
GRF 055321 Operating Expenses	\$	45,469,699	\$ 45,469,699	88001
GRF 055405 Law-Related Education	\$	100,000	\$ 100,000	88002
GRF 055411 County Sheriffs' Pay	\$	757,921	\$ 757,921	88003
Supplement				
GRF 055415 County Prosecutors'	\$	831,499	\$ 831,499	88004
Pay Supplement				
TOTAL GRF General Revenue Fund	\$	47,159,119	\$ 47,159,119	88005
General Services Fund Group				88006
1060 055612 General Reimbursement	\$	38,750,000	\$ 38,750,000	88007
1950 055660 Workers' Compensation	\$	8,415,504	\$ 8,415,504	88008
Section				
4180 055615 Charitable	\$	7,286,000	\$ 7,286,000	88009
Foundations				
4200 055603 Attorney General	\$	1,750,000	\$ 1,750,000	88010
Antitrust				
4210 055617 Police Officers'	\$	2,000,000	\$ 2,000,000	88011
Training Academy Fee				
4Z20 055609 BCI Asset Forfeiture	\$	1,000,000	\$ 1,000,000	88012
and Cost				
Reimbursement				
5900 055633 Peace Officer Private	\$	98,370	\$ 98,370	88013
Security Fund				
5A90 055618 Telemarketing Fraud	\$	7,500	\$ 7,500	88014
Enforcement				

**Sub. H. B. No. 1
As Pending in Senate Committee**

5L50	055619	Law Enforcement Assistance Program	\$	1,457,852	\$	0	88015
6290	055636	Corrupt Activity Investigation and Prosecution	\$	15,000	\$	15,000	88016
6310	055637	Consumer Protection Enforcement	\$	3,500,000	\$	3,500,000	88017
TOTAL GSF General Services Fund							88018
Group							\$ 64,280,226 \$ 62,822,374 88019
Federal Special Revenue Fund Group							88020
3060	055620	Medicaid Fraud Control	\$	3,879,672	\$	3,879,672	88021
3810	055611	Civil Rights Legal Service	\$	402,540	\$	402,540	88022
3830	055634	Crime Victims Assistance	\$	16,000,000	\$	16,000,000	88023
3E50	055638	Attorney General Pass-Through Funds	\$	3,030,000	\$	3,030,000	88024
3R60	055613	Attorney General Federal Funds	\$	5,115,000	\$	5,115,000	88025
TOTAL FED Federal Special Revenue							88026
Fund Group							\$ 28,427,212 \$ 28,427,212 88027
State Special Revenue Fund Group							88028
4020	055616	Victims of Crime	\$	29,000,000	\$	28,000,000	88029
4190	055623	Claims Section	\$	36,875,000	\$	36,875,000	88030
4L60	055606	DARE Programs	\$	3,927,962	\$	3,927,962	88031
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	88032
6590	055641	Solid and Hazardous Waste Background Investigations	\$	621,159	\$	621,159	88033
TOTAL SSR State Special Revenue							88034
Fund Group							\$ 71,024,121 \$ 70,024,121 88035

Holding Account Redistribution Fund Group					88036
R004 055631	General Holding Account	\$ 1,000,000	\$ 1,000,000		88037
R005 055632	Antitrust Settlements	\$ 1,000	\$ 1,000		88038
R018 055630	Consumer Frauds	\$ 750,000	\$ 750,000		88039
R042 055601	Organized Crime Commission Distributions	\$ 25,025	\$ 25,025		88040
R054 055650	Collection Outside Counsel Payments	\$ 4,500,000	\$ 4,500,000		88041
TOTAL 090 Holding Account Redistribution Fund Group		\$ 6,276,025	\$ 6,276,025		88042
Tobacco Master Settlement Agreement Fund Group					88044
J087 055635	Law Enforcement Technology, Training, and Facility Enhancements	\$ 1,987,073	\$ 0		88045
U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$ 2,478,850	\$ 2,478,850		88046
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$ 4,465,923	\$ 2,478,850		88047
TOTAL ALL BUDGET FUND GROUPS		\$ 221,632,626	\$ 217,187,701		88048
COUNTY SHERIFFS' PAY SUPPLEMENT					88049
The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.					88050 88051 88052 88053
At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation					88054 88055 88056

item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

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COUNTY PROSECUTORS' PAY SUPPLEMENT

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The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

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WORKERS' COMPENSATION SECTION

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The Workers' Compensation Fund (Fund 1950) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject to adjustment.

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In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit.

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All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

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CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION	88087
The foregoing appropriation item 055636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code.	88088 88089 88090 88091 88092 88093
GENERAL HOLDING ACCOUNT	88094
The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General.	88095 88096 88097 88098
ATTORNEY GENERAL PASS-THROUGH FUNDS	88099
The foregoing appropriation item 055638, Attorney General Pass-Through Funds, shall be used to receive federal grant funds provided to the Attorney General by other state agencies, including, but not limited to, the Department of Youth Services and the Department of Public Safety.	88100 88101 88102 88103 88104
ANTITRUST SETTLEMENTS	88105
The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out of court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General.	88106 88107 88108 88109 88110
CONSUMER FRAUDS	88111
The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be	88112 88113 88114 88115 88116

used to provide restitution to consumers victimized by the fraud	88117
that generated the court-ordered judgments.	88118
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	88119
The foregoing appropriation item 055601, Organized Crime	88120
Commission Distributions, shall be used by the Organized Crime	88121
Investigations Commission, as provided by section 177.011 of the	88122
Revised Code, to reimburse political subdivisions for the expenses	88123
the political subdivisions incur when their law enforcement	88124
officers participate in an organized crime task force.	88125
FUND ABOLISHMENTS	88126
Effective July 1, 2009, or as soon as possible thereafter,	88127
the Director of Budget and Management shall transfer the cash	88128
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to	88129
the General Revenue Fund. Upon completion of the transfer, Fund	88130
6740 is abolished.	88131
Effective July 1, 2009, the Bingo License Refunds Fund (Fund	88132
R003) is abolished.	88133
Section 225.10. AUD AUDITOR OF STATE	88134
General Revenue Fund	88135
GRF 070321 Operating Expenses \$ 29,279,031 \$ 29,279,031	88136
GRF 070403 Fiscal \$ 700,000 \$ 700,000	88137
Watch/Emergency	
Technical Assistance	
TOTAL GRF General Revenue Fund \$ 29,979,031 \$ 29,979,031	88138
Auditor of State Fund Group	88139
1090 070601 Public Audit Expense \$ 11,000,000 \$ 11,000,000	88140
- Intra-State	
4220 070602 Public Audit Expense \$ 35,000,000 \$ 34,000,000	88141
- Local Government	
5840 070603 Training Program \$ 181,250 \$ 181,250	88142

6750 070605	Uniform Accounting	\$	2,800,000	\$	3,500,000	88143
	Network					
TOTAL AUD	Auditor of State Fund					88144
Group		\$	48,981,250	\$	48,681,250	88145
TOTAL ALL BUDGET FUND GROUPS		\$	78,960,281	\$	78,660,281	88146
	FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE					88147
	The foregoing appropriation item 070403, Fiscal					88148
	Watch/Emergency Technical Assistance, shall be used for expenses					88149
	incurred by the Office of the Auditor of State in its role					88150
	relating to fiscal watch or fiscal emergency activities under					88151
	Chapters 118. and 3316. of the Revised Code. Expenses include, but					88152
	are not limited to, the following: duties related to the					88153
	determination or termination of fiscal watch or fiscal emergency					88154
	of municipal corporations, counties, townships, or school					88155
	districts; development of preliminary accounting reports;					88156
	performance of annual forecasts; provision of performance audits;					88157
	and supervisory, accounting, or auditing services for the					88158
	municipal corporations, counties, townships, or school districts.					88159
	An amount equal to the unexpended, unencumbered portion of					88160
	appropriation item 070403, Fiscal Watch/Emergency Technical					88161
	Assistance, at the end of fiscal year 2010 is hereby					88162
	reappropriated for the same purpose in fiscal year 2011.					88163
	Section 225.20. The moneys transferred pursuant to division					88164
	(E) of section 117.13 of the Revised Code relative to costs of					88165
	audits of state agencies and local public offices are hereby					88166
	appropriated.					88167
	Section 227.10. BRB BOARD OF BARBER EXAMINERS					88168
	General Services Fund Group					88169
4K90 877609	Operating Expenses	\$	600,851	\$	600,851	88170
TOTAL GSF	General Services Fund					88171

Group		\$	600,851	\$	600,851	88172
TOTAL ALL BUDGET FUND GROUPS		\$	600,851	\$	600,851	88173

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT 88175

General Revenue Fund 88176

GRF	042321	Budget Development	\$	2,412,346	\$	2,350,805	88177
		and Implementation					

GRF	042410	National Association	\$	30,448	\$	31,361	88178
		Dues					

GRF	042412	Audit of Auditor of	\$	44,528	\$	46,309	88179
		State					

GRF	042413	Payment Issuance	\$	446,968	\$	457,545	88180
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GRF	042416	Medicaid Agency	\$	571,028	\$	369,298	88181
		Transition					

GRF	042435	Gubernatorial	\$	0	\$	250,000	88182
		Transition					

TOTAL GRF General Revenue Fund		\$	3,505,318	\$	3,505,318	88183
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General Services Fund Group 88184

1050	042603	State Accounting and	\$	37,031,976	\$	41,206,060	88185
		Budgeting					

5N40	042602	OAKS Project	\$	2,100,000	\$	2,100,000	88186
		Implementation					

5Z80	042608	Executive Medicaid	\$	57,751	\$	0	88187
		Administration					

TOTAL GSF General Services Fund		\$	39,189,727	\$	43,306,060	88188
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Group

Federal Special Revenue Fund Group 88189

3CM0	042606	Medicaid Transition -	\$	734,979	\$	747,098	88190
		Federal					

TOTAL FED Federal Special Revenue		\$	734,979	\$	747,098	88191
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Fund Group

Agency Fund Group 88192

5EH0 042604	Forgery Recovery	\$	50,000	\$	50,000	88193
TOTAL AGY	Agency Fund Group	\$	50,000	\$	50,000	88194
TOTAL ALL BUDGET FUND GROUPS		\$	43,480,024	\$	47,608,476	88195

AUDIT COSTS 88196

All centralized audit costs associated with either Single 88197
 Audit Schedules or financial statements prepared in conformance 88198
 with generally accepted accounting principles for the state shall 88199
 be paid from the foregoing appropriation item 042603, State 88200
 Accounting and Budgeting. 88201

INTERNAL CONTROL AND AUDIT OVERSIGHT 88202

Effective July 1, 2009, the Director of Budget and Management 88203
 shall include the recovery of costs to operate the Internal 88204
 Control and Audit Oversight Program in the accounting and 88205
 budgeting services payroll rate and through a direct charge using 88206
 intrastate transfer vouchers to agencies reviewed by the program. 88207
 The Director of Budget and Management, with advice from the 88208
 Internal Audit Advisory Council, shall determine the cost recovery 88209
 methodology. Such cost recovery revenues shall be deposited to the 88210
 credit of the Accounting and Budgeting Fund (Fund 1050). 88211

FORGERY RECOVERY 88212

The foregoing appropriation item 042604, Forgery Recovery, 88213
 shall be used to reissue warrants that have been certified as 88214
 forgeries by the rightful recipient as determined by the Bureau of 88215
 Criminal Identification and Investigation and the Treasurer of 88216
 State. Upon receipt of funds to cover the reissuance of the 88217
 warrant, the Director of Budget and Management shall reissue a 88218
 state warrant of the same amount. 88219

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 88220

General Revenue Fund						88221
GRF 874100	Personal Services	\$	1,873,368	\$	1,873,368	88222

GRF 874320	Maintenance and Equipment	\$	752,591	\$	752,590	88223
TOTAL GRF	General Revenue Fund	\$	2,625,959	\$	2,625,958	88224
	General Services Fund Group					88225
4G50 874603	Capitol Square Education Center and Arts	\$	15,000	\$	15,000	88226
4S70 874602	Statehouse Gift Shop/Events	\$	686,708	\$	686,708	88227
TOTAL GSF	General Services Fund Group	\$	701,708	\$	701,708	88228 88229
	Underground Parking Garage					88230
2080 874601	Underground Parking Garage Operations	\$	2,923,224	\$	2,979,615	88231
TOTAL UPG	Underground Parking Garage	\$	2,923,224	\$	2,979,615	88232 88233
TOTAL ALL BUDGET FUND GROUPS		\$	6,250,891	\$	6,307,281	88234

WAREHOUSE PAYMENTS 88235

Of the foregoing appropriation item 874601, Underground
 Parking Garage Operations, \$48,000 in each fiscal year shall be
 used to meet all payments at the times they are required to be
 made during the period from July 1, 2009, to June 30, 2011, to the
 Ohio Building Authority for bond service charges relating to the
 purchase and improvement of a warehouse acquired pursuant to
 section 105.41 of the Revised Code, in which to store items of the
 Capitol Collection Trust and, whenever necessary, equipment or
 other property of the Board.

Notwithstanding division (G) of section 105.41 of the Revised
 Code and any other provision to the contrary, moneys in the
 Underground Parking Garage Fund (Fund 2080) may be used for
 personnel and operating costs related to the operations of the
 Statehouse and the Statehouse Underground Parking Garage.

Section 233.10.	SCR STATE BOARD OF CAREER COLLEGES AND			88250
	SCHOOLS			88251
	General Services Fund Group			88252
4K90 233601	Operating Expenses	\$	490,008 \$	490,008 88253
TOTAL GSF	General Services Fund	\$	490,008 \$	490,008 88254
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$	490,008 \$	490,008 88255
Section 235.10.	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD			88257
	General Services Fund Group			88258
4K90 930609	Operating Expenses	\$	478,799 \$	478,799 88259
TOTAL GSF	General Services Fund	\$	478,799 \$	478,799 88260
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$	478,799 \$	478,799 88261
Section 237.10.	CHR STATE CHIROPRACTIC BOARD			88263
	General Services Fund Group			88264
4K90 878609	Operating Expenses	\$	541,455 \$	541,455 88265
TOTAL GSF	General Services Fund	\$	541,455 \$	541,455 88266
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$	541,455 \$	541,455 88267
Section 239.10.	CIV OHIO CIVIL RIGHTS COMMISSION			88269
	General Revenue Fund			88270
GRF 876321	Operating Expenses	\$	5,441,317 \$	5,441,317 88271
TOTAL GRF	General Revenue Fund	\$	5,441,317 \$	5,441,317 88272
	General Services Fund Group			88273
2170 876604	Operations Support	\$	8,000 \$	8,000 88274
TOTAL GSF	General Services			88275
Fund Group		\$	8,000 \$	8,000 88276
	Federal Special Revenue Fund Group			88277

3340	876601	Federal Programs	\$	3,876,500	\$	3,281,500	88278
TOTAL FED Federal Special Revenue							88279
Fund Group			\$	3,876,500	\$	3,281,500	88280
TOTAL ALL BUDGET FUND GROUPS							88281
Section 241.10. COM DEPARTMENT OF COMMERCE							88283
General Revenue Fund							88284
GRF	800410	Labor and Worker Safety	\$	2,025,776	\$	2,025,776	88285
Total GRF General Revenue Fund							88286
General Services Fund Group							88287
1630	800620	Division of Administration	\$	4,478,037	\$	4,478,037	88288
1630	800637	Information Technology	\$	6,219,734	\$	6,137,122	88289
5430	800602	Unclaimed Funds-Operating	\$	8,695,254	\$	8,695,254	88290
5430	800625	Unclaimed Funds-Claims	\$	75,000,000	\$	75,000,000	88291
5F10	800635	Small Government Fire Departments	\$	300,000	\$	300,000	88292
TOTAL GSF General Services Fund							88293
Group			\$	94,693,025	\$	94,610,413	88294
Federal Special Revenue Fund Group							88295
3480	800622	Underground Storage Tanks	\$	586,128	\$	585,782	88296
3480	800624	Leaking Underground Storage Tanks	\$	1,477,606	\$	1,489,717	88297
TOTAL FED Federal Special Revenue							88298
Fund Group			\$	2,063,734	\$	2,075,499	88299
State Special Revenue Fund Group							88300
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	88301

	Recovery				
4H90 800608	Cemeteries	\$	273,465	\$	273,465
4X20 800619	Financial Institutions	\$	2,233,031	\$	2,221,395
5440 800612	Banks	\$	6,703,253	\$	6,753,254
5450 800613	Savings Institutions	\$	2,286,615	\$	2,307,019
5460 800610	Fire Marshal	\$	14,082,429	\$	14,082,429
5460 800639	Fire Department Grants	\$	1,695,198	\$	1,698,802
5470 800603	Real Estate	\$	250,000	\$	250,000
	Education/Research				
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000
5490 800614	Real Estate	\$	3,456,405	\$	3,451,694
5500 800617	Securities	\$	4,761,545	\$	4,411,545
5520 800604	Credit Union	\$	3,627,390	\$	3,627,390
5530 800607	Consumer Finance	\$	5,367,260	\$	5,148,702
5560 800615	Industrial Compliance	\$	25,753,662	\$	25,753,662
5K70 800621	Penalty Enforcement	\$	75,000	\$	75,000
5X60 800623	Video Service	\$	34,476	\$	34,476
6530 800629	UST	\$	1,433,189	\$	1,431,831
	Registration/Permit Fee				
6A40 800630	Real Estate	\$	664,006	\$	664,006
	Appraiser-Operating				
TOTAL SSR	State Special Revenue				88319
Fund Group		\$	72,781,924	\$	72,269,670
Liquor Control	Fund Group				88321
7043 800601	Merchandising	\$	472,492,696	\$	488,434,277
7043 800627	Liquor Control	\$	13,776,430	\$	14,313,346
	Operating				
7043 800633	Development Assistance	\$	40,565,100	\$	52,412,800
	Debt Service				
7043 800636	Revitalization Debt	\$	15,632,800	\$	20,359,000
	Service				
TOTAL LCF	Liquor Control				88326

Fund Group	\$	542,467,026	\$	575,519,423	88327
Volunteer Firefighters' Dependents Fund Group					88328
7085 800985 Volunteer	\$	300,000	\$	300,000	88329
Firefighters'					
Dependents Fund					
TOTAL 085 Volunteer Firefighters'	\$	300,000	\$	300,000	88330
Dependents Fund Group					
Revenue Distribution Fund Group					88331
7066 800966 Undivided Liquor	\$	14,100,000	\$	14,100,000	88332
Permits					
TOTAL RDF Revenue Distribution Fund	\$	14,100,000	\$	14,100,000	88333
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	728,431,485	\$	760,900,781	88334
SMALL GOVERNMENT FIRE DEPARTMENTS					88335
Notwithstanding section 3737.17 of the Revised Code, the					88336
foregoing appropriation item 800635, Small Government Fire					88337
Departments, may be used to provide loans to private fire					88338
departments.					88339
UNCLAIMED FUNDS PAYMENTS					88340
The foregoing appropriation item 800625, Unclaimed					88341
Funds-Claims, shall be used to pay claims under section 169.08 of					88342
the Revised Code. If it is determined that additional amounts are					88343
necessary, the amounts are appropriated.					88344
UNCLAIMED FUNDS TRANSFERS					88345
Notwithstanding division (A) of section 169.05 of the Revised					88346
Code, on or after December 1, 2009, the Director of Budget and					88347
Management shall request the Director of Commerce to transfer to					88348
the General Revenue Fund up to \$250,000,000 of unclaimed funds					88349
that have been reported by holders of unclaimed funds under					88350
section 169.05 of the Revised Code, irrespective of the allocation					88351
of the unclaimed funds under that section. After such request has					88352

been made, the Director of Commerce shall transfer the funds prior 88353
to June 30, 2010. 88354

Notwithstanding division (A) of section 169.05 of the Revised 88355
Code, on or after December 1, 2010, the Director of Budget and 88356
Management shall request the Director of Commerce to transfer to 88357
the General Revenue Fund up to \$135,000,000 of unclaimed funds 88358
that have been reported by holders of unclaimed funds under 88359
section 169.05 of the Revised Code, irrespective of the allocation 88360
of the unclaimed funds under that section. After such request has 88361
been made, the Director of Commerce shall transfer the funds prior 88362
to June 30, 2011. 88363

TRANSFERS FROM FINANCIAL INSTITUTION FUNDS PROHIBITED 88364

Neither the Director of Budget and Management nor the 88365
Controlling Board shall transfer moneys in the Financial 88366
Institutions Fund (Fund 4X20), the Banks Fund (Fund 5440), the 88367
Savings Institution Fund (Fund 5450), or the Credit Unions Fund 88368
(Fund 5520) to any other fund. Interest earned on the moneys in 88369
Fund 4X20, Fund 5440, Fund 5450, and Fund 5520 shall be credited 88370
to each respective fund. 88371

FIRE DEPARTMENT GRANTS 88372

Of the foregoing appropriation item 800639, Fire Department 88373
Grants, up to \$1,647,140 in each fiscal year shall be used to make 88374
annual grants to volunteer fire departments, fire departments that 88375
serve one or more small municipalities or small townships, joint 88376
fire districts comprised of fire departments that primarily serve 88377
small municipalities or small townships, local units of government 88378
responsible for such fire departments, and local units of 88379
government responsible for the provision of fire protection 88380
services for small municipalities or small townships. 88381

The grants shall be used by recipients to purchase 88382
firefighting or rescue equipment or gear or similar items, to 88383

provide full or partial reimbursement for the documented costs of 88384
firefighter training, or, at the discretion of the State Fire 88385
Marshal, to cover fire department costs for providing fire 88386
protection services in that grant recipient's jurisdiction. 88387

Grant awards for firefighting or rescue equipment or gear or 88388
for fire department costs of providing fire protection services 88389
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 88390
fiscal year if an eligible entity serves a jurisdiction in which 88391
the Governor declared a natural disaster during the preceding or 88392
current fiscal year in which the grant was awarded. In addition to 88393
any grant funds awarded for rescue equipment or gear, or for fire 88394
department costs associated with the provision of fire protection 88395
services, an eligible entity may receive a grant for up to \$15,000 88396
per fiscal year for full or partial reimbursement of the 88397
documented costs of firefighter training. For each fiscal year, 88398
the State Fire Marshal shall determine the total amounts to be 88399
allocated for each eligible purpose. 88400

The grant program shall be administered by the State Fire 88401
Marshal in accordance with rules the State Fire Marshal adopts as 88402
part of the state fire code adopted pursuant to section 3737.82 of 88403
the Revised Code that are necessary for the administration and 88404
operation of the grant program. The rules may further define the 88405
entities eligible to receive grants and establish criteria for the 88406
awarding and expenditure of grant funds, including methods the 88407
State Fire Marshal may use to verify the proper use of grant funds 88408
or to obtain reimbursement for or the return of equipment for 88409
improperly used grant funds. Any amounts in appropriation item 88410
800639, Fire Department Grants, in excess of the amount allocated 88411
for these grants may be used for the administration of the grant 88412
program. 88413

DIVISION OF SECURITIES TECHNOLOGY UPGRADES 88414

Of the foregoing appropriation item 800617, Securities, such 88415

sums as are necessary may be used over the biennium to support the 88416
development and implementation of information technology solutions 88417
designed to enable the Division of Securities to better protect 88418
the interests of investors, the public, and the securities 88419
industry. Implementation of these solutions shall, among other 88420
things, enhance the Division's ability to monitor complaints about 88421
and actions against persons engaged in any practice prohibited by 88422
Chapter 1707. of the Revised Code or defined as fraudulent in that 88423
chapter or any other deceptive scheme or practice in connection 88424
with the sale of securities. The Director of Commerce may seek 88425
assistance from the Department of Administrative Services in 88426
relation to the development and implementation of the solutions. 88427

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CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND

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The Director of Budget and Management, upon request of the 88430
Director of Commerce, shall transfer \$1,300,000 in cash over the 88431
FY 2010-FY 2011 biennium from the Real Estate Education and 88432
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund 88433
5490). 88434

The Director of Budget and Management, upon request of the 88435
Director of Commerce, shall transfer \$600,000 in cash over the FY 88436
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 88437
5480) to the Real Estate Operating Fund (Fund 5490). 88438

INCREASED APPROPRIATION - MERCHANDISING

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The foregoing appropriation item 800601, Merchandising, shall 88440
be used under section 4301.12 of the Revised Code. If it is 88441
determined that additional expenditures are necessary, the amounts 88442
are appropriated. 88443

DEVELOPMENT ASSISTANCE DEBT SERVICE

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The foregoing appropriation item 800633, Development 88445
Assistance Debt Service, shall be used to pay debt service and 88446

related financing costs at the times they are required to be made 88447
during the period from July 1, 2009, to June 30, 2011, for bond 88448
service charges on obligations issued under Chapter 166. of the 88449
Revised Code. If it is determined that additional appropriations 88450
are necessary for this purpose, such amounts are appropriated, 88451
subject to the limitations set forth in section 166.11 of the 88452
Revised Code. An appropriation for this purpose is not required, 88453
but is made in this form and in this act for record purposes only. 88454

REVITALIZATION DEBT SERVICE 88455

The foregoing appropriation item 800636, Revitalization Debt 88456
Service, shall be used to pay debt service and related financing 88457
costs under sections 151.01 and 151.40 of the Revised Code during 88458
the period from July 1, 2009, to June 30, 2011. If it is 88459
determined that additional appropriations are necessary for this 88460
purpose, such amounts are hereby appropriated. The General 88461
Assembly acknowledges the priority of the pledge of a portion of 88462
receipts from that source to obligations issued and to be issued 88463
under Chapter 166. of the Revised Code. 88464

ADMINISTRATIVE ASSESSMENTS 88465

Notwithstanding any other provision of law to the contrary, 88466
the Division of Administration Fund (Fund 1630) is entitled to 88467
receive assessments from all operating funds of the Department in 88468
accordance with procedures prescribed by the Director of Commerce 88469
and approved by the Director of Budget and Management. 88470

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 88471

General Services Fund Group 88472
5F50 053601 Operating Expenses \$ 8,498,000 \$ 8,498,000 88473
TOTAL GSF General Services Fund \$ 8,498,000 \$ 8,498,000 88474
Group 88475

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from appropriation item 911401, Emergency Purposes/Contingencies, to appropriation items used by the Department of Public Safety to provide funding for assistance to political subdivisions and individuals made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to or following the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

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DISASTER SERVICES

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Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have been declared by the Governor, and the State Individual Assistance Program for disasters that have been declared by the Governor and the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

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Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters

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declared by the Governor, if the Director of Budget and Management 88537
determines that sufficient funds exist. 88538

SOUTHERN OHIO CORRECTIONAL FACILITY COST 88539

The Division of Criminal Justice Services in the Department 88540
of Public Safety and the Public Defender Commission may each 88541
request, upon approval of the Director of Budget and Management, 88542
additional funds from appropriation item 911401, Emergency 88543
Purposes/Contingencies, for costs related to the disturbance that 88544
occurred on April 11, 1993, at the Southern Ohio Correctional 88545
Facility in Lucasville, Ohio. 88546

MANDATE ASSISTANCE 88547

(A) The foregoing appropriation item 911404, Mandate 88548
Assistance, shall be used to provide financial assistance to local 88549
units of government and school districts for the cost of the 88550
following two state mandates: 88551

(1) The cost to county prosecutors for prosecuting certain 88552
felonies that occur on the grounds of state institutions operated 88553
by the Department of Rehabilitation and Correction and the 88554
Department of Youth Services; 88555

(2) The cost to school districts of in-service training for 88556
child abuse detection. 88557

(B) The Division of Criminal Justice Services in the 88558
Department of Public Safety and the Department of Education may 88559
prepare and submit to the Controlling Board one or more requests 88560
to transfer appropriations from appropriation item 911404, Mandate 88561
Assistance. The state agencies charged with this administrative 88562
responsibility are listed below, as well as the estimated annual 88563
amounts that may be used for each program of state financial 88564
assistance. 88565

ESTIMATED 88566

	ADMINISTERING	ANNUAL	88567
PROGRAM	AGENCY	AMOUNT	88568
Prosecution Costs	Division of Criminal	\$125,446	88569
	Justice Services		88570
Child Abuse Detection	Department of	\$419,971	88571
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911404, Mandate Assistance, the Division of Criminal Justice Services and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS	88598
(a) Appropriations may be transferred to the Division of Criminal Justice Services to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.	88599 88600 88601 88602 88603 88604
(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Division of Criminal Justice Services shall adopt, apply to the Division of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.	88605 88606 88607 88608 88609 88610 88611 88612 88613
(c) Twice each year, the Division of Criminal Justice Services shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Division of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.	88614 88615 88616 88617 88618 88619 88620 88621 88622 88623
(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder; second priority shall be given to counties with cases involving a felony of the first degree; and third priority shall be given to counties with cases involving a	88624 88625 88626 88627 88628 88629

felony of the second degree. Within these priorities, the grant 88630
awards shall be based on the order in which the applications were 88631
received, except that applications for cases involving a felony of 88632
the first or second degree shall not be considered in more than 88633
two consecutive rounds of grant awards. 88634

(2) CHILD ABUSE DETECTION TRAINING COSTS 88635

Appropriations may be transferred to the Department of 88636
Education for payment to local school districts as full or partial 88637
reimbursement for the cost of providing in-service training for 88638
child abuse detection. In accordance with rules that the 88639
Department shall adopt, a local school district may apply to the 88640
Department for a grant to cover all documented costs that are 88641
incurred to provide in-service training for child abuse detection. 88642
The department shall make grants within the limits of the funding 88643
provided. 88644

(G) Any moneys allocated within appropriation item 911404, 88645
Mandate Assistance, not fully utilized may, upon application of 88646
the Ohio Public Defender Commission, and with the approval of the 88647
Controlling Board, be paid to boards of county commissioners to 88648
provide additional reimbursement for the costs incurred by 88649
counties in providing defense to indigent defendants pursuant to 88650
Chapter 120. of the Revised Code. Application for the unutilized 88651
funds shall be made by the Ohio Public Defender Commission at the 88652
first June meeting of the Controlling Board. 88653

The amount to be paid to each county shall be allocated 88654
proportionately on the basis of the total amount of reimbursement 88655
paid to each county as a percentage of the amount of reimbursement 88656
paid to all of the counties during the most recent state fiscal 88657
year for which data is available and as calculated by the Ohio 88658
Public Defender Commission. 88659

BALLOT ADVERTISING COSTS 88660

Pursuant to section 3501.17 of the Revised Code, and upon requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation item 911441, Ballot Advertising Costs, to appropriation item 050621, Statewide Ballot Advertising, in order to pay for the cost of public notices associated with statewide ballot initiatives.

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CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS ELIGIBILITY

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A state agency director shall request that the Controlling Board increase the amount of the agency's capital appropriations if the director determines such an increase is necessary for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009. The Controlling Board may increase the capital appropriations pursuant to the request if the Board determines it is necessary for the agency to receive and use those federal funds.

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Section 247.10. COS STATE BOARD OF COSMETOLOGY

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General Services Fund Group

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4K90 879609 Operating Expenses \$ 3,533,679 \$ 3,533,679

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TOTAL GSF General Services Fund

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Group \$ 3,533,679 \$ 3,533,679

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TOTAL ALL BUDGET FUND GROUPS \$ 3,533,679 \$ 3,533,679

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Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

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General Services Fund Group

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4K90 899609 Operating Expenses \$ 1,117,171 \$ 1,117,171

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TOTAL GSF General Services Fund

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Group \$ 1,117,171 \$ 1,117,171

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TOTAL ALL BUDGET FUND GROUPS \$ 1,117,171 \$ 1,117,171

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Section 251.10. CLA COURT OF CLAIMS				88693
General Revenue Fund				88694
GRF 015321	Operating Expenses	\$ 2,699,369	\$ 2,780,350	88695
TOTAL GRF General Revenue Fund				88696
State Special Revenue Fund Group				88697
5K20 015603	CLA Victims of Crime	\$ 1,582,684	\$ 1,582,684	88698
TOTAL SSR State Special Revenue				88699
Fund Group				88700
TOTAL ALL BUDGET FUND GROUPS				88701
 Section 253.10. AFC OHIO CULTURAL FACILITIES COMMISSION				88703
General Revenue Fund				88704
GRF 371321	Operating Expenses	\$ 140,909	\$ 140,909	88705
GRF 371401	Lease Rental Payments	\$ 26,454,900	\$ 28,301,600	88706
TOTAL GRF General Revenue Fund				88707
State Special Revenue Fund Group				88708
4T80 371601	Riffe Theatre	\$ 81,000	\$ 81,000	88709
Equipment Maintenance				
4T80 371603	Project	\$ 1,302,866	\$ 1,302,866	88710
Administration				
Services				
TOTAL SSR State Special Revenue				88711
Group				
TOTAL ALL BUDGET FUND GROUPS				88712
LEASE RENTAL PAYMENTS				88713
The foregoing appropriation item 371401, Lease Rental				88714
Payments, shall be used to meet all payments from the Ohio				88715
Cultural Facilities Commission to the Treasurer of State during				88716
the period from July 1, 2009, to June 30, 2011, under the primary				88717
leases and agreements for those arts and sports facilities made				88718
under Chapters 152. and 154. of the Revised Code. This				88719

appropriation is the source of funds pledged for bond service 88720
charges on related obligations issued under Chapters 152. and 154. 88721
of the Revised Code. 88722

OPERATING EXPENSES 88723

The foregoing appropriation item 371321, Operating Expenses, 88724
shall be used by the Ohio Cultural Facilities Commission to carry 88725
out its responsibilities under this section and Chapter 3383. of 88726
the Revised Code. 88727

By the tenth day following each calendar quarter in each 88728
fiscal year, or as soon as possible thereafter, the Director of 88729
Budget and Management shall determine the amount of cash from 88730
interest earnings to be transferred from the Cultural and Sports 88731
Facilities Building Fund (Fund 7030) to the Cultural Facilities 88732
Commission Administration Fund (Fund 4T80). 88733

As soon as possible after each bond issuance made on behalf 88734
of the Cultural Facilities Commission, the Director of Budget and 88735
Management shall determine the amount of cash from any premium 88736
paid on each issuance that is available to be transferred after 88737
all issuance costs have been paid from the Cultural and Sports 88738
Facilities Building Fund (Fund 7030) to the Cultural Facilities 88739
Commission Administration Fund (Fund 4T80). 88740

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 88741

The Executive Director of the Cultural Facilities Commission 88742
shall certify to the Director of Budget and Management the amount 88743
of cash receipts and related investment income, irrevocable 88744
letters of credit from a bank, or certification of the 88745
availability of funds that have been received from a county or a 88746
municipal corporation for deposit into the Capital Donations Fund 88747
(Fund 5A10) and that are related to an anticipated project. These 88748
amounts are hereby appropriated to appropriation item C37146, 88749
Capital Donations. Prior to certifying these amounts to the 88750

Director, the Executive Director shall make a written agreement 88751
with the participating entity on the necessary cash flows required 88752
for the anticipated construction or equipment acquisition project. 88753

Section 255.10. DEN STATE DENTAL BOARD 88754

General Services Fund Group 88755

4K90 880609 Operating Expenses \$ 1,409,944 \$ 1,409,944 88756

TOTAL GSF General Services Fund 88757

Group \$ 1,409,944 \$ 1,409,944 88758

TOTAL ALL BUDGET FUND GROUPS \$ 1,409,944 \$ 1,409,944 88759

Section 257.10. BDP BOARD OF DEPOSIT 88761

General Services Fund Group 88762

4M20 974601 Board of Deposit \$ 927,892 \$ 927,892 88763

TOTAL GSF General Services Fund 88764

Group \$ 927,892 \$ 927,892 88765

TOTAL ALL BUDGET FUND GROUPS \$ 927,892 \$ 927,892 88766

BOARD OF DEPOSIT EXPENSE FUND 88767

Upon receiving certification of expenses from the Treasurer 88768

of State, the Director of Budget and Management shall transfer 88769

cash from the Investment Earnings Redistribution Fund (Fund 6080) 88770

to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 88771

shall be used pursuant to section 135.02 of the Revised Code to 88772

pay for any and all necessary expenses of the Board of Deposit or 88773

for banking charges and fees required for the operation of the 88774

State of Ohio Regular Account. 88775

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 88776

General Revenue Fund 88777

GRF 195401 Thomas Edison Program \$ 7,500,000 \$ 7,500,000 88778

GRF 195404 Small Business \$ 1,565,770 \$ 1,565,770 88779

		Development					
GRF	195405	Minority Business	\$	1,238,528	\$	1,238,528	88780
		Enterprise Division					
GRF	195407	Travel and Tourism	\$	1,399,410	\$	1,399,410	88781
GRF	195415	Strategic Business	\$	4,671,426	\$	4,671,426	88782
		Investment Division and Regional Offices					
GRF	195416	Governor's Office of Appalachia	\$	4,253,845	\$	4,253,845	88783
GRF	195426	Clean Ohio Implementation	\$	168,365	\$	168,365	88784
GRF	195432	Global Markets	\$	3,758,915	\$	3,758,915	88785
GRF	195434	Industrial Training Grants	\$	10,741,912	\$	10,741,912	88786
GRF	195497	CDBG Operating Match	\$	1,056,075	\$	1,056,075	88787
GRF	195498	State Match Energy	\$	96,820	\$	96,820	88788
GRF	195501	Appalachian Local Development Districts	\$	391,482	\$	391,482	88789
GRF	195502	Appalachian Regional Commission Dues	\$	221,924	\$	221,924	88790
GRF	195521	Discover Ohio!	\$	3,000,000	\$	3,000,000	88791
GRF	195522	Targeted Industry Training Grants	\$	3,800,000	\$	3,800,000	88792
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,948,300	\$	29,011,600	88793
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	5,685,400	\$	10,601,900	88794
TOTAL GRF		General Revenue Fund	\$	70,498,172	\$	83,477,972	88795

General Services Fund Group					88796	
1350 195684	Supportive Services	\$	10,299,575	\$	10,299,575	88797
4W10 195646	Minority Business	\$	1,500,000	\$	1,500,000	88798
	Enterprise Loan					
5AD0 195677	Economic Development	\$	4,000,000	\$	4,000,000	88799
	Contingency					
5DU0 195689	Energy Projects	\$	840,000	\$	840,000	88800
5W50 195690	Travel and Tourism	\$	20,643	\$	20,643	88801
	Cooperative Projects					
6850 195636	Direct Cost Recovery	\$	416,742	\$	416,742	88802
	Expenditures					
TOTAL GSF General Services Fund						88803
Group		\$	17,076,959	\$	17,076,959	88804
Federal Special Revenue Fund Group						88805
3080 195602	Appalachian Regional	\$	475,000	\$	475,000	88806
	Commission					
3080 195603	Housing and Urban	\$	6,000,000	\$	6,000,000	88807
	Development					
3080 195605	Federal Projects	\$	27,000,000	\$	27,000,000	88808
3080 195609	Small Business	\$	5,011,381	\$	5,011,381	88809
	Administration					
3080 195618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	88810
3350 195610	Energy Conservation	\$	1,800,000	\$	1,100,000	88811
	and Emerging					
	Technology					
3AE0 195643	Workforce Development	\$	17,000,000	\$	16,500,000	88812
	Initiatives					
3K80 195613	Community Development	\$	65,000,000	\$	65,000,000	88813
	Block Grant					
3K90 195611	Home Energy	\$	115,743,608	\$	115,743,608	88814
	Assistance Block					
	Grant					

3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	88815
3L00	195612	Community Services	\$	25,235,000	\$	25,235,000	88816
		Block Grant					
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	88817
TOTAL FED		Federal Special Revenue					88818
Fund Group			\$	328,664,989	\$	327,464,989	88819
State Special Revenue		Fund Group					88820
4440	195607	Water and Sewer	\$	29,628	\$	29,628	88821
		Commission Loans					
4500	195624	Minority Business	\$	53,967	\$	53,967	88822
		Bonding Program					
		Administration					
4510	195625	Economic Development	\$	1,924,557	\$	1,924,557	88823
		Financing Operating					
4F20	195639	State Special	\$	100,000	\$	100,000	88824
		Projects					
4F20	195676	Marketing	\$	4,356,424	\$	4,356,424	88825
		Initiatives					
4F20	195699	Utility Provided	\$	500,000	\$	500,000	88826
		Funds					
4S00	195630	Tax Incentive	\$	367,020	\$	367,020	88827
		Programs					
5CG0	195679	Alternative Fuel	\$	567,216	\$	567,216	88828
		Transportation					
5M40	195659	Low Income Energy	\$	245,000,000	\$	245,000,000	88829
		Assistance					
5M50	195660	Advanced Energy	\$	8,268,581	\$	8,268,581	88830
		Programs					
5W60	195691	International Trade	\$	25,000	\$	0	88831
		Cooperative Projects					
5X10	195651	Exempt Facility	\$	8,000	\$	0	88832
		Inspection					
6110	195631	Water and Sewer	\$	10,000	\$	10,000	88833

		Administration					
6170	195654	Volume Cap	\$	113,941	\$	113,941	88834
		Administration					
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	40,000,000	\$	40,000,000	88835
TOTAL SSR State Special Revenue							88836
Fund Group			\$	301,324,334	\$	301,291,334	88837
Facilities Establishment Fund Group							88838
4Z60	195647	Rural Industrial Park Loan	\$	2,000,000	\$	2,000,000	88839
5D20	195650	Urban Redevelopment Loans	\$	3,000,000	\$	3,000,000	88840
5S80	195627	Rural Development Initiative	\$	1,750,000	\$	1,750,000	88841
5S90	195628	Capital Access Loan Program	\$	2,000,000	\$	2,000,000	88842
7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0	88843
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	88844
7010	195665	Research and Development	\$	12,000,000	\$	12,000,000	88845
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000	88846
TOTAL 037 Facilities							88847
Establishment Fund Group			\$	150,750,000	\$	100,750,000	88848
Clean Ohio Revitalization Fund							88849
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300	88850
TOTAL 7003 Clean Ohio Revitalization Fund			\$	964,200	\$	953,300	88851
Third Frontier Research & Development Fund Group							88852

7011	195687	Third Frontier Research & Development Projects	\$	55,000,000	\$	55,000,000	88853
7014	195692	Research & Development Taxable Bond Projects	\$	6,000,000	\$	6,000,000	88854
TOTAL	011	Third Frontier Research & Development Fund Group	\$	61,000,000	\$	61,000,000	88855
		Job Ready Site Development Fund Group					88856
7012	195688	Job Ready Site Operating	\$	1,000,000	\$	1,000,000	88857
TOTAL	012	Job Ready Site Development Fund Group	\$	1,000,000	\$	1,000,000	88858
		Tobacco Master Settlement Agreement Fund Group					88859
M087	195435	Biomedical Research and Technology Transfer	\$	1,257,363	\$	1,259,563	88860
TOTAL	TSF	Tobacco Master Settlement Agreement Fund Group	\$	1,257,363	\$	1,259,563	88861
TOTAL	ALL	BUDGET FUND GROUPS	\$	932,536,017	\$	894,274,117	88862

Section 259.10.10. THOMAS EDISON PROGRAM 88864

The foregoing appropriation item 195401, Thomas Edison 88865
 Program, shall be used for the purposes of sections 122.28 to 88866
 122.38 of the Revised Code. Of the foregoing appropriation item 88867
 195401, Thomas Edison Program, not more than ten per cent in each 88868
 fiscal year shall be used for operating expenditures in 88869
 administering the programs of the Technology and Innovation 88870
 Division. 88871

Section 259.10.20. SMALL BUSINESS DEVELOPMENT 88872

The foregoing appropriation item 195404, Small Business 88873

Development, shall be used as matching funds for grants from the 88874
United States Small Business Administration and other federal 88875
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 88876
L. No. 98-395 (1984), and regulations and policy guidelines for 88877
the programs pursuant thereto. This appropriation item also may be 88878
used to provide grants to local organizations to support the 88879
operation of small business development centers and other local 88880
economic development activities that promote small business 88881
development and entrepreneurship. 88882

Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 88883
REGIONAL OFFICES 88884

The foregoing appropriation item 195415, Strategic Business 88885
Investment Division and Regional Offices, shall be used for the 88886
operating expenses of the Strategic Business Investment Division 88887
and the regional economic development offices and for grants for 88888
cooperative economic development ventures. 88889

Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA 88890

The foregoing appropriation item 195416, Governor's Office of 88891
Appalachia, may be used for the administrative costs of planning 88892
and liaison activities for the Governor's Office of Appalachia, to 88893
provide financial assistance to projects in Ohio's Appalachian 88894
counties, and to match federal funds from the Appalachian Regional 88895
Commission. 88896

Section 259.10.70. CLEAN OHIO IMPLEMENTATION 88897

The foregoing appropriation item 195426, Clean Ohio 88898
Implementation, shall be used to fund the costs of administering 88899
the Clean Ohio Revitalization program and other urban 88900
revitalization programs that may be implemented by the Department 88901
of Development. 88902

Section 259.10.80. GLOBAL MARKETS 88903

The foregoing appropriation item 195432, Global Markets, 88904
shall be used to administer Ohio's foreign trade and investment 88905
programs, including operation and maintenance of Ohio's 88906
out-of-state trade and investment offices. This appropriation item 88907
also shall be used to fund the Global Markets Division and to 88908
assist Ohio manufacturers, agricultural producers, and service 88909
providers in exporting to foreign countries and to assist in the 88910
attraction of foreign direct investment. 88911

Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 88912

The foregoing appropriation item 195434, Industrial Training 88913
Grants, may be used for the Ohio Workforce Guarantee Program to 88914
promote training through grants to businesses and, in the case of 88915
a business consortium, training and education providers for the 88916
reimbursement of eligible training expenses. 88917

Section 259.20.10. OHIO FILM OFFICE 88918

The Ohio Film Office shall promote media productions in the 88919
state and help the industry optimize its production experience in 88920
the state by enhancing local economies through increased 88921
employment and tax revenues and ensuring an accurate portrayal of 88922
Ohio. The Office shall serve as an informational clearinghouse and 88923
provide technical assistance to the media production industry and 88924
business entities engaged in media production in the state. The 88925
Office shall promote Ohio as the ideal site for media production 88926
and help those in the industry benefit from their experience in 88927
the state. 88928

The primary objective of the Office shall be to encourage 88929
development of a strong capital base for electronic media 88930
production in order to achieve an independent, self-supporting 88931

industry in Ohio. Other objectives shall include:	88932
(A) Attracting private investment for the electronic media production industry;	88933 88934
(B) Developing a tax infrastructure that encourages private investment; and	88935 88936
(C) Encouraging increased employment opportunities within this sector and increased competition with other states.	88937 88938
Section 259.20.20. DISCOVER OHIO!	88939
The foregoing appropriation item 195521, Discover Ohio!, shall be used by the Ohio Tourism Division in the Department of Development for marketing and promoting Ohio as a tourism destination and for costs associated with operating such programs.	88940 88941 88942 88943 88944
Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	88945 88946
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, to June 30, 2011, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code.	88947 88948 88949 88950 88951 88952
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	88953
The foregoing appropriation item 195912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, to June 30, 2011, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.	88954 88955 88956 88957 88958 88959

Section 259.20.40. SUPPORTIVE SERVICES 88960

The Director of Development may assess divisions of the 88961
department for the cost of central service operations. An 88962
assessment shall contain the characteristics of administrative 88963
ease and uniform application. A division's payments shall be 88964
credited to the Supportive Services Fund (Fund 1350) using an 88965
intrastate transfer voucher. 88966

ECONOMIC DEVELOPMENT CONTINGENCY 88967

The foregoing appropriation item 195677, Economic Development 88968
Contingency, may be used to award funds directly to either (1) 88969
business entities considering Ohio for expansion or new site 88970
location opportunities or (2) political subdivisions to assist 88971
with necessary costs involved in attracting a business entity. In 88972
addition, the Director of Development may award funds for 88973
alternative purposes when appropriate to satisfy an economic 88974
development opportunity or need deemed extraordinary in nature by 88975
the Director. 88976

DIRECT COST RECOVERY EXPENDITURES 88977

The foregoing appropriation item 195636, Direct Cost Recovery 88978
Expenditures, shall be used for reimbursable costs. Revenues to 88979
the General Reimbursement Fund (Fund 6850) shall consist of moneys 88980
charged for administrative costs that are not central service 88981
costs. 88982

Section 259.20.50. HEAP WEATHERIZATION 88983

Up to fifteen per cent of the federal funds deposited to the 88984
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 88985
may be expended from appropriation item 195614, HEAP 88986
Weatherization, to provide home weatherization services in the 88987
state as determined by the Director of Development. Any transfers 88988
or increases in appropriation for the foregoing appropriation 88989

items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited shall be used to match federal housing grants for the homeless and to market economic development opportunities in the state. Private-sector moneys shall be deposited for use in appropriation item 195699, Utility Provided Funds, and shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) leverage additional federal funds, (3) fund special projects to assist homeless individuals, (4) fund special projects to assist with the energy efficiency of households eligible to participate in the Percentage of Income Payment Plan, and (5) assist with training programs for agencies that administer low-income customer assistance programs.

Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING

The foregoing appropriation item 195630, Tax Incentive Programs, shall be used for the operating costs of the Office of Grants and Tax Incentives.

Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10). All operating costs of administering the Minority Business Enterprise Loan Fund shall be paid from the Minority Business Enterprise Loan Fund (Fund 4W10).

MINORITY BUSINESS BONDING FUND 89020

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. The transfer of any cash by the Director of Budget and Management from the Department of Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of Development's Minority Business Bonding Fund (Fund 4490) shall occur, if requested by the Director of Development, only if such funds are needed for payment of losses arising from the Minority Business Bonding Program, and only after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program has been used for that purpose. Moneys transferred by the Director of Budget and Management from the Department of Commerce for this purpose may be moneys in custodial funds held by the Treasurer of State. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195623, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

Section 259.20.80. ALTERNATIVE FUEL TRANSPORTATION 89043

Of the foregoing appropriation item 195679, Alternative Fuel Transportation, not more than ten per cent shall be used by the Director of Development for administrative costs associated with the program under section 122.075 of the Revised Code.

ADVANCED ENERGY FUND 89048

The foregoing appropriation item 195660, Advanced Energy Programs, shall be used to provide financial assistance to

customers for eligible advanced energy projects for residential, 89051
commercial, and industrial business, local government, educational 89052
institution, nonprofit, and agriculture customers, and to pay for 89053
the program's administrative costs as provided in sections 4928.61 89054
to 4928.63 of the Revised Code and rules adopted by the Director 89055
of Development. 89056

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 89057

All payments received by the state pursuant to a series of 89058
settlements with ten brokerage firms reached with the United 89059
States Securities and Exchange Commission, the National 89060
Association of Securities Dealers, the New York Stock Exchange, 89061
the New York Attorney General, and other state regulators 89062
(henceforth referred to as the "Global Analysts Settlement 89063
Agreements"), shall be deposited into the state treasury to the 89064
credit of the Economic Development Contingency Fund (Fund 5Y60). 89065
The fund shall be used by the Director of Development to support 89066
economic development projects. Moneys shall be awarded to either 89067
(1) business entities considering Ohio for expansion or new site 89068
location opportunities or (2) political subdivisions to assist 89069
with necessary costs involved in attracting a business entity. In 89070
addition, the Director of Development may award funds for 89071
alternative purposes when appropriate to satisfy an economic 89072
development opportunity or need deemed extraordinary by the 89073
Director. Grant funds may be expended only after the submission of 89074
a request to the Controlling Board by the Department outlining the 89075
planned use of the funds and the subsequent approval of the 89076
Controlling Board. 89077

VOLUME CAP ADMINISTRATION 89078

The foregoing appropriation item 195654, Volume Cap 89079
Administration, shall be used for expenses related to the 89080
administration of the Volume Cap Program. Revenues received by the 89081
Volume Cap Administration Fund (Fund 6170) shall consist of 89082

application fees, forfeited deposits, and interest earned from the 89083
custodial account held by the Treasurer of State. 89084

INNOVATION OHIO LOAN FUND 89085

The foregoing appropriation item 195664, Innovation Ohio, 89086
shall be used to provide for innovation Ohio purposes, including 89087
loan guarantees and loans under Chapter 166. and particularly 89088
sections 166.12 to 166.16 of the Revised Code. 89089

RESEARCH AND DEVELOPMENT 89090

The foregoing appropriation item 195665, Research and 89091
Development, shall be used to provide for research and development 89092
purposes, including loans, under Chapter 166. and particularly 89093
sections 166.17 to 166.21 of the Revised Code. 89094

Section 259.20.90. LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 89095

The foregoing appropriation item 195698, Logistics and 89096
Distribution Infrastructure, shall be used for eligible logistics 89097
and distribution infrastructure projects as defined in section 89098
166.01 of the Revised Code. Any unexpended and unencumbered 89099
portion of the appropriation item at the end of fiscal year 2009 89100
is hereby reappropriated for the same purpose in fiscal year 2010, 89101
and any unexpended and unencumbered portion of the appropriation 89102
item at the end of fiscal year 2010 is hereby reappropriated for 89103
the same purpose in fiscal year 2011. 89104

FACILITIES ESTABLISHMENT FUND 89105

The foregoing appropriation item 195615, Facilities 89106
Establishment (Fund 7037), shall be used for the purposes of the 89107
Facilities Establishment Fund under Chapter 166. of the Revised 89108
Code. 89109

Notwithstanding Chapter 166. of the Revised Code, an amount 89110
not to exceed \$2,000,000 in cash each fiscal year may be 89111
transferred from the Facilities Establishment Fund (Fund 7037) to 89112

the Economic Development Financing Operating Fund (Fund 4510). The 89113
transfer is subject to Controlling Board approval under division 89114
(B) of section 166.03 of the Revised Code. 89115

Notwithstanding Chapter 166. of the Revised Code, an amount 89116
not to exceed \$5,000,000 in cash each fiscal year may be 89117
transferred during the biennium from the Facilities Establishment 89118
Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20) 89119
for the purpose of removing barriers to urban core redevelopment. 89120
The Director of Development shall develop program guidelines for 89121
the transfer and release of funds, including, but not limited to, 89122
the completion of all appropriate environmental assessments before 89123
state assistance is committed to a project. The transfers shall be 89124
subject to approval by the Controlling Board upon the submission 89125
of a request by the Department of Development. 89126

Notwithstanding Chapter 166. of the Revised Code, an amount 89127
not to exceed \$3,000,000 in cash each fiscal year may be 89128
transferred from the Facilities Establishment Fund (Fund 7037) to 89129
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is 89130
subject to Controlling Board approval under section 166.03 of the 89131
Revised Code. 89132

Notwithstanding Chapter 166. of the Revised Code, on the 89133
first day of July of each year of the biennium, or as soon as 89134
possible thereafter, the Director of Budget and Management, at the 89135
request of the Director of Development, shall transfer \$4,275,000 89136
cash from the Facilities Establishment Fund (Fund 7037) to the Job 89137
Development Initiatives Fund (Fund 5AD0). The amount transferred 89138
is hereby appropriated in each fiscal year in appropriation item 89139
195677, Economic Development Contingency. 89140

Notwithstanding Chapter 166. of the Revised Code, of the 89141
foregoing appropriation item 195615, Facilities Establishment, 89142
\$20,000,000 in each fiscal year shall be used for Rapid Outreach 89143
Grants; \$3,500,000 in each fiscal year shall be used for 89144

Technology Action grants; \$7,500,000 in each fiscal year shall be 89145
used for Thomas Edison Program grants; and up to \$8,000,000 in 89146
each fiscal year shall be used for soil and water conservation 89147
districts. 89148

RAPID OUTREACH GRANTS 89149

Rapid Outreach Grants shall be used as an incentive for 89150
attracting, expanding, and retaining business opportunities for 89151
the state. Projects offering substantial opportunities for new, 89152
expanding, or retained business operations in Ohio, are eligible 89153
for grant funding. The projects must create or retain a 89154
significant number of jobs for Ohioans. An award of grant funds is 89155
reserved for only those instances in which Ohio's ability to 89156
attract, retain, or assist with an expansion of a project depends 89157
on an award of Rapid Outreach Grant funds from appropriation item 89158
195615, Facilities Establishment. 89159

The department's primary goal shall be to award funds 89160
directly to business entities considering Ohio for their expansion 89161
or new site location opportunities. Rapid Outreach grants shall be 89162
used by recipients to purchase equipment, make infrastructure 89163
improvements, make real property improvements, or fund other fixed 89164
assets. To meet the particular needs of economic development in a 89165
region, the department may elect to award funds directly to a 89166
political subdivision to assist with making on- or off-site 89167
infrastructure improvements to water and sewage treatment 89168
facilities, electric or gas service connections, fiber optic 89169
access, rail facilities, site preparation, and parking facilities. 89170
The Director of Development may recommend that the funds be used 89171
for alternative purposes when considered appropriate to satisfy an 89172
economic development opportunity or need deemed extraordinary in 89173
nature by the Director. 89174

Moneys designated for Rapid Outreach Grants in the foregoing 89175
appropriation item 195615, Facilities Establishment, may be 89176

expended only after the submission of a request to the Controlling Board by the Department of Development outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board.

Moneys designated for Rapid Outreach Grants in the foregoing appropriation item 195615, Facilities Establishment, may be used for, but is not limited to, construction, rehabilitation, and acquisition projects for rail freight assistance as requested by the Department of Transportation. The Director of Transportation shall submit the proposed projects to the Director of Development for an evaluation of potential economic benefit.

TECHNOLOGY ACTION

Moneys designated for Technology Action in the foregoing appropriation item 195615, Facilities Establishment, shall be used for operating expenses the Department of Development incurs for administering sections 184.10 to 184.20 of the Revised Code. If the appropriation is insufficient to cover the operating expenses, the Department may request Controlling Board approval to appropriate the additional amount needed in appropriation item 195686, Third Frontier Operating. The Department shall not request an amount in excess of the amount needed.

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000 in cash in fiscal year 2011 shall be transferred from moneys in the Facilities Establishment Fund (Fund 7037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG0) in the Department of Development.

RURAL DEVELOPMENT INITIATIVE FUND

(A)(1) The Rural Development Initiative Fund (Fund 5S80) is entitled to receive moneys from the Facilities Establishment Fund

(Fund 7037). The Director of Development may make grants from the Rural Development Initiative Fund as specified in division (A)(2) of this section to eligible applicants in Appalachian counties and in rural counties in the state that are designated as distressed under section 122.25 of the Revised Code. Preference shall be given to eligible applicants located in Appalachian counties designated as distressed by the federal Appalachian Regional Commission.

(2) The Director of Development shall make grants from the Rural Development Initiative Fund (Fund 5S80) only to eligible applicants who also qualify for and receive funding under the Rural Industrial Park Loan Program as specified in sections 122.23 to 122.27 of the Revised Code. Eligible applicants shall use the grants for the purposes specified in section 122.24 of the Revised Code. All projects supported by grants from the fund are subject to Chapter 4115. of the Revised Code as specified in division (E) of section 166.02 of the Revised Code. The Director shall develop program guidelines for the transfer and release of funds. The release of grant moneys to an eligible applicant is subject to Controlling Board approval.

(B) Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$3,000,000 in cash each fiscal year on an as-needed basis at the request of the Director of Development from the Facilities Establishment Fund (Fund 7037) to the Rural Development Initiative Fund (Fund 5S80). The transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in

making program loans to eligible businesses that face barriers in 89240
accessing working capital and obtaining fixed-asset financing. 89241

Notwithstanding Chapter 166. of the Revised Code, the 89242
Director of Budget and Management may transfer an amount not to 89243
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 89244
at the request of the Director of Development from the Facilities 89245
Establishment Fund (Fund 7037) to the Capital Access Loan Program 89246
Fund (Fund 5S90). The transfer is subject to Controlling Board 89247
approval under section 166.03 of the Revised Code. 89248

Section 259.30.10. CLEAN OHIO OPERATING EXPENSES 89249

The foregoing appropriation item 195663, Clean Ohio 89250
Operating, shall be used by the Department of Development in 89251
administering sections 122.65 to 122.658 of the Revised Code. 89252

Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT 89253
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 89254

The foregoing appropriation items 195687, Third Frontier 89255
Research and Development Projects, and 195692, Research and 89256
Development Taxable Bond Projects, shall be used by the Department 89257
of Development to fund selected projects. Eligible costs are those 89258
costs of research and development projects to which the proceeds 89259
of the Third Frontier Research and Development Fund (Fund 7011) 89260
and the Research & Development Taxable Bond Project Fund (Fund 89261
7014) are to be applied. 89262

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 89263

The Director of Budget and Management may approve written 89264
requests from the Director of Development for the transfer of 89265
appropriations between appropriation items 195687, Third Frontier 89266
Research and Development Projects, and 195692, Research and 89267
Development Taxable Bond Projects, based upon awards recommended 89268
by the Third Frontier Commission. The transfers are subject to 89269

approval by the Controlling Board. 89270

On or before June 30, 2010, any unexpended and unencumbered 89271
portions of the foregoing appropriation items 195687, Third 89272
Frontier Research & Development Projects, and 195692, Research & 89273
Development Taxable Bond Projects, for fiscal year 2010 are hereby 89274
reappropriated to the Department of Development for the same 89275
purposes for fiscal year 2011. 89276

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 89277

The Ohio Public Facilities Commission, upon request of the 89278
Department of Development, is hereby authorized to issue and sell, 89279
in accordance with Section 2p of Article VIII, Ohio Constitution, 89280
and particularly sections 151.01 and 151.10 of the Revised Code, 89281
original obligations of the State of Ohio in an aggregate amount 89282
not to exceed \$100,000,000 in addition to the original issuance of 89283
obligations authorized by prior acts of the General Assembly. The 89284
authorized obligations shall be issued and sold from time to time 89285
and in amounts necessary to ensure sufficient moneys to the credit 89286
of the Third Frontier Research and Development Fund (Fund 7011) to 89287
pay costs of research and development projects. 89288

Section 259.30.30. JOB READY SITE OPERATING 89289

The foregoing appropriation item 195688, Job Ready Site 89290
Operating, shall be used for operating expenses incurred by the 89291
Department of Development in administering the Job Ready Sites 89292
Program authorized under sections 122.085 to 122.0820 of the 89293
Revised Code. Operating expenses include, but are not limited to, 89294
certain expenses of the District Public Works Integrating 89295
Committees, as applicable, engineering review of submitted 89296
applications by the State Architect or a third party engineering 89297
firm, audit and accountability activities, and costs associated 89298
with formal certifications verifying that site infrastructure is 89299
in place and is functional. 89300

Section 259.30.40. THIRD FRONTIER BIOMEDICAL RESEARCH AND 89301
COMMERCIALIZATION PROGRAM 89302

The General Assembly and the Governor recognize the role that 89303
the biomedical industry has in job creation, innovation, and 89304
economic development throughout Ohio. It is the intent of the 89305
General Assembly, the Governor, the Director of Development, and 89306
the Director of Budget and Management to work together in 89307
continuing to provide comprehensive state support for the 89308
biomedical industry as a whole through the Third Frontier 89309
Biomedical Research and Commercialization Program. 89310

Section 259.30.60. JOBS FUND CASH TRANSFER 89311

On June 30, 2011, or as soon as possible thereafter, the 89312
Director of Budget and Management shall transfer the unexpended 89313
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the 89314
General Revenue Fund. Upon completion of the transfer, the Jobs 89315
Fund is abolished. 89316

Section 259.30.70. UNCLAIMED FUNDS TRANSFER 89317

(A) Notwithstanding division (A) of section 169.05 of the 89318
Revised Code, upon the request of the Director of Budget and 89319
Management, the Director of Commerce, before June 30, 2010, shall 89320
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 89321
amount not to exceed \$4,000,000 in cash of the unclaimed funds 89322
that have been reported by the holders of unclaimed funds under 89323
section 169.05 of the Revised Code, regardless of the allocation 89324
of the unclaimed funds described under that section. 89325

Notwithstanding division (A) of section 169.05 of the Revised 89326
Code, upon the request of the Director of Budget and Management, 89327
the Director of Commerce, before June 30, 2011, shall transfer to 89328
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 89329

exceed \$4,000,000 in cash of the unclaimed funds that have been 89330
reported by the holders of unclaimed funds under section 169.05 of 89331
the Revised Code, regardless of the allocation of the unclaimed 89332
funds described under that section. 89333

(B) Notwithstanding division (A) of section 169.05 of the 89334
Revised Code, upon the request of the Director of Budget and 89335
Management, the Director of Commerce, before June 30, 2010, shall 89336
transfer to the State Special Projects Fund (Fund 4F20) an amount 89337
not to exceed \$6,100,000 of the unclaimed funds that have been 89338
reported by the holders of unclaimed funds under section 169.05 of 89339
the Revised Code, regardless of the allocation of the unclaimed 89340
funds described under that section. 89341

Notwithstanding division (A) of section 169.05 of the Revised 89342
Code, upon the request of the Director of Budget and Management, 89343
the Director of Commerce, prior to June 30, 2011, shall transfer 89344
to the State Special Projects Fund (Fund 4F20) an amount not to 89345
exceed \$6,100,000 in cash of the unclaimed funds that have been 89346
reported by the holders of unclaimed funds under section 169.05 of 89347
the Revised Code, regardless of the allocation of the unclaimed 89348
funds described under that section. 89349

Section 259.30.90. WORKFORCE DEVELOPMENT 89350

The Director of Development and the Director of Job and 89351
Family Services may enter into one or more interagency agreements 89352
between the two departments and take other actions the directors 89353
consider appropriate to further integrate workforce development 89354
into a larger economic development strategy, to implement the 89355
recommendations of the Workforce Policy Board, and to complete 89356
activities related to the transition of the administration of 89357
employment programs identified by the board. Subject to the 89358
approval of the Director of Budget and Management, the Department 89359
of Development and the Department of Job and Family Services may 89360

expend moneys to support the recommendations of the Workforce 89361
Policy Board in the area of integration of employment functions as 89362
described in this paragraph and to complete implementation and 89363
transition activities from the appropriations to those 89364
departments. 89365

Section 261.10. OBD OHIO BOARD OF DIETETICS 89366

General Services Fund Group 89367
4K90 860609 Operating Expenses \$ 311,067 \$ 311,067 89368
TOTAL GSF General Services Fund 89369
Group \$ 311,067 \$ 311,067 89370
TOTAL ALL BUDGET FUND GROUPS \$ 311,067 \$ 311,067 89371

Section 265.10. EDU DEPARTMENT OF EDUCATION 89373

General Revenue Fund 89374
GRF 200100 Personal Services \$ 11,228,147 \$ 11,228,147 89375
GRF 200320 Maintenance and \$ 3,495,350 \$ 3,495,350 89376
Equipment
GRF 200408 Early Childhood \$ 23,268,341 \$ 23,268,341 89377
Education
GRF 200410 Educator Training \$ 7,810,500 \$ 7,010,500 89378
GRF 200416 Career-Technical \$ 2,233,195 \$ 2,233,195 89379
Education Match
GRF 200420 Computer/Application/ \$ 4,930,871 \$ 4,930,871 89380
Network Development
GRF 200421 Alternative Education \$ 10,015,885 \$ 10,015,885 89381
Programs
GRF 200422 School Management \$ 4,660,572 \$ 4,660,572 89382
Assistance
GRF 200424 Policy Analysis \$ 456,687 \$ 456,687 89383
GRF 200425 Tech Prep Consortia \$ 1,594,373 \$ 1,594,373 89384
Support

GRF 200426	Ohio Educational Computer Network	\$ 25,761,025	\$ 25,761,025	89385
GRF 200427	Academic Standards	\$ 5,789,861	\$ 5,789,861	89386
GRF 200431	School Improvement Initiatives	\$ 14,259,997	\$ 14,259,997	89387
GRF 200437	Student Assessment	\$ 70,909,814	\$ 70,909,814	89388
GRF 200439	Accountability/Report Cards	\$ 6,828,650	\$ 6,828,650	89389
GRF 200442	Child Care Licensing	\$ 1,109,435	\$ 1,109,435	89390
GRF 200446	Education Management Information System	\$ 15,188,924	\$ 15,188,924	89391
GRF 200447	GED Testing	\$ 1,250,353	\$ 1,250,353	89392
GRF 200448	Educator Preparation	\$ 2,030,000	\$ 2,030,000	89393
GRF 200455	Community Schools	\$ 1,400,000	\$ 1,400,000	89394
GRF 200457	STEM Initiatives	\$ 6,100,000	\$ 6,100,000	89395
GRF 200458	School Employees Health Care Board	\$ 800,000	\$ 800,000	89396
GRF 200502	Pupil Transportation	\$ 428,212,970	\$ 428,212,970	89397
GRF 200503	Bus Purchase Allowance	\$ 5,425,000	\$ 5,425,000	89398
GRF 200505	School Lunch Match	\$ 11,798,025	\$ 11,798,025	89399
GRF 200511	Auxiliary Services	\$ 132,740,457	\$ 132,740,457	89400
GRF 200521	Gifted Pupil Program	\$ 42,542,293	\$ 42,542,293	89401
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$ 59,810,517	\$ 59,810,517	89402
GRF 200540	Special Education Enhancements	\$ 139,719,648	\$ 142,292,936	89403
GRF 200545	Career-Technical Education Enhancements	\$ 7,752,662	\$ 7,802,699	89404
GRF 200550	Foundation Funding	\$ 5,433,796,231	\$ 5,408,899,276	89405
GRF 200551	Foundation Funding - Federal Stimulus	\$ 387,583,913	\$ 457,449,362	89406
GRF 200578	Violence Prevention	\$ 1,384,924	\$ 1,384,924	89407

		and School Safety				
GRF 200901	Property Tax		\$ 1,008,262,363	\$ 1,020,655,157		89408
	Allocation - Education					
TOTAL GRF	General Revenue Fund		\$ 7,880,150,983	\$ 7,939,335,596		89409
	General Services Fund Group					89410
1380 200606	Computer		\$ 7,600,091	\$ 7,600,091		89411
	Services-Operational					
	Support					
4520 200638	Miscellaneous		\$ 275,000	\$ 275,000		89412
	Educational Services					
4L20 200681	Teacher Certification		\$ 8,013,206	\$ 8,147,756		89413
	and Licensure					
5960 200656	Ohio Career		\$ 529,761	\$ 529,761		89414
	Information System					
5H30 200687	School District		\$ 18,000,000	\$ 18,000,000		89415
	Solvency Assistance					
TOTAL GSF	General Services					89416
	Fund Group		\$ 34,418,058	\$ 34,552,608		89417
	Federal Special Revenue Fund Group					89418
3090 200601	Educationally		\$ 8,405,512	\$ 8,405,512		89419
	Disadvantaged					
	Programs					
3670 200607	School Food Services		\$ 6,324,707	\$ 6,577,695		89420
3680 200614	Veterans' Training		\$ 778,349	\$ 793,846		89421
3690 200616	Career-Technical		\$ 5,000,000	\$ 5,000,000		89422
	Education Federal					
	Enhancement					
3700 200624	Education of		\$ 2,664,000	\$ 2,755,000		89423
	Exceptional Children					
3740 200647	Troops to Teachers		\$ 100,000	\$ 100,000		89424
3780 200660	Learn and Serve		\$ 619,211	\$ 619,211		89425
3AF0 200603	Schools Medicaid		\$ 639,000	\$ 639,000		89426

		Administrative Claims					
3AN0	200671	School Improvement	\$	17,909,676	\$	17,936,675	89427
		Grants					
3AX0	200698	Improving Health and Educational Outcomes of Young People	\$	630,954	\$	630,954	89428
3BK0	200628	Longitudinal Data Systems	\$	100,000	\$	0	89429
3BV0	200636	Character Education	\$	700,000	\$	0	89430
3C50	200661	Early Childhood Education	\$	14,189,711	\$	14,554,749	89431
3CF0	200644	Foreign Language Assistance	\$	25,000	\$	0	89432
3CG0	200646	Teacher Incentive Fund	\$	3,007,975	\$	1,157,834	89433
3D10	200664	Drug Free Schools	\$	13,347,966	\$	13,347,966	89434
3D20	200667	Honors Scholarship Program	\$	6,990,000	\$	6,985,000	89435
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026	89436
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737	89437
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679	89438
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000	89439
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000	89440
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	89441
3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675	89442
3L70	200618	Federal School	\$	80,850,000	\$	84,892,500	89443

		Breakfast					
3L80	200619	Child/Adult Food	\$	89,250,000	\$	93,712,500	89444
		Programs					
3L90	200621	Career-Technical	\$	48,029,701	\$	48,029,701	89445
		Education Basic Grant					
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000	89446
3M10	200678	Innovative Education	\$	1,000,000	\$	0	89447
3M20	200680	Individuals with	\$	413,391,594	\$	421,241,163	89448
		Disabilities					
		Education Act					
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397	89449
3T40	200613	Public Charter	\$	14,275,618	\$	14,291,353	89450
		Schools					
3Y20	200688	21st Century	\$	36,000,000	\$	36,000,000	89451
		Community Learning					
		Centers					
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172	89452
3Y60	200635	Improving Teacher	\$	101,778,397	\$	101,778,400	89453
		Quality					
3Y70	200689	English Language	\$	8,142,299	\$	8,142,299	89454
		Acquisition					
3Y80	200639	Rural and Low Income	\$	1,500,000	\$	1,500,000	89455
		Technical Assistance					
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799	89456
3Z30	200645	Consolidated Federal	\$	8,499,279	\$	8,499,280	89457
		Grant Administration					
3Z70	200697	General Supervisory	\$	887,319	\$	0	89458
		Enhancement Grant					
TOTAL FED		Federal Special					89459
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123	89460
State Special Revenue Fund Group							89461
4540	200610	Guidance and Testing	\$	450,000	\$	450,000	89462
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	89463

4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000	89464
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725	89465
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	89466
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000	89467
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000	89468
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	89469
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	89470
5X90	200911	NGA STEM	\$	100,000	\$	0	89471
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	89472
TOTAL SSR State Special Revenue							89473
Fund Group			\$	55,890,748	\$	55,846,635	89474
Lottery Profits Education Fund Group							89475
7017	200612	Foundation Funding	\$	705,000,000	\$	711,000,000	89476
TOTAL LPE Lottery Profits							89477
Education Fund Group			\$	705,000,000	\$	711,000,000	89478
Revenue Distribution Fund Group							89479
7047	200909	School District Property Tax Replacement-Business	\$	1,150,207,366	\$	1,150,207,366	89480
7053	200900	School District Property Tax Replacement-Utility	\$	91,123,523	\$	91,123,523	89481
TOTAL RDF Revenue Distribution							89482
Fund Group			\$	1,241,330,889	\$	1,241,330,889	89483

programs as defined in division (D) of this section. 89515

(3) "Eligible child" means a child who is at least three 89516
years of age as of the district entry date for kindergarten, is 89517
not of the age to be eligible for kindergarten, and whose family 89518
earns not more than two hundred per cent of the federal poverty 89519
guidelines as defined in division (A)(3) of section 5101.46 of the 89520
Revised Code. Children with an Individualized Education Program 89521
and where the Early Childhood Education program is the least 89522
restrictive environment may be enrolled on their third birthday. 89523

(B) In each fiscal year, up to two per cent of the total 89524
appropriation may be used by the Department for program support 89525
and technical assistance. The Department shall distribute the 89526
remainder of the appropriation in each fiscal year to serve 89527
eligible children. 89528

(C) The Department shall provide an annual report to the 89529
Governor, the Speaker of the House of Representatives, and the 89530
President of the Senate and post the report to the Department's 89531
web site, regarding early childhood education programs operated 89532
under this section and the early learning program guidelines. 89533

(D) After setting aside the amounts to make payments due from 89534
the previous fiscal year, in fiscal year 2010, the Department 89535
shall distribute funds first to recipients of funds for early 89536
childhood education programs under Section 269.10.20 of Am. Sub. 89537
H.B. 119 of the 127th General Assembly in the previous fiscal year 89538
and the balance to new eligible providers of early childhood 89539
education programs under this section or to existing providers to 89540
serve more eligible children or for purposes of program expansion, 89541
improvement, or special projects to promote quality and 89542
innovation. 89543

After setting aside the amounts to make payments due from the 89544
previous fiscal year, in fiscal year 2011, the Department shall 89545

distribute funds first to providers of early childhood education 89546
programs under this section in the previous fiscal year and the 89547
balance to new eligible providers or to existing providers to 89548
serve more eligible children or for purposes of program expansion, 89549
improvement, or special projects to promote quality and 89550
innovation. 89551

Awards under this section shall be distributed on a per-pupil 89552
basis, and in accordance with division (H) of this section. The 89553
Department may adjust the per-pupil amount so that the per-pupil 89554
amount multiplied by the number of eligible children enrolled and 89555
receiving services, as defined by the Department, reported on the 89556
first day of December or the first business day following that 89557
date equals the amount allocated under this section. 89558

(E) Costs for developing and administering an early childhood 89559
education program may not exceed fifteen per cent of the total 89560
approved costs of the program. 89561

All providers shall maintain such fiscal control and 89562
accounting procedures as may be necessary to ensure the 89563
disbursement of, and accounting for, these funds. The control of 89564
funds provided in this program, and title to property obtained 89565
therefrom, shall be under the authority of the approved provider 89566
for purposes provided in the program unless, as described in 89567
division (J) of this section, the program waives its right for 89568
funding or a program's funding is eliminated or reduced due to its 89569
inability to meet financial or early learning program guidelines. 89570
The approved provider shall administer and use such property and 89571
funds for the purposes specified. 89572

(F) The Department may examine a provider's financial and 89573
program records. If the financial practices of the program are not 89574
in accordance with standard accounting principles or do not meet 89575
financial standards outlined under division (E) of this section, 89576
or if the program fails to substantially meet the early learning 89577

program guidelines or exhibits below average performance as 89578
measured against the guidelines, the early childhood education 89579
program shall propose and implement a corrective action plan that 89580
has been approved by the Department. The approved corrective 89581
action plan shall be signed by the chief executive officer and the 89582
executive of the official governing body of the provider. The 89583
corrective action plan shall include a schedule for monitoring by 89584
the Department. Such monitoring may include monthly reports, 89585
inspections, a timeline for correction of deficiencies, and 89586
technical assistance to be provided by the Department or obtained 89587
by the early childhood education program. The Department may 89588
withhold funding pending corrective action. If an early childhood 89589
education program fails to satisfactorily complete a corrective 89590
action plan, the Department may deny expansion funding to the 89591
program or withdraw all or part of the funding to the program and 89592
establish a new eligible provider through a selection process 89593
established by the Department. 89594

(G) Each early childhood education program shall do all of 89595
the following: 89596

(1) Meet teacher qualification requirements prescribed by 89597
section 3301.311 of the Revised Code; 89598

(2) Align curriculum to the early learning content standards 89599
developed by the Department; 89600

(3) Meet any child or program assessment requirements 89601
prescribed by the Department; 89602

(4) Require teachers, except teachers enrolled and working to 89603
obtain a degree pursuant to section 3301.311 of the Revised Code, 89604
to attend a minimum of twenty hours every two years of 89605
professional development as prescribed by the Department; 89606

(5) Document and report child progress as prescribed by the 89607
Department; 89608

(6) Meet and report compliance with the early learning program guidelines as prescribed by the Department. 89609
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(H) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as one-half of the statewide average length of the school day, as determined by the Department, for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed the minimum school year. For any provider for which a standard early childhood education does not meet the local need or creates a hardship, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department shall reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule. 89611
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(I) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program. 89630
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(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any 89635
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unexpended funds to the Department along with any reports 89641
prescribed by the Department. The funding made available from a 89642
program that waives its right for funding or has its funding 89643
eliminated or reduced may be used by the Department for new grant 89644
awards or expansion grants. The Department may award new grants or 89645
expansion grants to eligible providers who apply. The eligible 89646
providers who apply must do so in accordance with the selection 89647
process established by the Department. 89648

(K) As used in this section, "early learning program 89649
guidelines" means the guidelines established by the Department 89650
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 89651
66 of the 126th General Assembly. 89652

Section 265.10.23. EARLY CHILDHOOD CABINET 89653

The Governor shall appoint to the entity in the Office of the 89654
Governor known as the Early Childhood Cabinet a representative of 89655
a board of health of a city or general health district or an 89656
authority having the duties of a board of health under section 89657
3709.05 of the Revised Code. The Governor shall make the 89658
appointment not later than six months after the effective date of 89659
this section. 89660

Section 265.10.25. EDUCATOR TRAINING 89661

The foregoing appropriation item 200410, Educator Training, 89662
shall be used by the Department of Education to provide grants to 89663
pay \$2,225 of the application fee in order to assist teachers from 89664
public and chartered nonpublic schools applying for the first time 89665
to the National Board for Professional Teaching Standards for 89666
professional teaching certificates or licenses that the board 89667
offers. These moneys shall be used to pay up to the first 400 89668
applications in each fiscal year received by the Department. This 89669
set aside shall also be used to recognize and reward teachers who 89670

become certified by the National Board for Professional Teaching Standards under section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal year may be used by the Department to pay for costs associated with activities to support candidates through the application and certification process.

Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH 89677

The foregoing appropriation item 200416, Career-Technical Education Match, shall be used by the Department of Education to provide vocational administration matching funds under 20 U.S.C. 2311.

COMPUTER/APPLICATION/NETWORK DEVELOPMENT 89682

The foregoing appropriation item 200420, Computer/Application/Network Development, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS 89697

The foregoing appropriation item 200421, Alternative Education Programs, shall be used for the renewal of successful implementation grants and for competitive matching grants to the

21 urban school districts as defined in division (O) of section 89701
3317.02 of the Revised Code as it existed prior to July 1, 1998, 89702
and for the renewal of successful implementation grants and for 89703
competitive matching grants to rural and suburban school districts 89704
for alternative educational programs for existing and new at-risk 89705
and delinquent youth. Programs shall be focused on youth in one or 89706
more of the following categories: those who have been expelled or 89707
suspended, those who have dropped out of school or who are at risk 89708
of dropping out of school, those who are habitually truant or 89709
disruptive, or those on probation or on parole from a Department 89710
of Youth Services facility. Grants shall be awarded according to 89711
the criteria established by the Alternative Education Advisory 89712
Council in 1999. Grants shall be awarded only to programs in which 89713
the grant will not serve as the program's primary source of 89714
funding. These grants shall be administered by the Department of 89715
Education. 89716

The Department of Education may waive compliance with any 89717
minimum education standard established under section 3301.07 of 89718
the Revised Code for any alternative school that receives a grant 89719
under this section on the grounds that the waiver will enable the 89720
program to more effectively educate students enrolled in the 89721
alternative school. 89722

Of the foregoing appropriation item 200421, Alternative 89723
Education Programs, a portion may be used for program 89724
administration, monitoring, technical assistance, support, 89725
research, and evaluation. 89726

Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE 89727

Of the foregoing appropriation item 200422, School Management 89728
Assistance, up to \$2,000,000 in each fiscal year shall be used by 89729
the Auditor of State in consultation with the Department of 89730
Education for expenses incurred in the Auditor of State's role 89731

relating to fiscal caution, fiscal watch, and fiscal emergency 89732
activities as defined in Chapter 3316. of the Revised Code and may 89733
also be used by the Auditor of State to conduct performance audits 89734
of other school districts with priority given to districts in 89735
fiscal distress. Districts in fiscal distress shall be determined 89736
by the Auditor of State and shall include districts that the 89737
Auditor of State, in consultation with the Department of Education 89738
determines are employing fiscal practices or experiencing 89739
budgetary conditions that could produce a state of fiscal watch or 89740
fiscal emergency. 89741

The remainder of foregoing appropriation item 200422, School 89742
Management Assistance, shall be used by the Department of 89743
Education to provide fiscal technical assistance and inservice 89744
education for school district management personnel and to 89745
administer, monitor, and implement the fiscal caution, fiscal 89746
watch, and fiscal emergency provisions under Chapter 3316. of the 89747
Revised Code. 89748

Section 265.10.60. POLICY ANALYSIS 89749

The foregoing appropriation item 200424, Policy Analysis, 89750
shall be used by the Department of Education to support a system 89751
of administrative, statistical, and legislative education 89752
information to be used for policy analysis. Staff supported by 89753
this appropriation shall administer the development of reports, 89754
analyses, and briefings to inform education policymakers of 89755
current trends in education practice, efficient and effective use 89756
of resources, and evaluation of programs to improve education 89757
results. The database shall be kept current at all times. These 89758
research efforts shall be used to supply information and analysis 89759
of data to the General Assembly and other state policymakers, 89760
including the Office of Budget and Management and the Legislative 89761
Service Commission. 89762

The Department of Education may use funding from this 89763
appropriation item to purchase or contract for the development of 89764
software systems or contract for policy studies that will assist 89765
in the provision and analysis of policy-related information. 89766
Funding from this appropriation item also may be used to monitor 89767
and enhance quality assurance for research-based policy analysis 89768
and program evaluation to enhance the effective use of education 89769
information to inform education policymakers. 89770

TECH PREP CONSORTIA SUPPORT 89771

The foregoing appropriation item 200425, Tech Prep Consortia 89772
Support, shall be used by the Department of Education to support 89773
state-level activities designed to support, promote, and expand 89774
tech prep programs. Use of these funds shall include, but not be 89775
limited to, administration of grants, program evaluation, 89776
professional development, curriculum development, assessment 89777
development, program promotion, communications, and statewide 89778
coordination of tech prep consortia. 89779

Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK 89780

The foregoing appropriation item 200426, Ohio Educational 89781
Computer Network, shall be used by the Department of Education to 89782
maintain a system of information technology throughout Ohio and to 89783
provide technical assistance for such a system in support of the 89784
P-16 State Education Technology Plan under section 3301.07 of the 89785
Revised Code developed in conjunction with the Chancellor of the 89786
Board of Regents. 89787

Of the foregoing appropriation item 200426, Ohio Educational 89788
Computer Network, up to \$14,949,498 in each fiscal year shall be 89789
used by the Department of Education to support connection of all 89790
public school buildings and participating chartered nonpublic 89791
schools to the state's education network, to each other, and to 89792
the Internet. In each fiscal year the Department of Education 89793

shall use these funds to assist information technology centers or 89794
school districts with the operational costs associated with this 89795
connectivity. The Department of Education shall develop a formula 89796
and guidelines for the distribution of these funds to information 89797
technology centers or individual school districts. As used in this 89798
section, "public school building" means a school building of any 89799
city, local, exempted village, or joint vocational school 89800
district, any community school established under Chapter 3314. of 89801
the Revised Code, any educational service center building used for 89802
instructional purposes, the Ohio School for the Deaf and the Ohio 89803
School for the Blind, or high schools chartered by the Ohio 89804
Department of Youth Services and high schools operated by Ohio 89805
Department of Rehabilitation and Corrections' Ohio Central School 89806
System. 89807

Of the foregoing appropriation item 200426, Ohio Educational 89808
Computer Network, up to \$2,038,657 in each fiscal year shall be 89809
used for the Union Catalog and InfoOhio Network and to support the 89810
provision of electronic resources with priority given to resources 89811
that support the teaching of state academic content standards in 89812
all public schools. Consideration shall be given by the Department 89813
of Education to coordinating the allocation of these moneys with 89814
the efforts of Libraries Connect Ohio, whose members include 89815
OhioLINK, the Ohio Public Information Network, and the State 89816
Library of Ohio. 89817

Of the foregoing appropriation item 200426, Ohio Educational 89818
Computer Network, up to \$7,442,391 in each fiscal year shall be 89819
used, through a formula and guidelines devised by the Department, 89820
to subsidize the activities of designated information technology 89821
centers, as defined by State Board of Education rules, to provide 89822
school districts and chartered nonpublic schools with 89823
computer-based student and teacher instructional and 89824
administrative information services, including approved 89825

computerized financial accounting, and to ensure the effective 89826
operation of local automated administrative and instructional 89827
systems. 89828

The remainder of appropriation item 200426, Ohio Educational 89829
Computer Network, shall be used to support development, 89830
maintenance, and operation of a network of uniform and compatible 89831
computer-based information and instructional systems. This 89832
technical assistance shall include, but not be restricted to, 89833
development and maintenance of adequate computer software systems 89834
to support network activities. In order to improve the efficiency 89835
of network activities, the Department and information technology 89836
centers may jointly purchase equipment, materials, and services 89837
from funds provided under this appropriation for use by the 89838
network and, when considered practical by the Department, may 89839
utilize the services of appropriate state purchasing agencies. 89840

Section 265.10.80. ACADEMIC STANDARDS 89841

The foregoing appropriation item 200427, Academic Standards, 89842
shall be used by the Department of Education to develop, revise, 89843
and communicate to school districts academic content standards and 89844
curriculum models. 89845

Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES 89846

Of the foregoing appropriation item 200431, School 89847
Improvement Initiatives, up to \$410,990 in each fiscal year shall 89848
be used by the Department of Education to support educational 89849
media centers to provide Ohio public schools with instructional 89850
resources and services, with priority given to resources and 89851
services aligned with state academic content standards. 89852

Of the foregoing appropriation item 200431, School 89853
Improvement Initiatives, up to \$9,349,007 in each fiscal year 89854
shall be used to support districts in the development and 89855

implementation of their continuous improvement plans as required 89856
in section 3302.04 of the Revised Code and to provide technical 89857
assistance and support in accordance with Title I of the "No Child 89858
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. 89859

Of the foregoing appropriation item 200431, School 89860
Improvement Initiatives, up to \$3,500,000 in each fiscal year 89861
shall be used to support existing early college high schools, 89862
which are small, autonomous schools that blend high school and 89863
college into a coherent educational program for those not 89864
traditionally college-bound. The funds for early college high 89865
schools shall be distributed according to guidelines established 89866
by the Department of Education and the Chancellor of the Board of 89867
Regents. 89868

Section 265.20.10. STUDENT ASSESSMENT 89869

Of the foregoing appropriation item 200437, Student 89870
Assessment, up to \$212,486 in each fiscal year may be used to 89871
support the assessments required under section 3301.0715 of the 89872
Revised Code. 89873

The remainder of appropriation item 200437, Student 89874
Assessment, shall be used to develop, field test, print, 89875
distribute, score, report results, and support other associated 89876
costs for the tests required by section 3301.27 of the Revised 89877
Code. If funds remain in this appropriation after these purposes 89878
have been fulfilled, the Department may use the remainder of the 89879
appropriation to develop end-of-course exams. 89880

Section 265.20.20. ACCOUNTABILITY/REPORT CARDS 89881

Of the foregoing appropriation item 200439, 89882
Accountability/Report Cards, up to \$2,378,976 in each fiscal year 89883
shall be used to train district and regional specialists and 89884
district educators in the use of the value-added progress 89885

dimension and in the use of data as it relates to improving 89886
student achievement. This funding shall be used in consultation 89887
with a credible nonprofit organization with expertise in 89888
value-added progress dimensions. 89889

The remainder of appropriation item 200439, 89890
Accountability/Report Cards, shall be used by the Department to 89891
incorporate a statewide pilot value-added progress dimension into 89892
performance ratings for school districts and for the development 89893
of an accountability system that includes the preparation and 89894
distribution of school report cards and funding and expenditure 89895
accountability reports under sections 3302.03 and 3302.031 of the 89896
Revised Code. 89897

CHILD CARE LICENSING 89898

The foregoing appropriation item 200442, Child Care 89899
Licensing, shall be used by the Department of Education to license 89900
and to inspect preschool and school-age child care programs under 89901
sections 3301.52 to 3301.59 of the Revised Code. 89902

Section 265.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 89903

The foregoing appropriation item 200446, Education Management 89904
Information System, shall be used by the Department of Education 89905
to improve the Education Management Information System (EMIS). 89906

Of the foregoing appropriation item 200446, Education 89907
Management Information System, up to \$1,276,761 in each fiscal 89908
year shall be distributed to designated information technology 89909
centers for costs relating to processing, storing, and 89910
transferring data for the effective operation of the EMIS. These 89911
costs may include, but are not limited to, personnel, hardware, 89912
software development, communications connectivity, professional 89913
development, and support services, and to provide services to 89914
participate in the State Education Technology Plan pursuant to 89915

section 3301.07 of the Revised Code. 89916

Of the foregoing appropriation item 200446, Education 89917
Management Information System, up to \$7,874,541 in each fiscal 89918
year shall be distributed on a per-pupil basis to school 89919
districts, community schools established under Chapter 3314. of 89920
the Revised Code, educational service centers, joint vocational 89921
school districts, and any other education entity that reports data 89922
through EMIS. From this funding, each school district or community 89923
school established under Chapter 3314. of the Revised Code with 89924
enrollment greater than 100 students and each vocational school 89925
district shall receive a minimum of \$5,000 in each fiscal year. 89926
Each school district or community school established under Chapter 89927
3314. of the Revised Code with enrollment between one and one 89928
hundred and each educational service center and each county board 89929
of MR/DD that submits data through EMIS shall receive \$3,000 in 89930
each fiscal year. This subsidy shall be used for costs relating to 89931
reporting, processing, storing, transferring, and exchanging data 89932
necessary to meet requirements of the Department of Education's 89933
data system. 89934

The remainder of appropriation item 200446, Education 89935
Management Information System, shall be used to develop and 89936
support a common core of data definitions and standards as adopted 89937
by the Education Management Information System Advisory Board, 89938
including the ongoing development and maintenance of the data 89939
dictionary and data warehouse. In addition, such funds shall be 89940
used to support the development and implementation of data 89941
standards and the design, development, and implementation of a new 89942
data exchange system. 89943

Any provider of software meeting the standards approved by 89944
the Education Management Information System Advisory Board shall 89945
be designated as an approved vendor and may enter into contracts 89946
with local school districts, community schools, information 89947

technology centers, or other educational entities for the purpose 89948
of collecting and managing data required under Ohio's education 89949
management information system (EMIS) laws. On an annual basis, the 89950
Department of Education shall convene an advisory group of school 89951
districts, community schools, and other education-related entities 89952
to review the Education Management Information System data 89953
definitions and data format standards. The advisory group shall 89954
recommend changes and enhancements based upon surveys of its 89955
members, education agencies in other states, and current industry 89956
practices, to reflect best practices, align with federal 89957
initiatives, and meet the needs of school districts. 89958

School districts and community schools not implementing a 89959
common and uniform set of data definitions and data format 89960
standards for Education Management Information System purposes 89961
shall have all EMIS funding withheld until they are in compliance. 89962

Section 265.20.40. GED TESTING 89963

The foregoing appropriation item 200447, GED Testing, shall 89964
be used to provide General Educational Development (GED) testing 89965
at no cost to applicants, under rules adopted by the State Board 89966
of Education. The Department of Education may reimburse in fiscal 89967
year 2010 school districts and community schools, created under 89968
Chapter 3314. of the Revised Code, for a portion of the costs 89969
incurred in providing summer instructional or intervention 89970
services to students who have not graduated because of their 89971
inability to pass one or more parts of the state's Ohio Graduation 89972
Test. School districts shall also provide such services to 89973
students who are residents of the district under section 3313.64 89974
of the Revised Code, but who are enrolled in chartered, nonpublic 89975
schools. The services shall be provided in the public school, in 89976
nonpublic schools, in public centers, or in mobile units located 89977
on or off the nonpublic school premises. No school district shall 89978

provide summer instructional or intervention services to nonpublic 89979
school students as authorized by this section unless such services 89980
are available to students attending the public schools within the 89981
district. No school district shall provide services for use in 89982
religious courses, devotional exercises, religious training, or 89983
any other religious activity. Chartered, nonpublic schools shall 89984
pay for any unreimbursed costs incurred by school districts for 89985
providing summer instruction or intervention services to students 89986
enrolled in chartered, nonpublic schools. School districts may 89987
provide these services to students directly or contract with 89988
postsecondary or nonprofit community-based institutions in 89989
providing instruction. 89990

Section 265.20.50. EDUCATOR PREPARATION 89991

Of the foregoing appropriation item 200448, Educator 89992
Preparation, up to \$350,000 in each fiscal year shall be used for 89993
training and professional development of school administrators, 89994
school treasurers, and school business officials. 89995

The remainder of appropriation item 200448, Educator 89996
Preparation, may be used by the Department to support the Educator 89997
Standards Board under section 3319.61 of the Revised Code as it 89998
develops and recommends to the State Board of Education standards 89999
for educator training and standards for teacher and other school 90000
leadership positions. Also, any remaining funds may be used by the 90001
Department to develop alternative preparation programs for school 90002
leaders and coordination of a career ladder for teachers. 90003

Section 265.20.60. COMMUNITY SCHOOLS 90004

Of the foregoing appropriation item 200455, Community 90005
Schools, up to \$1,308,661 in each fiscal year may be used by the 90006
Department of Education for additional services and 90007
responsibilities under section 3314.11 of the Revised Code. 90008

Of the foregoing appropriation item 200455, Community Schools, up to \$225,000 in each fiscal year may be used by the Department of Education for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. In developing the training sessions, the Department shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states.

STEM INITIATIVES

The foregoing appropriation item 200457, STEM Initiatives, shall be used to enhance STEM teacher preparation, professional development, and innovative STEM curricular approaches through the use of professional practice on-site laboratories, teacher-in-residence programs, master teacher and apprentice models, and STEM teaching fellowships that are connected to and leveraged against Ohio's portfolio of STEM education initiatives including STEM schools, STEM Programs of Excellence, and STEM Centers. Funds shall be allocated and distributed through a competitive process by an independent review panel established and managed by the Ohio STEM Learning Network, formed as a public-private entity and overseen by an Ohio-based nonprofit enterprise under section 3326.06 of the Revised Code. The Ohio STEM Learning Network shall work in collaboration with the Chancellor of the Board of Regents, the Superintendent of Public Instruction, and the Director of Development throughout the process.

Of the foregoing appropriation item 200457, STEM Initiatives, up to \$3,000,000 in each fiscal year shall be provided as grants to STEM schools.

Of the foregoing appropriation item 200457, STEM Initiatives, up to \$3,000,000 in each fiscal year shall be used to support STEM

Programs of Excellence.	90041
SCHOOL EMPLOYEES HEALTH CARE BOARD	90042
The foregoing appropriation item 200458, School Employees Health Care Board, shall be used by the School Employees Health Care Board to hire staff to provide administrative support to the Board as the Board carries out its duties under section 9.901 of the Revised Code.	90043 90044 90045 90046 90047
Section 265.20.70. PUPIL TRANSPORTATION	90048
Of the foregoing appropriation item 200502, Pupil Transportation, up to \$838,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. Up to \$60,469,220 in each fiscal year may be used by the Department of Education for special education transportation reimbursements to school districts and county MR/DD boards for transportation operating costs as provided in division (J) of section 3317.024 of the Revised Code.	90049 90050 90051 90052 90053 90054 90055 90056 90057 90058
The remainder of appropriation item 200502, Pupil Transportation, shall be used to fund the transportation payments included in the state funding base calculated under division (A) of the Section of this act entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS."	90059 90060 90061 90062 90063
Section 265.20.80. BUS PURCHASE ALLOWANCE	90064
The foregoing appropriation item 200503, Bus Purchase Allowance, shall be distributed to school districts, educational service centers, and county MR/DD boards pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 28 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to	90065 90066 90067 90068 90069 90070

transport students with disabilities and nonpublic school students 90071
and to county MR/DD boards, the Ohio School for the Deaf, and the 90072
Ohio School for the Blind for the purchase of buses to transport 90073
students with disabilities. 90074

SCHOOL LUNCH MATCH 90075

The foregoing appropriation item 200505, School Lunch Match, 90076
shall be used to provide matching funds to obtain federal funds 90077
for the school lunch program. 90078

Any remaining appropriation after providing matching funds 90079
for the school lunch program shall be used to partially reimburse 90080
school buildings within school districts that are required to have 90081
a school breakfast program under section 3313.813 of the Revised 90082
Code, at a rate decided by the Department. 90083

Section 265.20.90. AUXILIARY SERVICES 90084

The foregoing appropriation item 200511, Auxiliary Services, 90085
shall be used by the Department of Education for the purpose of 90086
implementing section 3317.06 of the Revised Code. Of the 90087
appropriation, up to \$2,121,800 in each fiscal year may be used 90088
for payment of the Post-Secondary Enrollment Options Program for 90089
nonpublic students. Notwithstanding section 3365.10 of the Revised 90090
Code, the Department shall distribute funding according to rules 90091
adopted by the Department in accordance with Chapter 119. of the 90092
Revised Code. 90093

Of the foregoing appropriation item 200521, Gifted Pupil 90094
Program, up to \$1,026,017 in each fiscal year shall be used by the 90095
Department of Education to fund the Summer Honors Institute, 90096
including funding for the Martin Essex Program, which shall be 90097
awarded through a request for proposals process. 90098

Of the foregoing appropriation item 200521, Gifted Pupil 90099
Program, up to \$8,100,000 in each fiscal year shall be used to 90100

fund the gifted education units that were awarded to educational 90101
service centers in fiscal year 2009 and approved under section 90102
3317.05 of the Revised Code for fiscal year 2010 and fiscal year 90103
2011, respectively. In fiscal year 2010 and fiscal year 2011, 90104
funding for each unit shall be equal to the funding provided in 90105
fiscal year 2009. 90106

The remainder of the foregoing appropriation item 200521, 90107
Gifted Pupil Program, shall be used to fund the gifted education 90108
units included in the state funding base calculated under division 90109
(A) of the Section of this act entitled "FUNDING FOR CITY, 90110
EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 90111

Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST 90112
REIMBURSEMENT 90113

The foregoing appropriation item 200532, Nonpublic 90114
Administrative Cost Reimbursement, shall be used by the Department 90115
of Education for the purpose of implementing section 3317.063 of 90116
the Revised Code. 90117

Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS 90118

Of the foregoing appropriation item 200540, Special Education 90119
Enhancements, up to \$2,906,875 in each fiscal year shall be used 90120
for home instruction for children with disabilities. 90121

Of the foregoing appropriation item 200540, Special Education 90122
Enhancements, up to \$47,518,582 in fiscal year 2010 and up to 90123
\$48,421,435 in fiscal year 2011 shall be used to fund special 90124
education and related services at county boards of mental 90125
retardation and developmental disabilities for eligible students 90126
under section 3317.20 of the Revised Code and at institutions for 90127
eligible students under section 3317.201 of the Revised Code. 90128
Notwithstanding the distribution formulas under sections 3317.20 90129
and 3317.201 of the Revised Code, funding for MR/DD boards and 90130

institutions in fiscal year 2010 and fiscal year 2011 shall be 90131
determined by inflating the per pupil amount received by each 90132
MR/DD board and institution in the prior fiscal year by 1.9 per 90133
cent and providing that inflated per pupil amount for each student 90134
served in the current fiscal year. 90135

Of the foregoing appropriation item 200540, Special Education 90136
Enhancements, up to \$1,500,000 in each fiscal year shall be used 90137
for parent mentoring programs. 90138

Of the foregoing appropriation item 200540, Special Education 90139
Enhancements, up to \$2,783,396 in each fiscal year shall be used 90140
for school psychology interns. 90141

The remainder of appropriation item 200540, Special Education 90142
Enhancements, shall be distributed by the Department of Education 90143
to county boards of mental retardation and developmental 90144
disabilities, educational service centers, and school districts 90145
for preschool special education units and preschool supervisory 90146
units under section 3317.052 of the Revised Code. To the greatest 90147
extent possible, the Department of Education shall allocate these 90148
units to school districts and educational service centers. 90149

The Department may reimburse county MR/DD boards, educational 90150
service centers, and school districts for services provided by 90151
instructional assistants, related services as defined in rule 90152
3301-51-11 of the Administrative Code, physical therapy services 90153
provided by a licensed physical therapist or physical therapist 90154
assistant under the supervision of a licensed physical therapist 90155
as required under Chapter 4755. of the Revised Code and Chapter 90156
4755-27 of the Administrative Code and occupational therapy 90157
services provided by a licensed occupational therapist or 90158
occupational therapy assistant under the supervision of a licensed 90159
occupational therapist as required under Chapter 4755. of the 90160
Revised Code and Chapter 4755-7 of the Administrative Code. 90161
Nothing in this section authorizes occupational therapy assistants 90162

or physical therapist assistants to generate or manage their own 90163
caseloads. 90164

The Department of Education shall require school districts, 90165
educational service centers, and county MR/DD boards serving 90166
preschool children with disabilities to document child progress 90167
using research-based indicators prescribed by the Department and 90168
report results annually. The reporting dates and method shall be 90169
determined by the Department. 90170

Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 90171

Of the foregoing appropriation item 200545, Career-Technical 90172
Education Enhancements, up to \$2,633,531 in fiscal year 2010 and 90173
up to \$2,683,568 in fiscal year 2011 shall be used to fund 90174
secondary career-technical education at institutions. 90175

Of the foregoing appropriation item 200545, Career-Technical 90176
Education Enhancements, up to \$2,228,281 in each fiscal year shall 90177
be used by the Department of Education to fund competitive grants 90178
to tech prep consortia that expand the number of students enrolled 90179
in tech prep programs. These grant funds shall be used to directly 90180
support expanded tech prep programs provided to students enrolled 90181
in school districts, including joint vocational school districts, 90182
and affiliated higher education institutions. This support may 90183
include the purchase of equipment. 90184

Of the foregoing appropriation item 200545, Career-Technical 90185
Education Enhancements, up to \$2,890,850 in each fiscal year shall 90186
be used by the Department of Education to support existing High 90187
Schools That Work (HSTW) sites, develop and support new sites, 90188
fund technical assistance, and support regional centers and middle 90189
school programs. The purpose of HSTW is to combine challenging 90190
academic courses and modern career-technical studies to raise the 90191
academic achievement of students. HSTW provides intensive 90192
technical assistance, focused staff development, targeted 90193

assessment services, and ongoing communications and networking 90194
opportunities. 90195

Section 265.30.40. FOUNDATION FUNDING 90196

The foregoing appropriation item 200550, Foundation Funding, 90197
includes \$90,000,000 in each fiscal year for the state education 90198
aid offset due to the change in public utility valuation as a 90199
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 90200
General Assembly. This amount represents the total state education 90201
aid offset calculated for fiscal year 2009 due to the valuation 90202
change for school districts and joint vocational school districts 90203
from all relevant appropriation line item sources. Upon 90204
certification by the Department of Education, in consultation with 90205
the Department of Taxation, to the Director of Budget and 90206
Management of the actual state aid offset for fiscal year 2009, 90207
the cash transfer from the School District Property Tax 90208
Replacement - Utility Fund (Fund 7053) to the General Revenue Fund 90209
shall be decreased or increased by the Director of Budget and 90210
Management to match the certification in accordance with section 90211
5727.84 of the Revised Code. 90212

The foregoing appropriation item 200550, Foundation Funding, 90213
includes \$119,000,000 in each fiscal year for the state education 90214
aid offset because of the changes in tangible personal property 90215
valuation as a result of Am. Sub. H.B. 66 of the 126th General 90216
Assembly. This amount represents the total state education aid 90217
offset calculated for fiscal year 2009 because of the valuation 90218
change for school districts and joint vocational school districts 90219
from all relevant appropriation item sources. Upon certification 90220
by the Department of Education of the actual state education aid 90221
offset for fiscal year 2009 to the Director of Budget and 90222
Management, the cash transfer from the School District Tangible 90223
Property Tax Replacement - Business Fund (Fund 7047) to the 90224

General Revenue Fund shall be decreased or increased by the 90225
Director of Budget and Management to match the certification in 90226
accordance with section 5751.21 of the Revised Code. 90227

Of the foregoing appropriation item 200550, Foundation 90228
Funding, up to \$425,000 shall be expended in each fiscal year for 90229
court payments under section 2151.362 of the Revised Code. 90230

Of the foregoing appropriation item 200550, Foundation 90231
Funding, up to \$10,000,000 in each fiscal year shall be used to 90232
provide additional state aid to school districts for special 90233
education students under division (C)(3) of section 3317.022 of 90234
the Revised Code, except that the Controlling Board may increase 90235
these amounts if presented with such a request from the Department 90236
of Education at the final meeting of the fiscal year; up to 90237
\$2,000,000 in each fiscal year shall be reserved for Youth 90238
Services tuition payments under section 3317.024 of the Revised 90239
Code; and up to \$47,000,000 in each fiscal year shall be reserved 90240
to fund the state reimbursement of educational service centers 90241
under section 3317.11 of the Revised Code and the section of this 90242
act entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 90243
90244

Of the foregoing appropriation item 200550, Foundation 90245
Funding, up to \$1,000,000 in each fiscal year shall be used by the 90246
Department of Education for a program to pay for educational 90247
services for youth who have been assigned by a juvenile court or 90248
other authorized agency to any of the facilities described in 90249
division (A) of the section of this act entitled "PRIVATE 90250
TREATMENT FACILITY PROJECT." 90251

Of the foregoing appropriation item 200550, Foundation 90252
Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 90253
in fiscal year 2011 shall be used to operate school choice 90254
programs. 90255

Of the portion of the funds distributed to the Cleveland
Municipal School District under this section, up to \$11,901,887 in
each fiscal year shall be used to operate the school choice
program in the Cleveland Municipal School District under sections
3313.974 to 3313.979 of the Revised Code. Notwithstanding
divisions (B) and (C) of section 3313.978 and division (C) of
section 3313.979 of the Revised Code, up to \$1,000,000 in each
fiscal year of this amount shall be used by the Cleveland
Municipal School District to provide tutorial assistance as
provided in division (H) of section 3313.974 of the Revised Code.
The Cleveland Municipal School District shall report the use of
these funds in the district's three-year continuous improvement
plan as described in section 3302.04 of the Revised Code in a
manner approved by the Department of Education.

Of the foregoing appropriation item 200550, Foundation
Funding, an amount shall be available in each fiscal year to be
paid to joint vocational school districts in accordance with the
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL
DISTRICTS."

Appropriation items 200502, Pupil Transportation, 200521,
Gifted Pupil Program, 200540, Special Education Enhancements,
200550, Foundation Funding, and 200551, Foundation Funding -
Federal Stimulus, other than specific set-asides, are collectively
used in each fiscal year to pay state formula aid obligations for
school districts, community schools, and joint vocational school
districts under this act. The first priority of these
appropriation items, with the exception of specific set-asides, is
to fund state formula aid obligations. It may be necessary to
reallocate funds among these appropriation items or use excess
funds from other general revenue fund appropriation items in the
Department of Education's budget in each fiscal year, in order to
meet state formula aid obligations. If it is determined that it is

necessary to transfer funds among these appropriation items or to 90288
transfer funds from other General Revenue Fund appropriations in 90289
the Department of Education's budget to meet state formula aid 90290
obligations, the Department of Education shall seek approval from 90291
the Controlling Board to transfer funds as needed. 90292
90293

Section 265.30.41. OPERATING FUNDING FOR FISCAL YEARS 2010 90294
AND 2011 90295

(A) Notwithstanding anything to the contrary in Chapter 3317. 90296
of the Revised Code, the Department of Education shall make no 90297
payments under that chapter for fiscal years 2010 and 2011 except 90298
as prescribed in this section. 90299

(B) Each school district and educational service center shall 90300
report student enrollment data as prescribed by section 3317.03 of 90301
the Revised Code, which data the department shall use to make 90302
payments under Chapter 3317. of the Revised Code and Section 90303
265.30.42 of this act. 90304

(C) The tax commissioner shall report data regarding tax 90305
valuation and receipts for school districts as prescribed by 90306
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 90307
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 90308
section 3317.02 of the Revised Code, which data the department 90309
shall use to make payments under Chapter 3317. of the Revised Code 90310
and Section 265.30.42 of this act. 90311

(D) Unless otherwise specified by another provision of law, 90312
in addition to the payments prescribed by Section 265.30.42 of 90313
this act, the department shall continue to make payments or 90314
adjustments for fiscal years 2010 and 2011 under the following 90315
provisions of Chapter 3317. of the Revised Code: 90316

(1) The catastrophic cost reimbursement under division (C)(3) 90317

of section 3317.022 of the Revised Code. No other payments shall 90318
be made under that section. 90319

(2) All payments or adjustments under section 3317.023 of the 90320
Revised Code, except no payments or adjustments shall be made 90321
under divisions (B), (C), and (D) of that section; 90322

(3) All payments or adjustments under section 3317.024 of the 90323
Revised Code, except no payments or adjustments shall be made 90324
under divisions (F), (L), and (N) of that section; 90325

(4) Unit payments under sections 3317.05, 3317.051, 3317.052, 90326
and 3317.053 of the Revised Code, except that no units for gifted 90327
funding are authorized for school districts for fiscal years 2010 90328
and 2011; 90329

(5) Payments under sections 3317.06, 3317.063, and 3317.064 90330
of the Revised Code; 90331

(6) Payments under section 3317.07 of the Revised Code; 90332

(7) Payments to educational service centers under section 90333
3317.11 of the Revised Code; 90334

(8) The catastrophic cost reimbursement under division (E) of 90335
section 3317.16 of the Revised Code and excess cost reimbursements 90336
under division (G) of that section. No other payments shall be 90337
made under that section. 90338

(9) Payments under section 3317.17 of the Revised Code; 90339

(10) Adjustments under section 3317.18 of the Revised Code; 90340

(11) Payments to cooperative education school districts under 90341
section 3317.19 of the Revised Code; 90342

(12) Payments to county MR/DD boards under section 3317.20 of 90343
the Revised Code; 90344

(13) Payments to state institutions for weighted special 90345
education funding under section 3317.201 of the Revised Code. 90346

(E) Notwithstanding anything to the contrary in Chapter 3317. 90347
of the Revised Code, for purposes of computing the payments under 90348
that chapter for fiscal years 2010 and 2011 authorized under this 90349
section, for which "state share percentage" is a factor, the 90350
Department shall use the state share percentage computed for each 90351
district for fiscal year 2009. 90352

(F) For fiscal years 2010 and 2011, when calculating payments 90353
under Chapter 3317. of the Revised Code as authorized under this 90354
section, and for purposes of sections 3310.09, 3313.98, 3313.981, 90355
3314.03, 3314.08, 3314.13, 3315.17, 3315.18, 3326.31, 3326.33, and 90356
3365.01 of the Revised Code and any other provision of law with 90357
respect to education financing: 90358

(1) The "formula amount" equals \$5,746 for fiscal year 2010 90359
and \$5,775 for fiscal year 2011. 90360

(2) The base funding supplements shall equal the per pupil 90361
amounts calculated under division (C)(1) of section 3317.012 of 90362
the Revised Code for fiscal year 2009. 90363

(3) Special education additional weighted funding shall be 90364
calculated by multiplying the applicable weight specified in 90365
section 3317.013 of the Revised Code for fiscal year 2009 times 90366
the formula amount specified in division (F)(1) of this section. 90367

(4) The special education catastrophic cost threshold for 90368
fiscal years 2010 and 2011 is \$27,375 for students in categories 90369
two through five special education ADM and \$32,850 for students in 90370
category six special education ADM. 90371

(5) Vocational education additional weighted funding shall be 90372
calculated by multiplying the applicable weight specified in 90373
section 3317.014 of the Revised Code for fiscal year 2009 times 90374
the formula amount specified in division (F)(1) of this section. 90375

(G) This section does not affect the provisions of sections 90376
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 90377

3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15,
3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised
Code.

**Section 265.30.42. FUNDING FOR CITY, EXEMPTED VILLAGE, AND
LOCAL SCHOOL DISTRICTS**

For each of fiscal years 2010 and 2011, the Department of
Education shall pay each city, exempted village, and local school
district that received operating funding in fiscal year 2009 the
sum of the state funding base for that year prescribed in division
(A) of this section, plus the funding enhancement prescribed in
division (B) of this section, plus the all-day kindergarten
expansion payment prescribed in division (C) of this section.

(A) The state funding base for a district for fiscal year
2010 and fiscal year 2011 equals the sum of the following computed
for fiscal year 2009, as reconciled by the department, less any
general revenue fund spending reductions ordered by the Governor
for fiscal year 2009 under section 126.05 of the Revised Code:

(1) Base-cost funding under division (A) of section 3317.022
of the Revised Code;

(2) Special education and related services additional
weighted funding under division (C)(1) of section 3317.022 of the
Revised Code;

(3) Speech services funding under division (C)(4) of section
3317.022 of the Revised Code;

(4) Vocational education additional weighted funding under
division (E) of section 3317.022 of the Revised Code;

(5) GRADS funding under division (N) of section 3317.024 of
the Revised Code;

(6) Adjustments for classroom teachers and educational

service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code; 90408
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(7) Gifted education units under division (L) of section 3317.024 and section 3317.05 of the Revised Code; 90410
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(8) Transportation under Section 269.20.80 of Am. Sub. H.B. 119 of the 127th general assembly; 90412
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(9) The excess cost supplement under division (F) of section 3317.022 of the Revised Code; 90414
90415

(10) The charge-off supplement under section 3317.0216 of the Revised Code; 90416
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(11) Transitional aid under Section 269.30.80 of Am. Sub. H.B. 119 of the 127th general assembly. 90418
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(B)(1) The funding enhancement for a district for fiscal year 2010 shall be computed as follows: 90420
90421

(a) Except as provided in division (B)(1)(b) of this section, 0.0025 times the district's state funding base; 90422
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(b) If the district's formula ADM for fiscal year 2010 is at least 2.00% greater than the district's formula ADM for fiscal year 2009, 0.02 times the district's state funding base. 90424
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(2) The funding enhancement for a district for fiscal year 2011 shall be computed as follows: 90427
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(a) Except as provided in division (B)(2)(b) of this section, 0.005 times the sum of the district's state funding base plus the district's funding enhancement payment for fiscal year 2010 under division (B)(1) of this section; 90429
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(b) If the district's formula ADM for fiscal year 2011 is at least 2.00% greater than the district's formula ADM for fiscal year 2010, 0.02 times the sum of the district's state funding base for fiscal year 2011 plus the district's funding enhancement payment for fiscal year 2010 under division (B)(1) of this 90433
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section. 90438

(3) When determining districts that qualify for the funding 90439
enhancement under division (B)(1)(b) or (2)(b) of this section, 90440
the Department shall calculate formula ADM percentage growth to 90441
the hundredths of a per cent. 90442

(4) As used in division (B) of this section, "formula ADM" 90443
has the same meaning as in section 3317.02 of the Revised Code. 90444

(C)(1) The all-day kindergarten expansion payment shall be 90445
paid only to city, exempted village, and local school districts 90446
that satisfy the requirements of this division. The payment shall 90447
be computed in the manner prescribed by division (D) of section 90448
3317.029 of the Revised Code. 90449

(a) A district is eligible for the payment for fiscal year 90450
2010 if it did not receive a payment under division (D) of section 90451
3317.029 of the Revised Code for fiscal year 2009 and its poverty 90452
index for that fiscal year was not less than 0.80. 90453

(b) A district is eligible for the payment for fiscal year 90454
2011 if it did not receive a payment under division (D) of section 90455
3317.029 of the Revised Code for fiscal year 2009 and its poverty 90456
index for that fiscal year was not less than 0.75. 90457

As used in this division, "poverty index" has the same 90458
meaning as in section 3317.029 of the Revised Code. 90459

(2) If at any time the Superintendent of Public Instruction 90460
determines that a school district receiving funds under division 90461
(C)(1) of this section has enrolled fewer than the number of 90462
all-day kindergarten students reported for that fiscal year, the 90463
Superintendent shall withhold from the funds otherwise due the 90464
district under that division a proportional amount as determined 90465
by the difference in the certified all-day kindergarten ADM and 90466
the actual all-day kindergarten ADM. 90467

Section 265.30.43. FUNDING FOR COMMUNITY SCHOOLS 90468

In fiscal years 2010 and 2011, the Department of Education 90469
shall make the deductions and payments for each student enrolled 90470
in a community school, established under Chapter 3314. of the 90471
Revised Code, in the manner prescribed by divisions (C) and (D) of 90472
section 3314.08 and section 3314.13 of the Revised Code, except 90473
that, for each of those fiscal years: 90474

(A) "State education aid" for a school district from which a 90475
deduction is made shall mean the amount paid to the district for 90476
that fiscal year under Section 265.30.42 of this act. 90477

(B) The per pupil amount deducted from a district under 90478
division (C)(4), (5), (6), (7), (8), or (9) of section 3314.08 of 90479
the Revised Code and the corresponding per pupil amount paid to a 90480
community school under division (D)(5), (6), (7), (8), (9), or 90481
(10) of that section shall be the same respective per pupil amount 90482
deducted or paid under those divisions for fiscal year 2009. 90483

(C) If an amount paid to a community school under section 90484
3314.13 of the Revised Code is required by that section to be 90485
deducted from the school district in which the student is entitled 90486
to attend school, that amount shall be deducted from that 90487
district's payment under Section 265.30.42 of this act. Otherwise, 90488
that amount shall be paid out of the funds appropriated under 90489
appropriation item 200550, Foundation Funding. As used in this 90490
division, "entitled to attend school" has the same meaning as in 90491
section 3314.08 of the Revised Code. 90492

Section 265.30.44. STEM SCHOOL FUNDING 90493

In fiscal years 2010 and 2011, the Department of Education 90494
shall make the deductions and payments for each student enrolled 90495
in a STEM school, established under Chapter 3326. of the Revised 90496
Code, in the manner prescribed by sections 3326.31 to 3326.49 and 90497

3326.51 of the Revised Code, except that, for each of those fiscal years: 90498
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(A) "State education aid" for a school district from which a deduction is made shall mean the amount paid to the district for that fiscal year under Section 265.30.42 of this act. 90500
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(B) The per pupil amount deducted from a district and paid to a STEM school under division (D), (E), (F), or (G) of section 3326.33 of the Revised Code shall be the same respective per pupil amount deducted or paid under those divisions for fiscal year 2009. 90503
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Section 265.30.45. STATE EDUCATION AID OFFSET 90508

Notwithstanding anything to the contrary in sections 5727.84 to 5727.87 or sections 5751.20 to 5751.22 of the Revised Code, when calculating payments under those sections for fiscal years 2010 and 2011, the Department of Education shall use for each district for each fiscal year the respective "state education aid offset" amount calculated for the district for fiscal year 2009. 90509
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Section 265.30.47. STUDENT-CENTERED EVIDENCE-BASED FUNDING COUNCIL 90515
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(A) The Student-Centered Evidence-Based Funding Council is hereby established. The council shall develop a student-centered evidence-based funding model for schools that will establish a per pupil level of funding to follow a student to the school that best meets the student's individual learning needs. The model shall be comprised of components that the council determines to be most likely to result in improved student achievement and readiness for post-secondary education and employment. The council shall make its determinations based on current, rigorous, research-based evidence affecting student success. 90517
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The council shall examine the cost-benefit of an extended 90527

school day and school year for all students or for students in 90528
need of additional academic intervention. 90529

The council shall examine the cost-benefit and effectiveness 90530
of universal class size reductions in lower grades across all 90531
schools statewide versus class size reductions among schools 90532
targeted by socioeconomic or other educationally relevant factors. 90533
The council shall also examine alternatives to class size 90534
reduction, where the research suggests that such alternatives 90535
might offer equal or superior outcomes. 90536

The council shall examine the range of effective additional 90537
services needed for successfully serving economically 90538
disadvantaged students. The council shall recommend an appropriate 90539
level of supplemental funding for the identified services. 90540

The council shall examine whether all-day every-day 90541
kindergarten should be required for all students in all schools or 90542
whether all-day every-day kindergarten should be offered based on 90543
student need as determined by socioeconomic and other relevant 90544
factors. The council shall also examine other early learning 90545
services either in lieu of, or in addition to, all-day every-day 90546
kindergarten where the research suggests that such alternatives 90547
might offer equal or superior outcomes. 90548

The council shall examine whether schools should have the 90549
flexibility to tailor the composition of the local basket of 90550
educational services in a manner that might differ from the 90551
specifications of the funding model computation. The council shall 90552
examine how such variation might be documented in order to 90553
determine whether the local outcomes are at least equivalent to 90554
outcome objectives of the funding model. 90555

The council shall examine the effects of alternative local 90556
share requirements on the overall equity of the school funding 90557
system. The council shall recommend an appropriate local share 90558

level for the state funding formula. 90559

The council shall examine the local funding capacity above 90560
the adequate education funding level. The council shall recommend 90561
an appropriate level of enhancement funding for low property 90562
wealth schools if needed. 90563

The council is subject to the Open Meetings Law, in section 90564
121.22 of the Revised Code, to ensure debate occurs in an open, 90565
transparent manner. 90566

The council is subject to the Public Records Law in section 90567
149.43 of the Revised Code. 90568

(B) The council shall consist of all the following members: 90569

(1) The Governor, who shall be the chair of the council; 90570

(2) The Superintendent of Public Instruction; 90571

(3) The Chancellor of the Ohio Board of Regents; 90572

(4) Two school district teachers, appointed by the Governor; 90573

(5) Two nonteaching, nonadministrative school district 90574
employees, appointed by the Governor; 90575

(6) One school district principal, appointed by the Speaker 90576
of the House of Representatives; 90577

(7) One school district superintendent, appointed by the 90578
President of the Senate; 90579

(8) One school district treasurer, appointed by the Speaker 90580
of the House of Representatives; 90581

(9) One member of a school district board, appointed by the 90582
President of the Senate; 90583

(10) One representative of a college of education, appointed 90584
by the Speaker of the House of Representatives; 90585

(11) One representative of the business community, appointed 90586

by the President of the Senate;	90587
(12) One representative of a philanthropic organization, appointed by the Speaker of the House of Representatives;	90588 90589
(13) One representative of the Ohio Academy of Science, appointed by the President of the Senate;	90590 90591
(14) One representative of the general public, appointed by the President of the Senate;	90592 90593
(15) One representative of educational service centers, appointed by the Speaker of the House of Representatives;	90594 90595
(16) One parent of a student attending a school operated by a school district, appointed by the Governor;	90596 90597
(17) One representative of community school sponsors, appointed by the Governor;	90598 90599
(18) One representative of operators of community schools, appointed by the President of the Senate;	90600 90601
(19) One community school fiscal officer, appointed by the Speaker of the House of Representatives;	90602 90603
(20) One parent of a student attending a community school, appointed by the President of the Senate;	90604 90605
(21) One representative of early childhood education providers, appointed by the Governor;	90606 90607
(22) One representative of chartered nonpublic schools, appointed by the Speaker of the House of Representatives;	90608 90609
(23) Two persons appointed by the President of the Senate, one of whom shall be recommended by the Minority Leader of the Senate;	90610 90611 90612
(24) Two persons appointed by the Speaker of the House of Representatives, one of whom shall be recommended by the Minority Leader of the House of Representatives.	90613 90614 90615

(C) The council shall submit recommendations to the General Assembly, in accordance with section 101.68 of the Revised Code, the State Board of Education, and the Ohio Board of Regents not later than September 7, 2010. The council shall cease to exist on September 7, 2010.

(D) Staff assistance shall be provided to the council by the Department of Education.

Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for joint vocational funding in each fiscal year to each joint vocational school district that received joint vocational funding in fiscal year 2009. The Department shall distribute to each such district joint vocational funding in an amount equal to the district's joint vocational funding from the previous fiscal year inflated by 1.9 per cent.

(B)(1) A district's fiscal year 2009 joint vocational funding equals the sum of the following, as reconciled by the Department:

(a) Base-cost funding under division (B) of section 3317.16 of the Revised Code;

(b) Special education and related services additional weighted funding under division (D)(1) of section 3317.16 of the Revised Code;

(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code;

(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code;

(e) GRADS funding under division (N) of section 3317.024 of

the Revised Code; 90646

(f) Any transitional aid computed for the district under 90647
Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General 90648
Assembly. 90649

(2) The joint vocational funding for each fiscal year for 90650
each district is the amount specified in division (A) or (B) of 90651
this section less any general revenue fund spending reductions 90652
ordered by the Governor under section 126.05 of the Revised Code. 90653

Section 265.30.55. Not later than the ninety-first day after 90654
the effective date of this section, the Department of Education 90655
shall notify the superintendent of each school district by letter 90656
of the amount of federal funding the department expects the 90657
district will receive under the American Recovery and Reinvestment 90658
Act of 2009, Pub. L. No. 111-5, over the 2009-2011 fiscal 90659
biennium. The letter also shall state that such funding is a 90660
one-time supplemental appropriation and the future continuation of 90661
such funding cannot be guaranteed. 90662

Not later than the thirty-first day after receipt of the 90663
letter, each district superintendent shall sign an acknowledgement 90664
of receipt of the letter and return it to the department. 90665

Each district superintendent also shall promptly forward a 90666
copy of the letter to the president of the district board of 90667
education, who shall place the acknowledgment of the letter on the 90668
board's next meeting agenda. The board through its president shall 90669
sign an acknowledgement of receipt of the letter and return it to 90670
the department. 90671

Section 265.30.56. By a date set by the Superintendent of 90672
Public Instruction, the board of education of each school district 90673
shall adopt by resolution a draft indicating how the board plans 90674
to deploy the funds the district will receive under the American 90675

Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, over the 90676
2009-2011 fiscal biennium, and submit that draft plan to the 90677
Department of Education. Each board also shall post its draft plan 90678
on its web site if it has one. 90679

Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY 90680

Of the foregoing appropriation item 200578, Violence 90681
Prevention and School Safety, up to \$224,250 in each fiscal year 90682
shall be used to fund a safe school center to provide resources 90683
for parents and for school and law enforcement personnel. 90684

The remainder of the appropriation shall be distributed based 90685
on guidelines developed by the Department of Education to enhance 90686
school safety. The guidelines shall provide a list of 90687
research-based best practices and programs from which local 90688
grantees shall select based on local needs. These practices shall 90689
include, but not be limited to, school resource officers and safe 90690
and drug free school coordinators and social-emotional development 90691
programs. 90692

Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION 90693

The Superintendent of Public Instruction shall not request, 90694
and the Controlling Board shall not approve, the transfer of 90695
appropriation from appropriation item 200901, Property Tax 90696
Allocation - Education, to any other appropriation item. 90697

The appropriation item 200901, Property Tax Allocation - 90698
Education, is appropriated to pay for the state's costs incurred 90699
because of the homestead exemption, the property tax rollback, and 90700
payments required under division (C) of section 5705.2110 of the 90701
Revised Code. In cooperation with the Department of Taxation, the 90702
Department of Education shall distribute these funds directly to 90703
the appropriate school districts of the state, notwithstanding 90704

sections 321.24 and 323.156 of the Revised Code, which provide for 90705
payment of the homestead exemption and property tax rollback by 90706
the Tax Commissioner to the appropriate county treasurer and the 90707
subsequent redistribution of these funds to the appropriate local 90708
taxing districts by the county auditor. 90709

Upon receipt of these amounts, each school district shall 90710
distribute the amount among the proper funds as if it had been 90711
paid as real or tangible personal property taxes. Payments for the 90712
costs of administration shall continue to be paid to the county 90713
treasurer and county auditor as provided for in sections 319.54, 90714
321.26, and 323.156 of the Revised Code. 90715

Any sums, in addition to the amount specifically appropriated 90716
in appropriation items 200901, Property Tax Allocation - 90717
Education, for the homestead exemption and the property tax 90718
rollback payments, and payments required under division (C) of 90719
section 5705.2110 of the Revised Code, which are determined to be 90720
necessary for these purposes, are hereby appropriated. 90721

Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE 90722

The foregoing appropriation item 200681, Teacher 90723
Certification and Licensure, shall be used by the Department of 90724
Education in each year of the biennium to administer and support 90725
teacher certification and licensure activities. 90726

SCHOOL DISTRICT SOLVENCY ASSISTANCE 90727

Of the foregoing appropriation item 200687, School District 90728
Solvency Assistance, \$9,000,000 in each fiscal year shall be 90729
allocated to the School District Shared Resource Account and 90730
\$9,000,000 in each fiscal year shall be allocated to the 90731
Catastrophic Expenditures Account. These funds shall be used to 90732
provide assistance and grants to school districts to enable them 90733
to remain solvent under section 3316.20 of the Revised Code. 90734

Assistance and grants shall be subject to approval by the 90735
Controlling Board. Any required reimbursements from school 90736
districts for solvency assistance shall be made to the appropriate 90737
account in the School District Solvency Assistance Fund (Fund 90738
5H30). 90739

Notwithstanding any provision of law to the contrary, upon 90740
the request of the Superintendent of Public Instruction, the 90741
Director of Budget and Management may make transfers to the School 90742
District Solvency Assistance Fund (Fund 5H30) from any fund used 90743
by the Department of Education or the General Revenue Fund to 90744
maintain sufficient cash balances in Fund 5H30 in fiscal years 90745
2010 and 2011. Any cash transferred is hereby appropriated. The 90746
transferred cash may be used by the Department of Education to 90747
provide assistance and grants to school districts to enable them 90748
to remain solvent and to pay unforeseeable expenses of a temporary 90749
or emergency nature that the school district is unable to pay from 90750
existing resources. The Director of Budget and Management shall 90751
notify the members of the Controlling Board of any such transfers. 90752
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Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 90754

Upon the request of the Superintendent of Public Instruction, 90755
the Director of Budget and Management may transfer up to \$639,000 90756
cash in each fiscal year from the General Revenue Fund to the 90757
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 90758
transferred cash is to be used by the Department of Education to 90759
pay the expenses the Department incurs in administering the 90760
Medicaid School Component of the Medicaid program established 90761
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 90762
of each fiscal year, or as soon as possible thereafter, the 90763
Director of Budget and Management shall transfer cash from Fund 90764
3AF0 back to the General Revenue Fund in an amount equal to the 90765

total amount transferred to Fund 3AF0 in that fiscal year. 90766

The money deposited into Fund 3AF0 under division (B) of 90767
section 5111.714 of the Revised Code is hereby appropriated for 90768
fiscal years 2010 and 2011 and shall be used in accordance with 90769
division (D) of section 5111.714 of the Revised Code. 90770

Section 265.40.20. READING FIRST 90771

The foregoing appropriation item 200632, Reading First, shall 90772
be used by school districts to administer federal diagnostic tests 90773
as well as other functions permitted by federal statute. 90774
Notwithstanding section 3301.079 of the Revised Code, federal 90775
diagnostic tests may be recognized as meeting the state diagnostic 90776
testing requirements outlined in section 3301.079 of the Revised 90777
Code. 90778

HALF-MILL MAINTENANCE EQUALIZATION 90779

The foregoing appropriation item 200626, Half-Mill 90780
Maintenance Equalization, shall be used to make payments pursuant 90781
to section 3318.18 of the Revised Code. 90782

Section 265.40.30. START-UP FUNDS 90783

Funds appropriated for the purpose of providing start-up 90784
grants to Title IV-A Head Start and Title IV-A Head Start Plus 90785
agencies in fiscal year 2004 and fiscal year 2005 for the 90786
provision of services to children eligible for Title IV-A services 90787
under the Title IV-A Head Start or Title IV-A Head Start Plus 90788
programs shall be reimbursed to the General Revenue Fund as 90789
follows: 90790

(A) If, for fiscal years 2010 or 2011, an entity that was a 90791
Title IV-A Head Start or Title IV-A Head Start Plus agency will 90792
not be an early learning agency or early learning provider, the 90793
entity shall repay the entire amount of the start-up grant it 90794

received in fiscal year 2004 and fiscal year 2005 not later than 90795
June 30, 2019, in accordance with a payment schedule agreed to by 90796
the Department of Education. 90797

(B) If an entity that was a Title IV-A Head Start or Title 90798
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 90799
2005 will be an early learning agency or early learning provider 90800
in fiscal year 2010 and fiscal year 2011, the entity shall be 90801
allowed to retain any amount of the start-up grant it received, 90802
unless division (D) of this section applies to the entity. In that 90803
case, the entity shall repay the entire amount of the obligation 90804
described in that division not later than June 30, 2019. 90805

(C) Within ninety days after the closure of an early learning 90806
agency or early learning provider that was a Title IV-A Head Start 90807
Plus agency in fiscal year 2004 or fiscal year 2005, the former 90808
Title IV-A Head Start agencies, Title IV-A Head Start Plus 90809
agencies, and the Department of Education shall determine the 90810
repayment schedule for amounts owed under division (A) of this 90811
section. These amounts shall be paid to the state not later than 90812
June 30, 2019. 90813

(D) If an entity that was a Title IV-A Head Start or Title 90814
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 90815
2005 owed the state any portion of the start-up grant amount 90816
during fiscal year 2006 or fiscal year 2007 but failed to repay 90817
the entire amount of the obligation by June 30, 2007, the entity 90818
shall be given an extension for repayment through June 30, 2019, 90819
before any amounts remaining due and payable to the state are 90820
referred to the Attorney General for collection under section 90821
131.02 of the Revised Code. 90822

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 90823
start-up grants that are retained by early learning agencies or 90824
early learning providers pursuant to this section shall be 90825
reimbursed to the General Revenue Fund when the early learning 90826

program ceases or if an early learning agency's or early learning
provider's participation in the early learning program ceases or
is terminated. 90827
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Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT 90830

Notwithstanding section 3317.064 of the Revised Code, if the
unexpended, unencumbered cash balance is sufficient, the Treasurer
of State shall transfer \$1,500,000 in fiscal year 2010 within
thirty days after the effective date of this section, and
\$1,500,000 in fiscal year 2011 by August 1, 2010, from the
Auxiliary Services Personnel Unemployment Compensation Fund to the
Auxiliary Services Reimbursement Fund (Fund 5980) used by the
Department of Education. 90831
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Section 265.40.50. LOTTERY PROFITS EDUCATION FUND 90839

Appropriation item 200612, Foundation Funding (Fund 7017),
shall be used in conjunction with appropriation item 200550,
Foundation Funding (GRF), to provide state foundation payments to
school districts. 90840
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The Department of Education, with the approval of the
Director of Budget and Management, shall determine the monthly
distribution schedules of appropriation item 200550, Foundation
Funding (GRF), and appropriation item 200612, Foundation Funding
(Fund 7017). If adjustments to the monthly distribution schedule
are necessary, the Department of Education shall make such
adjustments with the approval of the Director of Budget and
Management. 90844
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Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND 90852

(A) There is hereby created the Lottery Profits Education
Reserve Fund (Fund 7018) in the State Treasury. Investment
earnings of the Lottery Profits Education Reserve Fund shall be 90853
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credited to the fund. The Superintendent of Public Instruction may 90856
certify cash balances exceeding \$75,000,000 in Fund 7018 to the 90857
Director of Budget and Management in June of any given fiscal 90858
year. Prior to making the certification, the Superintendent of 90859
Public Instruction shall determine whether the funds above the 90860
\$75,000,000 threshold are needed to help pay for foundation 90861
program obligations for that fiscal year. 90862

For fiscal years 2010 and 2011, notwithstanding any 90863
provisions of law to the contrary, amounts necessary to make loans 90864
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 90865
Revised Code are hereby appropriated to Fund 7018. Loan repayments 90866
from loans made in previous years shall be deposited to the fund. 90867
90868

(B) On July 15, 2009, or as soon as possible thereafter, the 90869
Director of the Ohio Lottery Commission shall certify to the 90870
Director of Budget and Management the amount by which lottery 90871
profit transfers received by the Lottery Profits Education Fund 90872
(Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The 90873
Director of Budget and Management may transfer the amount so 90874
certified, plus the cash balance in Fund 7017, to Fund 7018. 90875

(C) On July 15, 2010, or as soon as possible thereafter, the 90876
Director of the Ohio Lottery Commission shall certify to the 90877
Director of Budget and Management the amount by which lottery 90878
profit transfers received by Fund 7017 exceeded \$705,000,000 in 90879
fiscal year 2010. The Director of Budget and Management may 90880
transfer the amount so certified, plus the cash balance in Fund 90881
7017, to Fund 7018. 90882

(D) Any amounts transferred under division (B) or (C) of this 90883
section may be made available by the Controlling Board in fiscal 90884
years 2010 or 2011, at the request of the Superintendent of Public 90885
Instruction, to provide assistance and grants to school districts 90886
to enable them to remain solvent and to pay unforeseeable expenses 90887

of a temporary or emergency nature that they are unable to pay 90888
from existing resources under section 3316.20 of the Revised Code, 90889
and to provide state foundation payments to school districts. 90890

Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 90891
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 90892

Notwithstanding any provision of law to the contrary, in 90893
fiscal year 2010 and fiscal year 2011 the Director of Budget and 90894
Management may make temporary transfers between the General 90895
Revenue Fund and the School District Property Tax Replacement - 90896
Business Fund (Fund 7047) in the Department of Education to ensure 90897
sufficient balances in Fund 7047 and to replenish the General 90898
Revenue Fund for such transfers. 90899

Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 90900
BUSINESS 90901

The foregoing appropriation item 200909, School District 90902
Property Tax Replacement - Business, shall be used by the 90903
Department of Education, in consultation with the Department of 90904
Taxation, to make payments to school districts and joint 90905
vocational school districts under section 5751.21 of the Revised 90906
Code. If it is determined by the Director of Budget and Management 90907
that additional appropriations are necessary for this purpose, 90908
such amounts are hereby appropriated. 90909

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 90910

The foregoing appropriation item 200900, School District 90911
Property Tax Replacement-Utility, shall be used by the Department 90912
of Education, in consultation with the Department of Taxation, to 90913
make payments to school districts and joint vocational school 90914
districts under section 5727.85 of the Revised Code. If it is 90915
determined by the Director of Budget and Management that 90916
additional appropriations are necessary for this purpose, such 90917

amounts are hereby appropriated.	90918
DISTRIBUTION FORMULAS	90919
The Department of Education shall report the following to the	90920
Director of Budget and Management and the Legislative Service	90921
Commission:	90922
(A) Changes in formulas for distributing state	90923
appropriations, including administratively defined formula	90924
factors;	90925
(B) Discretionary changes in formulas for distributing	90926
federal appropriations;	90927
(C) Federally mandated changes in formulas for distributing	90928
federal appropriations.	90929
Any such changes shall be reported two weeks prior to the	90930
effective date of the change.	90931
Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING	90932
(A) As used in this section:	90933
(1) "Internet- or computer-based community school" has the	90934
same meaning as in section 3314.02 of the Revised Code.	90935
(2) "Service center ADM" has the same meaning as in section	90936
3317.11 of the Revised Code.	90937
(3) "STEM school" means a science, technology, engineering,	90938
and mathematics school established under Chapter 3326. of the	90939
Revised Code.	90940
(B) Notwithstanding division (F) of section 3317.11 of the	90941
Revised Code, no funds shall be provided under that division to an	90942
educational service center in either fiscal year for any pupils of	90943
a city or exempted village school district unless an agreement to	90944
provide services under section 3313.843 of the Revised Code was	90945
entered into by January 1, 1997, except that funds shall be	90946

provided to an educational service center for any pupils of a city 90947
school district if the agreement to provide services was entered 90948
into within one year of the date upon which such district changed 90949
from a local school district to a city school district. 90950

If an educational service center that entered into an 90951
agreement by January 1, 1997, with a city or exempted village 90952
school district to provide services under section 3313.843 of the 90953
Revised Code ceases to operate because all of the local school 90954
districts that constituted the territory of the service center 90955
have severed from the service center pursuant to section 3311.059 90956
of the Revised Code, another educational service center, by 90957
resolution of its governing board, may assume the obligations of 90958
the original service center to provide services to the city or 90959
exempted village school district under that agreement. If that 90960
other service center assumes those obligations to provide services 90961
to the city or exempted village school district, that service 90962
center shall be considered to be the service center that entered 90963
into the agreement by January 1, 1997, and, accordingly, may 90964
receive funds under division (F) of section 3317.11 of the Revised 90965
Code in accordance with this section in fiscal years 2010 and 2011 90966
for pupils of that city or exempted village school district. 90967

(C) Notwithstanding any provision of the Revised Code to the 90968
contrary, an educational service center that sponsors a community 90969
school under Chapter 3314. of the Revised Code in either fiscal 90970
year may include the students of that community school in its 90971
service center ADM for purposes of state funding under division 90972
(F) of section 3317.11 of the Revised Code, unless the community 90973
school is an Internet- or computer-based community school. A 90974
service center shall include the community school students in its 90975
service center ADM only to the extent that the students are not 90976
already so included, and only in accordance with guidelines issued 90977
by the Department of Education. If the students of a community 90978

school sponsored by an educational service center are included in 90979
the service center ADM of another educational service center, 90980
those students shall be removed from the service center ADM of the 90981
other educational service center and added to the service center 90982
ADM of the community school's sponsoring service center. The 90983
General Assembly authorizes this procedure as an incentive for 90984
educational service centers to take over sponsorship of community 90985
schools from the State Board of Education as the State Board's 90986
sponsorship is phased out in accordance with Sub. H.B. 364 of the 90987
124th General Assembly. No student of an Internet- or 90988
computer-based community school shall be counted in the service 90989
center ADM of any educational service center. The Department shall 90990
pay educational service centers under division (F) of section 90991
3317.11 of the Revised Code for community school students included 90992
in their service center ADMs under this division only if 90993
sufficient funds earmarked within appropriation item 200550, 90994
Foundation Funding, for payments under that division remain after 90995
first paying for students attributable to their local and client 90996
school districts, in accordance with divisions (B) and (E) of this 90997
section. 90998

(D) Notwithstanding division (C) of section 3326.45 of the 90999
Revised Code, the Department shall pay educational service centers 91000
under division (H) of section 3317.11 of the Revised Code for 91001
services provided to STEM schools only if sufficient funds 91002
earmarked within appropriation item 200550, Foundation Funding, 91003
for payments under that division remain after first paying for 91004
students attributable to the local and client school districts of 91005
the service centers and for community school students in their 91006
service center ADMs, in accordance with divisions (B), (C), and 91007
(E) of this section. 91008

(E) If insufficient funds are earmarked within appropriation 91009
item 200550, Foundation Funding, for the full amount of payments 91010

to educational service centers, as calculated under this section 91011
and section 3317.11 of the Revised Code, the Department shall 91012
allocate funding to the service centers in accordance with the 91013
same methodology the Department used for that purpose for fiscal 91014
year 2009. 91015

Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO 91016

For the school year commencing July 1, 2009, or the school 91017
year commencing July 1, 2010, or both, the Superintendent of 91018
Public Instruction may waive for the board of education of any 91019
school district the ratio of teachers to pupils in kindergarten 91020
through fourth grade required under paragraph (A)(3) of rule 91021
3301-35-05 of the Administrative Code if the following conditions 91022
apply: 91023

(A) The board of education requests the waiver. 91024

(B) After the Department of Education conducts an on-site 91025
evaluation of the district related to meeting the required ratio, 91026
the board of education demonstrates to the satisfaction of the 91027
Superintendent of Public Instruction that providing the facilities 91028
necessary to meet the required ratio during the district's regular 91029
school hours with pupils in attendance would impose an extreme 91030
hardship on the district. 91031

(C) The board of education provides assurances that are 91032
satisfactory to the Superintendent of Public Instruction that the 91033
board will act in good faith to meet the required ratio as soon as 91034
possible. 91035

Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT 91036

(A) As used in this section: 91037

(1) The following are "participating residential treatment 91038
centers": 91039

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2010 or fiscal year 2011 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) Act One, in Akron;

(e) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The

educational program shall be provided by a school district or 91070
educational service center, or by the residential facility itself. 91071
Maximum flexibility shall be given to the residential treatment 91072
facility to determine the provider. In the event that a voluntary 91073
agreement cannot be reached and the residential facility does not 91074
choose to provide the educational program, the educational service 91075
center in the county in which the facility is located shall 91076
provide the educational program at the treatment center to 91077
children under twenty-two years of age residing in the treatment 91078
center. 91079

(C) Any school district responsible for tuition for a 91080
residential child shall, notwithstanding any conflicting provision 91081
of the Revised Code regarding tuition payment, pay tuition for the 91082
child for fiscal year 2010 and fiscal year 2011 to the education 91083
program provider and in the amount specified in this division. If 91084
there is no school district responsible for tuition for a 91085
residential child and if the participating residential treatment 91086
center to which the child is assigned is located in the city, 91087
exempted village, or local school district that, if the child were 91088
not a resident of that treatment center, would be the school 91089
district where the child is entitled to attend school under 91090
sections 3313.64 and 3313.65 of the Revised Code, that school 91091
district, notwithstanding any conflicting provision of the Revised 91092
Code, shall pay tuition for the child for fiscal year 2010 and 91093
fiscal year 2011 under this division unless that school district 91094
is providing the educational program to the child under division 91095
(B) of this section. 91096

A tuition payment under this division shall be made to the 91097
school district, educational service center, or residential 91098
treatment facility providing the educational program to the child. 91099

The amount of tuition paid shall be: 91100

(1) The amount of tuition determined for the district under 91101

division (A) of section 3317.08 of the Revised Code; 91102

(2) In addition, for any student receiving special education 91103
pursuant to an individualized education program as defined in 91104
section 3323.01 of the Revised Code, a payment for excess costs. 91105
This payment shall equal the actual cost to the school district, 91106
educational service center, or residential treatment facility of 91107
providing special education and related services to the student 91108
pursuant to the student's individualized education program, minus 91109
the tuition paid for the child under division (C)(1) of this 91110
section. 91111

A school district paying tuition under this division shall 91112
not include the child for whom tuition is paid in the district's 91113
average daily membership certified under division (A) of section 91114
3317.03 of the Revised Code. 91115

(D) In each of fiscal years 2010 and 2011, the Department of 91116
Education shall reimburse, from appropriations made for the 91117
purpose, a school district, educational service center, or 91118
residential treatment facility, whichever is providing the 91119
service, that has demonstrated that it is in compliance with the 91120
funding criteria for each served child for whom a school district 91121
must pay tuition under division (C) of this section. The amount of 91122
the reimbursement shall be the amount appropriated for this 91123
purpose divided by the full-time equivalent number of children for 91124
whom reimbursement is to be made. 91125

(E) Funds provided to a school district, educational service 91126
center, or residential treatment facility under this section shall 91127
be used to supplement, not supplant, funds from other public 91128
sources for which the school district, service center, or 91129
residential treatment facility is entitled or eligible. 91130

(F) The Department of Education shall track the utilization 91131
of funds provided to school districts, educational service 91132

centers, and residential treatment facilities under this section 91133
and monitor the effect of the funding on the educational programs 91134
they provide in participating residential treatment facilities. 91135
The Department shall monitor the programs for educational 91136
accountability. 91137

Section 265.50.40. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 91138
ASSESSMENT OF EDUCATION PROGRESS 91139

The General Assembly intends for the Superintendent of Public 91140
Instruction to provide for school district participation in the 91141
administration of the National Assessment of Education Progress in 91142
accordance with section 3301.27 of the Revised Code. Each school 91143
and school district selected for participation by the 91144
Superintendent of Public Instruction shall participate. 91145

Section 265.50.50. DEPARTMENT OF EDUCATION APPROPRIATION 91146
TRANSFERS FOR STUDENT ASSESSMENT 91147

In fiscal year 2010 and fiscal year 2011, if the 91148
Superintendent of Public Instruction determines that additional 91149
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 91150
of the 125th General Assembly and this act for assessments of 91151
student performance, the Superintendent of Public Instruction may 91152
recommend the reallocation of unexpended and unencumbered General 91153
Revenue Fund appropriations within the Department of Education to 91154
appropriation item 200437, Student Assessment, to the Director of 91155
Budget and Management. If the Director of Budget and Management 91156
determines that such a reallocation is required, the Director of 91157
Budget and Management may transfer unexpended and unencumbered 91158
appropriations within the Department of Education as necessary to 91159
appropriation item 200437, Student Assessment. If these 91160
transferred appropriations are not sufficient to fully fund the 91161
assessment requirements in fiscal year 2010 or fiscal year 2011, 91162

the Superintendent of Public Instruction may request that the 91163
Controlling Board transfer up to \$9,000,000 cash from the Lottery 91164
Profits Education Reserve Fund (Fund 7018) to the General Revenue 91165
Fund. Upon approval of the Controlling Board, these transferred 91166
funds are hereby appropriated for the same purpose as 91167
appropriation item 200437, Student Assessment. 91168

Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE 91169
FISCAL STABILIZATION FUND APPROPRIATIONS 91170

The Director of Budget and Management may transfer 91171
appropriation between appropriation items 200550, Foundation 91172
Funding, and 200551, Foundation Funding - Federal Stimulus, in 91173
each fiscal year, upon the written request of the Superintendent 91174
of Public Instruction, including transferring appropriation 91175
between fiscal year 2010 and fiscal year 2011. The Director shall 91176
report each transfer made under this section to the Controlling 91177
Board at its next regularly scheduled meeting after the transfer 91178
is made. 91179

Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 91180
STUDENTS 91181

(A) As used in this section: 91182

(1) "IEP" has the same meaning as in section 3323.01 of the 91183
Revised Code. 91184

(2) "SBH student" means a student receiving special education 91185
and related services for severe behavior disabilities pursuant to 91186
an IEP. 91187

(B) This section applies only to a community school 91188
established under Chapter 3314. of the Revised Code that in each 91189
of fiscal years 2010 and 2011 enrolls a number of SBH students 91190
equal to at least fifty per cent of the total number of students 91191
enrolled in the school in the applicable fiscal year. 91192

(C) In addition to any state foundation payments made, in 91193
each of fiscal years 2010 and 2011, the Department of Education 91194
shall pay to a community school to which this section applies a 91195
subsidy equal to the difference between the aggregate amount 91196
calculated and paid in that fiscal year to the community school 91197
for special education and related services additional weighted 91198
costs for the SBH students enrolled in the school and the 91199
aggregate amount that would have been calculated for the school 91200
for special education and related services additional weighted 91201
costs for those same students in fiscal year 2001. If the 91202
difference is a negative number, the amount of the subsidy shall 91203
be zero. 91204

(D) The amount of any subsidy paid to a community school 91205
under this section shall not be deducted from the school district 91206
in which any of the students enrolled in the community school are 91207
entitled to attend school under section 3313.64 or 3313.65 of the 91208
Revised Code. The amount of any subsidy paid to a community school 91209
under this section shall be paid from funds appropriated to the 91210
Department of Education in appropriation item 200550, Foundation 91211
Funding. 91212

Section 265.50.70. EARMARK ACCOUNTABILITY 91213

At the request of the Superintendent of Public Instruction, 91214
any entity that receives a budget earmark under the Department of 91215
Education shall submit annually to the chairpersons of the 91216
committees of the House of Representatives and the Senate 91217
primarily concerned with education and to the Department of 91218
Education a report that includes a description of the services 91219
supported by the funds, a description of the results achieved by 91220
those services, an analysis of the effectiveness of the program, 91221
and an opinion as to the program's applicability to other school 91222
districts. For an earmarked entity that received state funds from 91223

an earmark in the prior fiscal year, no funds shall be provided by 91224
the Department of Education to an earmarked entity for a fiscal 91225
year until its report for the prior fiscal year has been 91226
submitted. 91227

Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME 91228

No community school established under Chapter 3314. of the 91229
Revised Code that was not open for operation as of May 1, 2005, 91230
shall operate from a home, as defined in section 3313.64 of the 91231
Revised Code. 91232

Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL 91233

(A) As used in this section: 91234

(1) "Big eight school district" has the same meaning as in 91235
section 3314.02 of the Revised Code. 91236

(2) "Early college high school" means a high school that 91237
provides students with a personalized learning plan based on an 91238
accelerated curriculum combining high school and college-level 91239
coursework. 91240

(B) Any early college high school that is operated by a big 91241
eight school district in partnership with a private university may 91242
operate as a new start-up community school under Chapter 3314. of 91243
the Revised Code beginning in the 2007-2008 school year, if all of 91244
the following conditions are met: 91245

(1) The governing authority and sponsor of the school enter 91246
into a contract in accordance with section 3314.03 of the Revised 91247
Code and, notwithstanding division (D) of section 3314.02 of the 91248
Revised Code, both parties adopt and sign the contract by July 9, 91249
2007. 91250

(2) Notwithstanding division (A) of section 3314.016 of the 91251
Revised Code, the school's governing authority enters into a 91252

contract with the private university under which the university 91253
will be the school's operator. 91254

(3) The school provides the same educational program the 91255
school provided while part of the big eight school district. 91256

Section 265.60.30. USE OF VOLUNTEERS 91257

The Department of Education may utilize the services of 91258
volunteers to accomplish any of the purposes of the Department. 91259
The Superintendent of Public Instruction shall approve for what 91260
purposes volunteers may be used and for these purposes may 91261
recruit, train, and oversee the services of volunteers. The 91262
Superintendent may reimburse volunteers for necessary and 91263
appropriate expenses in accordance with state guidelines and may 91264
designate volunteers as state employees for the purpose of motor 91265
vehicle accident liability insurance under section 9.83 of the 91266
Revised Code, for immunity under section 9.86 of the Revised Code, 91267
and for indemnification from liability incurred in the performance 91268
of their duties under section 9.87 of the Revised Code. 91269

Section 265.60.50. (A) Not later than July 1, 2010, the State 91270
Board of Education and Superintendent of Public Instruction 91271
jointly shall study the following proposals and make 91272
recommendations to the General Assembly: 91273

(1) Adopting new statewide academic standards and model 91274
curricula in English language arts, mathematics, science, and 91275
social studies to replace the existing standards and curricula in 91276
reading, writing, mathematics, science, and social studies adopted 91277
under section 3301.079 of the Revised Code; 91278

(2) Revising the academic standards and model curricula in 91279
fine arts and foreign language adopted under section 3301.0718 of 91280
the Revised Code; 91281

(3) Revising the academic standards and model curricula in 91282

computer literacy adopted under section 3301.0718 of the Revised Code and expanding them to cover grades kindergarten through twelve;	91283 91284 91285
(4) Adopting academic standards and model curricula for grades kindergarten through twelve in the area of financial literacy and entrepreneurship;	91286 91287 91288
(5) Developing new achievement tests aligned with the revised academic standards described in division (A)(1) of this section;	91289 91290
(6) Combining the grade-level reading and writing achievement tests and diagnostic assessments into a single achievement test or diagnostic assessment in the subject of English language arts;	91291 91292 91293
(7) Reducing the scoring ranges on the achievement tests from the five levels described in division (A)(2) of section 3301.0710 of the Revised Code to three levels by eliminating the accelerated and basic levels;	91294 91295 91296 91297
(8) Eliminating the restrictions on the dates and times for administering the achievement tests established in divisions (C), (D), and (H) of section 3301.0710 of the Revised Code and instead requiring the Superintendent of Public Instruction to designate those dates and times;	91298 91299 91300 91301 91302
(9) Developing a new high school assessment system consisting of the following components to replace the Ohio Graduation Tests as a requirement for a high school diploma:	91303 91304 91305
(a) A nationally standardized assessment in science, mathematics, and English language arts;	91306 91307
(b) A series of end-of-course examinations in science, mathematics, English language arts, and social studies;	91308 91309
(c) A community service learning project;	91310
(d) A senior project.	91311
(10) Establishing new performance indicators for the school	91312

district and building report cards issued under section 3302.03 of the Revised Code; 91313
91314

(11) Extending the length of the minimum school year; 91315

(12) Allocating school hours more effectively in terms of classroom instruction, competency-based evaluation, planning time, and professional development; 91316
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91318

(13) Designating school districts as innovation zones for the purpose of implementing innovative educational practices and learning opportunities for students and exempting districts from education mandates. 91319
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(B) The recommendations under division (A) of this section shall address the necessity of implementing each proposal, a timeline that would be required for implementation, the estimated cost of implementation, and legislative changes needed for implementation. 91323
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(C) Copies of the recommendations shall be provided to the General Assembly, in accordance with section 101.68 of the Revised Code, and to the Governor. 91328
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91330

Section 265.60.60. EDUCATOR STANDARDS BOARD 91331

(A) The State Board of Education shall appoint two teachers under division (A)(1)(a) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of the new secondary school teacher member shall expire July 1, 2011, and the term of office of the new elementary school teacher member shall expire July 1, 2012. Thereafter, the term of the additional secondary and elementary school teachers appointed to the Educator Standards Board shall be for two years. 91332
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(B) The State Board of Education shall appoint a school district treasurer or business manager to the Educator Standards 91341
91342

Board under division (A)(1)(c) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2012. Thereafter, the term of the school district treasurer or business manager appointed to the Educator Standards Board shall be for two years.

(C) The State Board of Education shall appoint a parent to the Educator Standards Board under division (A)(1)(e) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2011. Thereafter, the term of the parent representative appointed to the Educator Standards Board shall be for two years.

(D) The higher education representatives appointed by the State Board of Education to the Educator Standards Board prior to the effective date of this section under former division (A)(5) of section 3319.60 of the Revised Code shall serve for the remainder of their terms. The Chancellor of the Ohio Board of Regents shall appoint higher education representatives to the Educator Standards Board under division (A)(2) of section 3319.60 of the Revised Code, as amended by this act, as the terms of the higher education representatives appointed under former division (A)(5) of that section expire, each for a term of two years. The Chancellor also shall fill any vacancies that occur during the term of a higher education representative appointed under former division (A)(5) of that section.

Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of

a school district for which the formula ADM for fiscal year 2005, 91374
as reported for that fiscal year under division (A) of section 91375
3317.03 of the Revised Code, was reduced based on enrollment 91376
reports for community schools, made under section 3314.08 of the 91377
Revised Code, regarding students entitled to attend school in the 91378
district, which reduction of formula ADM resulted in a reduction 91379
of foundation funding or transitional aid funding for fiscal year 91380
2005, 2006, or 2007, no school district, except a district named 91381
in the court's judgment or the settlement agreement, shall have a 91382
legal claim for reimbursement of the amount of such reduction in 91383
foundation funding or transitional aid funding, and the state 91384
shall not have liability for reimbursement of the amount of such 91385
reduction in foundation funding or transitional aid funding. 91386

(B) As used in this section: 91387
91388

(1) "Community school" means a community school established 91389
under Chapter 3314. of the Revised Code. 91390

(2) "Entitled to attend school" means entitled to attend 91391
school in a school district under section 3313.64 or 3313.65 of 91392
the Revised Code. 91393

(3) "Foundation funding" means payments calculated for the 91394
respective fiscal year under Chapter 3317. of the Revised Code. 91395

(4) "Transitional aid funding" means payments calculated for 91396
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 91397
of the 125th General Assembly, as subsequently amended; Section 91398
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 91399
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 91400
of the 127th General Assembly. 91401

Section 265.60.90. All duties, powers, obligations, and 91402
functions performed by, all rights exercised by, and the remaining 91403

unexpended, unencumbered balance of any money appropriated or 91404
reappropriated to the Department of Administrative Services with 91405
regard to the School Employees Health Care Board under section 91406
9.901 of the Revised Code, whether obligated or unobligated, are 91407
transferred to the Department of Education on July 1, 2009. The 91408
Department of Education thereupon succeeds to, and shall assume, 91409
all duties, powers, obligations, and functions performed by, all 91410
rights exercised by, and the remaining unexpended, unencumbered 91411
balance of any money appropriated or reappropriated to the 91412
Department of Administrative Services with regard to the School 91413
Employees Health Care Board under section 9.901 of the Revised 91414
Code. 91415

Any aspect of the board's operations commenced but not 91416
completed by the Department of Administrative Services on July 1, 91417
2009, shall be completed by the Superintendent of Public 91418
Instruction or staff of the Department of Education in the same 91419
manner, and with the same effect, as if completed by the 91420
Department of Administrative Services or the staff of the 91421
Department of Administrative Services. Any validation, cure, 91422
right, privilege, remedy, obligation, or liability related to the 91423
board's operations is neither lost nor impaired by reason of the 91424
transfer and shall be administered by the Department of Education. 91425

All of the rules, orders, and determinations of the 91426
Department of Administrative Services in relation to the board's 91427
operations continue in effect as rules, orders, and determinations 91428
of the Superintendent of Public Instruction until modified or 91429
rescinded by the Superintendent. At the request of the 91430
Superintendent, and if necessary to ensure the integrity of the 91431
numbering of the Administrative Code, the Director of the 91432
Legislative Service Commission shall renumber the rules of the 91433
board to reflect the transfer to the Department of Education. 91434

The Department of Administrative Services and the 91435
Superintendent shall identify the employees of the board to be 91436
transferred to the Department of Education. The employees shall be 91437
transferred on July 1, 2009, or as soon as possible thereafter. 91438

Whenever the Department of Administrative Services is 91439
referred to in relation to the board in any law, contract, or 91440
other document, the reference shall be deemed to refer to the 91441
Department of Education in relation to the board. 91442

Any action or proceeding that is related to the board's 91443
operations and that is pending on the effective date of this 91444
section is not affected by the transfer and shall be prosecuted or 91445
defended in the name of the Superintendent or the Department of 91446
Education. In all such actions and proceedings, the Superintendent 91447
or the Department of Education, upon application to the court or 91448
agency, shall be substituted as a party. 91449

On or after July 1, 2009, notwithstanding any provision of 91450
law to the contrary, the Director of Budget and Management shall 91451
take any action with respect to budget changes made necessary by 91452
the transfer, including the creation of new funds and the 91453
consolidation of funds. The Director may transfer cash balances 91454
between funds. The Director may cancel encumbrances and 91455
re-establish encumbrances or parts of encumbrances as needed in 91456
the fiscal year in the appropriate fund and appropriation item for 91457
the same purpose and to the same vendor. As determined by the 91458
Director, encumbrances re-established in the fiscal year in a 91459
different fund or appropriation item used by an agency or between 91460
agencies are appropriated. The Director shall reduce each year's 91461
appropriation balances by the amount of the encumbrance canceled 91462
in their respective funds and appropriation item. Any unencumbered 91463
or unallocated appropriation balances from the previous fiscal 91464
year may be transferred to the appropriate appropriation item to 91465
be used for the same purposes, as determined by the Director. 91466

Section 265.70.10. CENTER FOR EARLY CHILDHOOD DEVELOPMENT 91467

(A) The Superintendent of Public Instruction, in consultation 91468
with the Governor, shall create the Center for Early Childhood 91469
Development in the Department of Education comprised of staff from 91470
the Department of Education, the Department of Job and Family 91471
Services, the Department of Health, and any other state agency as 91472
determined necessary by the Superintendent. The Superintendent 91473
also shall hire a Director of the Center who shall report to the 91474
Superintendent and the Governor. The Center, under the supervision 91475
of the Director, shall research and make recommendations about the 91476
coordination of early childhood programs and services for 91477
children, beginning with prenatal care and continuing until entry 91478
into kindergarten, and the eventual transfer of the authority to 91479
implement those programs and services from other state agencies to 91480
the Department of Education. 91481

(B) The Center for Early Childhood Development shall promote 91482
family-centered programs and services that acknowledge and support 91483
the social, emotional, cognitive, intellectual, and physical 91484
development of children and the vital role of families in ensuring 91485
the well-being and success of children. 91486

(C) The Director of the Center for Early Childhood 91487
Development, in partnership with staff from the Department of 91488
Education and advised by the Early Childhood Advisory Council, 91489
shall submit an implementation plan to the Superintendent and the 91490
Governor not later than December 31, 2009. The implementation plan 91491
shall include research and recommendations regarding all of the 91492
following: 91493

(1) The identification of programs, services, and funding 91494
sources to be transferred from other state agencies to the 91495
Department of Education; 91496

(2) A new administrative structure within the Department of 91497

Education for the purpose of implementing early childhood programs and services;	91498 91499
(3) Statutory changes necessary to implement the new administrative structure within the Department of Education;	91500 91501
(4) A timeline for the transition from the current administrative structure within other state agencies to the new administrative structure within the Department of Education.	91502 91503 91504
(D) The Director of Budget and Management may seek Controlling Board approval to do any of the following to support the preparation of an implementation plan to create a new administrative structure for early childhood programs and services within the Department of Education:	91505 91506 91507 91508 91509
(1) Create new funds and non-GRF appropriation items;	91510
(2) Transfer cash between funds;	91511
(3) Transfer appropriation within the same fund used by the same state agency.	91512 91513
Any transfers of cash approved by the Controlling Board under this section are hereby appropriated.	91514 91515
Section 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP	91516
The Early Childhood Advisory Council shall establish an Early Childhood Financing Workgroup. The chairperson of the Early Childhood Advisory Council shall serve as chairperson of the Early Childhood Financing Workgroup. The Early Childhood Financing Workgroup shall develop recommendations that explore the implementation of a single financing system for early care and education programs that includes aligned payment mechanisms and consistent eligibility and co-payment policies. Not later than December 31, 2009, the Early Childhood Financing Workgroup shall submit its recommendations to the Governor. Upon the order of the Early Childhood Advisory Council, the Early Childhood Financing	91517 91518 91519 91520 91521 91522 91523 91524 91525 91526 91527

Workgroup shall cease to exist. 91528

Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT 91529
RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS 91530

Notwithstanding section 3311.059 of the Revised Code, no 91531
severance of the territory of a local school district from the 91532
educational service center to which it currently belongs and 91533
annexation of that district's territory to an adjacent educational 91534
service center, as otherwise authorized under that section, shall 91535
be effective for the period beginning on the effective date of 91536
this section and ending July 1, 2011. All resolutions proposing 91537
such severance and annexation approved by the State Board of 91538
Education but not effective prior to July 1, 2009, are hereby 91539
void. All resolutions proposing such severance and annexation 91540
pending on the effective date of this section are hereby void and 91541
shall not be considered by the State Board. If the board of 91542
education of a local school district with such a severance and 91543
annexation action pending or approved on the effective date of 91544
this section that is void under this section desires to have the 91545
action considered after July 1, 2011, the board shall adopt after 91546
that date a new resolution in the manner prescribed by section 91547
3311.059 of the Revised Code. No local school district shall adopt 91548
a severance and annexation resolution under that section during 91549
the period beginning on the effective date of this section and 91550
ending July 1, 2011. 91551

Section 265.80.10. (A) Notwithstanding the amendments to and 91552
repeal of statutes by this act, the Board of Speech-Language 91553
Pathology and Audiology shall accept applications for new, and 91554
renewal of, speech-language pathology student permits through the 91555
effective date of the rules adopted by the State Board of 91556
Education under section 3319.227 of the Revised Code, as enacted 91557
by this act, and shall issue the permits on the basis of the 91558

applications received by that date in accordance with former 91559
section 4753.073 of the Revised Code as it existed prior to the 91560
effective date of this section. Starting on the effective date of 91561
the rules adopted under section 3319.227 of the Revised Code, the 91562
State Board of Education shall begin issuing speech-language 91563
pathology intern licenses in accordance with that section. 91564

(B) Any speech-language pathology student permit issued under 91565
former section 4753.073 of the Revised Code, as it existed prior 91566
to the effective date of this section, or under division (A) of 91567
this section shall remain valid until its expiration. 91568

(C) Notwithstanding the repeal of section 4753.101 of the 91569
Revised Code by this act, and until the effective date of the 91570
rules adopted by the State Board of Education under section 91571
3319.227 of the Revised Code, the Board of Speech-Language 91572
Pathology and Audiology may take disciplinary action, in 91573
accordance with any rules established under former section 91574
4753.101 of the Revised Code, against any person who holds a 91575
speech-language pathology student permit. 91576

Section 265.80.20. UNAUDITABLE COMMUNITY SCHOOL 91577

(A) If the Auditor of State or a public accountant, pursuant 91578
to section 117.41 of the Revised Code, declares a community school 91579
established under Chapter 3314. of the Revised Code to be 91580
unauditable, the Auditor of State shall provide written 91581
notification of that declaration to the school, the school's 91582
sponsor, and the Department of Education. The Auditor of State 91583
also shall post the notification on the Auditor of State's web 91584
site. 91585

(B) Notwithstanding any provision to the contrary in Chapter 91586
3314. of the Revised Code or any other provision of law, a sponsor 91587
of a community school that is notified by the Auditor of State 91588
under division (A) of this section that a community school it 91589

sponsors is unauditabile shall not enter into contracts with any 91590
additional community schools under section 3314.03 of the Revised 91591
Code until the Auditor of State or a public accountant has 91592
completed a financial audit of that school. 91593

(C) Not later than forty-five days after receiving 91594
notification by the Auditor of State under division (A) of this 91595
section that a community school is unauditabile, the sponsor of the 91596
school shall provide a written response to the Auditor of State. 91597
The response shall include the following: 91598

(1) An overview of the process the sponsor will use to review 91599
and understand the circumstances that led to the community school 91600
becoming unauditabile; 91601

(2) A plan for providing the Auditor of State with the 91602
documentation necessary to complete an audit of the community 91603
school and for ensuring that all financial documents are available 91604
in the future; 91605

(3) The actions the sponsor will take to ensure that the plan 91606
described in division (C)(2) of this section is implemented. 91607

(D) If a community school fails to make reasonable efforts 91608
and continuing progress to bring its accounts, records, files, or 91609
reports into an auditabile condition within ninety days after being 91610
declared unauditabile, the Auditor of State, in addition to 91611
requesting legal action under sections 117.41 and 117.42 of the 91612
Revised Code, shall notify the Department of the school's failure. 91613
If the Auditor of State or a public accountant subsequently is 91614
able to complete a financial audit of the school, the Auditor of 91615
State shall notify the Department that the audit has been 91616
completed. 91617

(E) Notwithstanding any provision to the contrary in Chapter 91618
3314. of the Revised Code or any other provision of law, upon 91619
notification by the Auditor of State under division (D) of this 91620

section that a community school has failed to make reasonable 91621
efforts and continuing progress to bring its accounts, records, 91622
files, or reports into an auditable condition following a 91623
declaration that the school is unauditabile, the Department shall 91624
immediately cease all payments to the school under Chapter 3314. 91625
of the Revised Code and any other provision of law. Upon 91626
subsequent notification from the Auditor of State under that 91627
division that the Auditor of State or a public accountant was able 91628
to complete a financial audit of the community school, the 91629
Department shall release all funds withheld from the school under 91630
this section. 91631

Section 265.80.30. (A) This section applies only to the 91632
contract for vocational education services, under section 3313.90 91633
of the Revised Code, between: 91634

(1) A local school district receiving the services under the 91635
contract, which was created under section 3311.26 of the Revised 91636
Code and began operating in fiscal year 2005; 91637

(2) Another local school district providing the services 91638
under the contract, the territory of which district had included 91639
the territory of the district described in division (A)(1) of this 91640
section prior to the creation of that district. 91641

(B) Notwithstanding anything to the contrary in rule 91642
3301-61-06 of the Administrative Code, a vocational education 91643
contract to which this section applies that expires on or before 91644
June 30, 2010, may be renewed one time for a term of less than 91645
five years. 91646

Section 265.80.40. Not later than January 29, 2010, the State 91647
Board of Education shall develop a list of best practices for 91648
improving parental involvement in schools that public and 91649
nonpublic schools may use to increase parental participation. The 91650

Department of Education shall make the list available to schools 91651
on its web site. 91652

Section 265.80.50. The State Board of Education shall 91653
initiate rulemaking procedures for the rules for the Special 91654
Education Scholarship Pilot Program, required under section 91655
3310.64 of the Revised Code, as enacted by this act, so that those 91656
rules are in effect by January 31, 2011. 91657

Section 265.80.51. The Department of Education shall conduct 91658
a formative evaluation of the Special Education Scholarship Pilot 91659
Program established under sections 3310.51 to 3310.64 of the 91660
Revised Code, using both quantitative and qualitative analyses, 91661
and shall report its findings to the General Assembly not later 91662
than December 31, 2013. In conducting the evaluation, the 91663
Department shall to the extent possible gather comments from 91664
parents who have been awarded scholarships under the program, 91665
school district officials, representatives of registered private 91666
providers, educators, and representatives of educational 91667
organizations for inclusion in the report required under this 91668
section. 91669

Section 267.10. ELC OHIO ELECTIONS COMMISSION 91670

General Revenue Fund 91671

GRF 051321	Operating Expenses	\$	381,578	\$	381,578	91672
TOTAL GRF	General Revenue Fund	\$	381,578	\$	381,578	91673

General Services Fund Group 91674

4P20 051601	Ohio Elections	\$	250,000	\$	255,000	91675
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Commission Fund

TOTAL GSF	General Services Fund	\$	250,000	\$	255,000	91676
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	631,578	\$	636,578	91677
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL				91679
DIRECTORS				91680
General Services Fund Group				91681
4K90 881609 Operating Expenses	\$	572,159	\$ 572,159	91682
TOTAL GSF General Services				91683
Fund Group	\$	572,159	\$ 572,159	91684
TOTAL ALL BUDGET FUND GROUPS	\$	572,159	\$ 572,159	91685
Section 271.10. PAY EMPLOYEE BENEFITS FUNDS				91687
Accrued Leave Liability Fund Group				91688
8060 995666 Accrued Leave Fund	\$	65,200,000	\$ 67,200,000	91689
8070 995667 Disability Fund	\$	27,400,000	\$ 28,100,000	91690
TOTAL ALF Accrued Leave Liability				91691
Fund Group	\$	92,600,000	\$ 95,300,000	91692
Agency Fund Group				91693
1240 995673 Payroll Deductions	\$	881,573,000	\$ 943,283,110	91694
8080 995668 State Employee Health	\$	551,795,580	\$ 598,643,430	91695
Benefit Fund				
8090 995669 Dependent Care	\$	2,969,635	\$ 2,969,635	91696
Spending Account				
8100 995670 Life Insurance	\$	2,229,834	\$ 2,229,834	91697
Investment Fund				
8110 995671 Parental Leave	\$	3,900,000	\$ 4,000,000	91698
Benefit Fund				
8130 995672 Health Care Spending	\$	8,977,689	\$ 12,000,000	91699
Account				
TOTAL AGY Agency Fund Group	\$	1,451,445,738	\$ 1,563,126,009	91700
TOTAL ALL BUDGET FUND GROUPS	\$	1,544,045,738	\$ 1,658,426,009	91701
ACCRUED LEAVE LIABILITY FUND				91702
The foregoing appropriation item 995666, Accrued Leave Fund,				91703
shall be used to make payments from the Accrued Leave Liability				91704

Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 91705
If it is determined by the Director of Budget and Management that 91706
additional amounts are necessary, the amounts are hereby 91707
appropriated. 91708

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 91709

The foregoing appropriation item 995667, Disability Fund, 91710
shall be used to make payments from the State Employee Disability 91711
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 91712
Revised Code. If it is determined by the Director of Budget and 91713
Management that additional amounts are necessary, the amounts are 91714
hereby appropriated. 91715

PAYROLL WITHHOLDING FUND 91716

The foregoing appropriation item 995673, Payroll Deductions, 91717
shall be used to make payments from the Payroll Withholding Fund 91718
(Fund 1240). If it is determined by the Director of Budget and 91719
Management that additional appropriation amounts are necessary, 91720
the amounts are hereby appropriated. 91721

STATE EMPLOYEE HEALTH BENEFIT FUND 91722

The foregoing appropriation item 995668, State Employee 91723
Health Benefit Fund, shall be used to make payments from the State 91724
Employee Health Benefit Fund (Fund 8080) pursuant to section 91725
124.87 of the Revised Code. If it is determined by the Director of 91726
Budget and Management that additional amounts are necessary, the 91727
amounts are hereby appropriated. 91728

On June 30, 2010, or as soon as possible thereafter, the 91729
Director of Budget and Management shall transfer \$1,620,000 cash 91730
from the General Revenue Fund to the State Employee Health Benefit 91731
Fund (Fund 8080). 91732

DEPENDENT CARE SPENDING FUND 91733

The foregoing appropriation item 995669, Dependent Care 91734

Spending Account, shall be used to make payments from the 91735
Dependent Care Spending Fund (Fund 8090) to employees eligible for 91736
dependent care expenses. If it is determined by the Director of 91737
Budget and Management that additional amounts are necessary, the 91738
amounts are hereby appropriated. 91739

LIFE INSURANCE INVESTMENT FUND 91740

The foregoing appropriation item 995670, Life Insurance 91741
Investment Fund, shall be used to make payments from the Life 91742
Insurance Investment Fund (Fund 8100) for the costs and expenses 91743
of the state's life insurance benefit program pursuant to section 91744
125.212 of the Revised Code. If it is determined by the Director 91745
of Budget and Management that additional amounts are necessary, 91746
the amounts are hereby appropriated. 91747

PARENTAL LEAVE BENEFIT FUND 91748

The foregoing appropriation item 995671, Parental Leave 91749
Benefit Fund, shall be used to make payments from the Parental 91750
Leave Benefit Fund (Fund 8110) to employees eligible for parental 91751
leave benefits pursuant to section 124.137 of the Revised Code. If 91752
it is determined by the Director of Budget and Management that 91753
additional amounts are necessary, the amounts are hereby 91754
appropriated. 91755

HEALTH CARE SPENDING ACCOUNT FUND 91756

The foregoing appropriation item 995672, Health Care Spending 91757
Account, shall be used to make payments from the Health Care 91758
Spending Account Fund (Fund 8130) for payments pursuant to state 91759
employees' participation in a flexible spending account for 91760
non-reimbursed health care expenses and section 124.821 of the 91761
Revised Code. If it is determined by the Director of 91762
Administrative Services that additional appropriation amounts are 91763
necessary, the Director of Administrative Services may request 91764
that the Director of Budget and Management increase such amounts. 91765

Such amounts are hereby appropriated. 91766

At the request of the Director of Administrative Services, 91767
the Director of Budget and Management may transfer up to \$145,000 91768
from the General Revenue Fund to the Health Care Spending Account 91769
Fund during fiscal years 2010 and 2011. This cash shall be 91770
transferred as needed to provide adequate cash flow for the Health 91771
Care Spending Account Fund during fiscal year 2010 and fiscal year 91772
2011. If funds are available at the end of fiscal years 2010 and 91773
2011, the Director of Budget and Management shall transfer cash up 91774
to the amount previously transferred in the respective year, plus 91775
interest income, from the Health Care Spending Account (Fund 8130) 91776
to the General Revenue Fund. 91777

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 91778

General Revenue Fund 91779

GRF 125321	Operating Expenses	\$	4,090,876	\$	4,090,876	91780
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TOTAL GRF	General Revenue Fund	\$	4,090,876	\$	4,090,876	91781
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General Services Fund Group 91782

5720 125603	Training and	\$	87,075	\$	87,075	91783
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Publications

TOTAL GSF	General Services					91784
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Fund Group		\$	87,075	\$	87,075	91785
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TOTAL ALL BUDGET FUND GROUPS		\$	4,177,951	\$	4,177,951	91786
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Section 273.20. CONSOLIDATION OF SERVICES WITH STATE 91788

EMPLOYMENT RELATIONS BOARD 91789

(A) Beginning on July 1, 2009, the Chairperson of the State 91790
Employment Relations Board is the appointing authority for all 91791
employees of the State Personnel Board of Review and the State 91792
Employment Relations Board. After conferring with the Chairperson 91793
of the State Personnel Board of Review, the Chairperson of the 91794
State Employment Relations Board shall identify the employees, 91795

equipment, assets, and records of the State Personnel Board of 91796
Review to be transferred to the State Employment Relations Board. 91797
The State Employment Relations Board and the State Personnel Board 91798
of Review shall enter into an interagency agreement to transfer to 91799
the State Employment Relations Board employees, equipment, assets, 91800
and records of the State Personnel Board of Review by July 1, 91801
2009, or as soon as possible thereafter. The agreement may include 91802
provisions to transfer property and any other provisions necessary 91803
for the continued administration of program activities. The 91804
employees of the State Personnel Board of Review that the 91805
Chairperson of the State Employment Relations Board identifies for 91806
transfer, and any equipment assigned to those employees, are 91807
hereby transferred to the State Employment Relations Board. Any 91808
employees of the State Personnel Board of Review so transferred 91809
shall retain the rights specified in sections 124.321 to 124.328 91810
of the Revised Code, and any employee transferred to the State 91811
Employment Relations Board retains the employee's respective 91812
classification, but the Chairperson of the State Employment 91813
Relations Board may reassign and reclassify the employee's 91814
position and compensation as the Chairperson determines to be in 91815
the interest of efficient office administration. Pursuant to 91816
division (B)(2)(b) of section 4117.02 of the Revised Code, as 91817
amended by this act, to the extent determined necessary by the 91818
Chairperson of the State Employment Relations Board, the State 91819
Personnel Board of Review shall utilize employees of the State 91820
Employment Relations Board in the exercise of the powers and the 91821
performance of the duties of the State Personnel Board of Review. 91822

(B) Effective July 1, 2009, and pursuant to section 124.03 of 91823
the Revised Code, the State Personnel Board of Review shall 91824
exercise its duties and exist as a separate entity within the 91825
State Employment Relations Board. The costs of the State Personnel 91826
Board of Review shall be supported by the foregoing appropriation 91827
item 125321, Operating Expenses. 91828

On July 1, 2009, or as soon as possible thereafter, the 91829
 Director of Budget and Management shall transfer the cash balance 91830
 of the Transcript and Other Documents Fund (Fund 6360) used by the 91831
 State Personnel Board of Review to the Training, Publications, and 91832
 Grants Fund (Fund 5720) used by the State Employment Relations 91833
 Board. Upon completion of the transfer, Fund 6360 is abolished. 91834
 The Director shall cancel any existing encumbrances against 91835
 appropriation item 124601, Records and Reporting Support, and 91836
 re-establish them against appropriation item 125603, Training and 91837
 Publications. The re-established encumbrance amounts are hereby 91838
 appropriated. 91839

Any business commenced but not completed under Fund 6360 by 91840
 July 1, 2009, shall be completed under Fund 5720 in the same 91841
 manner, and with the same effect, as if completed with regard to 91842
 Fund 6360. No validation, cure, right, privilege, remedy, 91843
 obligation, or liability is lost or impaired by reason of the 91844
 transfer and shall be administered with regard to Fund 5720. 91845

On and after July 1, 2009, where the Transcript and Other 91846
 Documents Fund is referred to in any statute, rule, contract, 91847
 grant, or other document, the reference is hereby deemed to refer 91848
 to the Training, Publications, and Grants Fund. 91849

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 91850

General Services Fund Group				91851
4K90 892609 Operating Expenses	\$	902,772	\$ 902,772	91852
TOTAL GSF General Services				91853
Fund Group	\$	902,772	\$ 902,772	91854
TOTAL ALL BUDGET FUND GROUPS	\$	902,772	\$ 902,772	91855

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 91857

General Services Fund Group				91858
1990 715602 Laboratory Services	\$	935,907	\$ 983,929	91859

2190	715604	Central Support	\$	15,718,301	\$	15,718,301	91860
		Indirect					
4A10	715640	Operating Expenses	\$	3,336,872	\$	3,336,872	91861
TOTAL GSF General Services							91862
Fund Group			\$	19,991,081	\$	20,039,103	91863
Federal Special Revenue Fund Group							91864
3530	715612	Public Water Supply	\$	2,933,812	\$	2,941,282	91865
3540	715614	Hazardous Waste	\$	4,193,000	\$	4,193,000	91866
		Management - Federal					
3570	715619	Air Pollution Control	\$	6,282,777	\$	6,310,203	91867
		- Federal					
3620	715605	Underground Injection	\$	111,874	\$	111,874	91868
		Control - Federal					
3BU0	715684	Water Quality	\$	7,435,000	\$	6,489,000	91869
		Protection					
3C50	715688	Federal NRD	\$	100,000	\$	100,000	91870
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	1,129,696	\$	907,543	91871
		Operating					
3F30	715632	Federally Supported	\$	2,159,486	\$	2,159,551	91872
		Cleanup and Response					
3F50	715641	Nonpoint Source	\$	6,880,000	\$	6,095,000	91873
		Pollution Management					
3K40	715634	DOD Monitoring and	\$	729,130	\$	732,280	91874
		Oversight					
3N40	715657	DOE Monitoring and	\$	878,578	\$	884,050	91875
		Oversight					
3T30	715669	Drinking Water State	\$	2,238,848	\$	2,273,323	91876
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000	91877
TOTAL FED Federal Special Revenue							91878
Fund Group			\$	35,572,201	\$	33,697,106	91879
State Special Revenue Fund Group							91880

4J00	715638	Underground Injection Control	\$	383,676	\$	383,676	91881
4K20	715648	Clean Air - Non Title V	\$	3,456,261	\$	3,587,176	91882
4K30	715649	Solid Waste	\$	14,282,845	\$	14,282,845	91883
4K40	715650	Surface Water Protection	\$	7,965,000	\$	8,915,000	91884
4K40	715686	Environmental Lab Service	\$	2,132,000	\$	2,132,000	91885
4K50	715651	Drinking Water Protection	\$	7,487,198	\$	7,699,007	91886
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	91887
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000	91888
4R90	715658	Voluntary Action Program	\$	852,141	\$	852,141	91889
4T30	715659	Clean Air - Title V Permit Program	\$	16,699,500	\$	16,699,500	91890
4U70	715660	Construction and Demolition Debris	\$	888,970	\$	885,554	91891
5000	715608	Immediate Removal Special Account	\$	437,798	\$	437,798	91892
5030	715621	Hazardous Waste Facility Management	\$	8,887,756	\$	8,887,756	91893
5050	715623	Hazardous Waste Cleanup	\$	11,955,989	\$	11,955,989	91894
5050	715674	Clean Ohio Environmental Review	\$	109,725	\$	109,725	91895
5410	715670	Site Specific Cleanup	\$	25,359	\$	25,359	91896
5420	715671	Risk Management Reporting	\$	135,964	\$	135,964	91897
5920	715627	Anti Tampering Settlement	\$	5,654	\$	5,654	91898
5BC0	715617	Clean Ohio	\$	690,322	\$	690,322	91899

5BC0	715622	Local Air Pollution Control	\$	1,026,369	\$	1,026,369	91900
5BC0	715624	Surface Water	\$	8,997,413	\$	8,997,413	91901
5BC0	715667	Groundwater	\$	1,093,741	\$	1,093,741	91902
5BC0	715672	Air Pollution Control	\$	5,199,290	\$	5,199,290	91903
5BC0	715673	Drinking Water	\$	2,550,250	\$	2,550,250	91904
5BC0	715675	Hazardous Waste	\$	100,847	\$	100,847	91905
5BC0	715676	Assistance and Prevention	\$	700,302	\$	700,302	91906
5BC0	715677	Laboratory	\$	1,216,333	\$	1,216,333	91907
5BC0	715678	Corrective Actions	\$	1,179,775	\$	1,179,775	91908
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	91909
5BC0	715690	Environmental Review Appeals	\$	487,000	\$	487,000	91910
5BT0	715679	C&DD Groundwater Monitoring	\$	200,000	\$	203,800	91911
5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470	91912
5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	91913
5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247	91914
5N20	715613	Dredge and Fill	\$	30,000	\$	30,000	91915
5Y30	715685	Surface Water Improvement	\$	2,000,000	\$	500,000	91916
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114	91917
6600	715629	Infectious Waste Management	\$	100,000	\$	100,000	91918
6760	715642	Water Pollution Control Loan Administration	\$	4,610,529	\$	4,832,682	91919
6780	715635	Air Toxic Release	\$	174,600	\$	179,746	91920
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647	91921
6960	715643	Air Pollution Control	\$	750,000	\$	750,000	91922

	Administration				
6990	715644	Water Pollution	\$ 750,000	\$ 750,000	91923
		Control Administration			
6A10	715645	Environmental	\$ 1,500,000	\$ 1,500,000	91924
		Education			
TOTAL SSR		State Special Revenue	\$ 134,505,201	\$ 134,960,492	91925
		Fund Group			
		Clean Ohio Conservation Fund Group			91926
5S10	715607	Clean Ohio -	\$ 291,174	\$ 291,174	91927
		Operating			
TOTAL CLF		Clean Ohio Conservation	\$ 291,174	\$ 291,174	91928
		Fund Group			
TOTAL ALL BUDGET FUND GROUPS			\$ 190,359,657	\$ 188,987,875	91929
		AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT			91930
		On July 1 of each fiscal year, or as soon as possible			91931
		thereafter, the Director of Budget and Management shall transfer			91932
		\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year			91933
		2011 in cash from the General Revenue Fund to the Auto Emissions			91934
		Test Fund (Fund 5BY0) for the operation and oversight of the auto			91935
		emissions testing program.			91936
		Effective September 30, 2009, or as soon as possible			91937
		thereafter, the Director of Budget and Management shall transfer			91938
		the cash balance in the Motor Vehicle Inspection and Maintenance			91939
		Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division			91940
		(D) of section 3704.14 of the Revised Code as amended by this act.			91941
		AREAWIDE PLANNING AGENCIES			91942
		The Director of Environmental Protection Agency shall award			91943
		grants from appropriation item 715687, Areawide Planning Agencies,			91944
		to areawide planning agencies engaged in areawide water quality			91945
		management and planning activities in accordance with Section 208			91946
		of the "Federal Clean Water Act," 33 U.S.C. 1288.			91947

ENVIRONMENTAL REVIEW AND APPEALS					91948
The foregoing appropriation item 715690, Environmental Review Appeals, shall be used to support the Environmental Review Appeals Commission.					91949 91950 91951
CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT					91952
On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,323,933.19 in cash, which the Agency received from the Copperweld bankruptcy settlement, that was mistakenly deposited in the Hazardous Waste Cleanup Fund (Fund 5050) to the Environmental Protection Remediation Fund (Fund 5410).					91953 91954 91955 91956 91957 91958
Section 281.10. ETC ETECH OHIO					91959
General Revenue Fund					91960
GRF 935401 Statehouse News Bureau	\$	219,960	\$	219,960	91961
GRF 935402 Ohio Government Telecommunications Services	\$	716,417	\$	716,417	91962
GRF 935408 General Operations	\$	2,150,917	\$	2,164,444	91963
GRF 935409 Technology Operations	\$	3,594,504	\$	3,602,446	91964
GRF 935410 Content Development, Acquisition, and Distribution	\$	4,137,306	\$	4,138,244	91965
GRF 935411 Technology Integration and Professional Development	\$	6,963,226	\$	6,977,487	91966
GRF 935412 Information Technology	\$	1,387,062	\$	1,350,394	91967
TOTAL GRF General Revenue Fund	\$	19,169,392	\$	19,169,392	91968

General Services Fund Group					91969	
4F30 935603	Affiliate Services	\$	450,000	\$	50,000	91970
4T20 935605	Government	\$	25,000	\$	25,000	91971
	Television/Telecommunications					
	Operating					
TOTAL GSF	General Services Fund	\$	475,000	\$	75,000	91972
Group						
Federal Special Revenue Fund Group						91973
3S30 935606	Enhancing Education	\$	163,000	\$	163,000	91974
	Technology					
3X80 935604	IDEA	\$	18,892	\$	0	91975
TOTAL FED	Federal Special Revenue	\$	181,892	\$	163,000	91976
Fund Group						
State Special Revenue Fund Group						91977
4W90 935630	Telecommunity	\$	25,000	\$	25,000	91978
4X10 935634	Distance Learning	\$	23,734	\$	24,150	91979
5D40 935640	Conference/Special	\$	1,471,396	\$	1,473,527	91980
	Purposes					
5FK0 935608	Media Services	\$	300,000	\$	300,000	91981
5T30 935607	Gates Foundation	\$	200,000	\$	200,000	91982
	Grants					
TOTAL SSR	State Special Revenue	\$	2,020,130	\$	2,022,677	91983
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	21,846,414	\$	21,430,069	91984

Section 281.20. STATEHOUSE NEWS BUREAU 91986

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 91987
91988
91989

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 91990

The foregoing appropriation item 935402, Ohio Government 91991

Telecommunications Services, shall be used solely to support the 91992
operations of Ohio Government Telecommunications Services which 91993
include providing multimedia support to the state government and 91994
its affiliated organizations and broadcasting the activities of 91995
the legislative, judicial, and executive branches of state 91996
government, among its other functions. 91997

TECHNOLOGY OPERATIONS 91998

The foregoing appropriation item 935409, Technology 91999
Operations, shall be used by eTech Ohio to pay expenses of eTech 92000
Ohio's network infrastructure, which includes the television and 92001
radio transmission infrastructure and infrastructure that shall 92002
link all public K-12 classrooms to each other and to the Internet, 92003
and provide access to voice, video, other communication services, 92004
and data educational resources for students and teachers. 92005

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 92006

The foregoing appropriation 935410, Content Development, 92007
Acquisition, and Distribution, shall be used for the development, 92008
acquisition, and distribution of information resources by public 92009
media and radio reading services and for educational use in the 92010
classroom and online. 92011

Of the foregoing appropriation item 935410, Content 92012
Development, Acquisition, and Distribution, up to \$1,104,605 in 92013
fiscal year 2010 and up to \$1,104,905 in fiscal year 2011 shall be 92014
allocated equally among the 12 Ohio educational television 92015
stations and used with the advice and approval of eTech Ohio. 92016
Funds shall be used for the production of interactive 92017
instructional programming series with priority given to resources 92018
aligned with state academic content standards in consultation with 92019
the Ohio Department of Education and for teleconferences to 92020
support eTech Ohio. The programming shall be targeted to the needs 92021
of the poorest two hundred school districts as determined by the 92022

district's adjusted valuation per pupil as defined in former 92023
section 3317.0213 of the Revised Code as that section existed 92024
prior to June 30, 2005. 92025

Of the foregoing appropriation item 935410, Content 92026
Development, Acquisition, and Distribution, up to \$2,695,736 in 92027
fiscal year 2010 and up to \$2,696,336 in fiscal year 2011 shall be 92028
distributed by eTech Ohio to Ohio's qualified public educational 92029
television stations and educational radio stations to support 92030
their operations. The funds shall be distributed pursuant to an 92031
allocation formula used by the Ohio Educational Telecommunications 92032
Network Commission unless a substitute formula is developed by 92033
eTech Ohio in consultation with Ohio's qualified public 92034
educational television stations and educational radio stations. 92035
92036

Of the foregoing appropriation 935410, Content Development, 92037
Acquisition, and Distribution, up to \$336,965 in fiscal year 2010 92038
and up to \$337,003 in fiscal year 2011 shall be distributed by 92039
eTech Ohio to Ohio's qualified radio reading services to support 92040
their operations. The funds shall be distributed pursuant to an 92041
allocation formula used by the Ohio Educational Telecommunications 92042
Network Commission unless a substitute formula is developed by 92043
eTech Ohio in consultation with Ohio's qualified radio reading 92044
services. 92045

Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 92046
DEVELOPMENT 92047

The foregoing appropriation item 935411, Technology 92048
Integration and Professional Development, shall be used by eTech 92049
Ohio for the provision of staff development, hardware, software, 92050
telecommunications services, and information resources to support 92051
educational uses of technology in the classroom and at a distance 92052
and for professional development for teachers, administrators, and 92053

technology staff on the use of educational technology in 92054
qualifying public schools, including the State School for the 92055
Blind, the State School for the Deaf, and the Department of Youth 92056
Services. 92057

Of the foregoing appropriation item 935411, Technology 92058
Integration and Professional Development, up to \$2,675,641 in 92059
fiscal year 2010 and up to \$2,675,966 in fiscal year 2011, shall 92060
be used by eTech Ohio to contract with educational television to 92061
provide Ohio public schools with instructional resources and 92062
services with priority given to resources and services aligned 92063
with state academic content standards and such resources and 92064
services shall be based upon the advice and approval of eTech 92065
Ohio, based on a formula used by the Ohio SchoolNet Commission 92066
unless and until a substitute formula is developed by eTech Ohio 92067
in consultation with Ohio's educational technology agencies and 92068
noncommercial educational television stations. 92069

Section 281.40. TELECOMMUNITY 92070

The foregoing appropriation item 935630, Telecommunity, shall 92071
be distributed by eTech Ohio on a grant basis to eligible school 92072
districts to establish "distance learning" through interactive 92073
video technologies in the school district. Per agreements with 92074
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 92075
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 92076
Telephone Company, Orwell Telephone Company, Sprint North Central 92077
Telephone, VERIZON, and Western Reserve Telephone Company, school 92078
districts are eligible for funds if they are within one of the 92079
listed telephone company service areas. Funds to administer the 92080
program shall be expended by eTech Ohio up to the amount specified 92081
in the agreements with the listed telephone companies. 92082

Within thirty days after the effective date of this section, 92084

the Director of Budget and Management shall transfer to Fund 4W90 92085
in the State Special Revenue Fund Group any investment earnings 92086
from moneys paid by any telephone company as part of any 92087
settlement agreement between the listed companies and the Public 92088
Utilities Commission in fiscal years 1996 and beyond. 92089

DISTANCE LEARNING 92090

The foregoing appropriation item 935634, Distance Learning, 92091
shall be distributed by eTech Ohio on a grant basis to eligible 92092
school districts to establish "distance learning" in the school 92093
district. Per an agreement with Ameritech, school districts are 92094
eligible for funds if they are within an Ameritech service area. 92095
Funds to administer the program shall be expended by eTech Ohio up 92096
to the amount specified in the agreement with Ameritech. 92097

Within thirty days after the effective date of this section, 92098
the Director of Budget and Management shall transfer to Fund 4X10 92099
in the State Special Revenue Fund Group any investment earnings 92100
from moneys paid by any telephone company as part of a settlement 92101
agreement between the company and the Public Utilities Commission 92102
in fiscal year 1995. 92103

GATES FOUNDATION GRANTS 92104

The foregoing appropriation item 935607, Gates Foundation 92105
Grants, shall be used by eTech Ohio to provide professional 92106
development to school district principals, superintendents, and 92107
other administrative staff on the use of education technology. 92108

Section 283.10. ETH OHIO ETHICS COMMISSION 92109

General Revenue Fund 92110

GRF 146321 Operating Expenses \$ 1,659,310 \$ 1,659,310 92111

TOTAL GRF General Revenue Fund \$ 1,659,310 \$ 1,659,310 92112

General Services Fund Group 92113

4M60 146601 Operating Expenses \$ 440,086 \$ 440,086 92114

TOTAL GSF General Services				92115
Fund Group	\$	440,086	\$ 440,086	92116
TOTAL ALL BUDGET FUND GROUPS	\$	2,099,396	\$ 2,099,396	92117

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 92119

General Revenue Fund				92120
GRF 723403 Junior Fair Subsidy	\$	360,000	\$ 360,000	92121
TOTAL GRF General Revenue Fund	\$	360,000	\$ 360,000	92122
State Special Revenue Fund Group				92123
4N20 723602 Ohio State Fair	\$	520,000	\$ 520,000	92124
Harness Racing				
5060 723601 Operating Expenses	\$	11,753,315	\$ 11,753,315	92125
TOTAL SSR State Special Revenue				92126
Fund Group	\$	12,273,315	\$ 12,273,315	92127
TOTAL ALL BUDGET FUND GROUPS	\$	12,633,315	\$ 12,633,315	92128

STATE FAIR RESERVE 92129

The General Manager of the Expositions Commission may submit 92130
a request to the Controlling Board to use available amounts in the 92131
State Fair Reserve Fund (Fund 6400) if the following conditions 92132
apply: 92133

(A) Admissions receipts for the 2009 or 2010 Ohio State Fair 92134
are less than \$1,982,000 because of inclement weather or 92135
extraordinary circumstances; 92136

(B) The Ohio Expositions Commission declares a state of 92137
fiscal exigency; and 92138

(C) The request contains a plan describing how the 92139
Expositions Commission will eliminate the cash shortage causing 92140
the request. 92141

The amount approved by the Controlling Board is hereby 92142
appropriated. 92143

Section 287.10. GOV OFFICE OF THE GOVERNOR				92144
General Revenue Fund				92145
GRF 040321	Operating Expenses	\$ 2,971,945	\$ 2,971,945	92146
GRF 040403	Federal Relations	\$ 201,201	\$ 201,201	92147
TOTAL GRF General Revenue Fund				92148
General Services Fund Group				92149
5AK0 040607	Federal Relations	\$ 365,149	\$ 365,149	92150
TOTAL GSF General Services Fund				92151
Group				
TOTAL ALL BUDGET FUND GROUPS				92152
FEDERAL RELATIONS				92153
A portion of the foregoing appropriation items 040403,				92154
Federal Relations, and 040607, Federal Relations, may be used to				92155
support Ohio's membership in national or regional associations.				92156
The Office of the Governor may charge any state agency of the				92157
executive branch using an intrastate transfer voucher such amounts				92158
necessary to defray the costs incurred for the conduct of federal				92159
relations associated with issues that can be attributed to the				92160
agency. Amounts collected shall be deposited in the Federal				92161
Relations Fund (Fund 5AK0).				92162
Section 289.10. DOH DEPARTMENT OF HEALTH				92163
General Revenue Fund				92164
GRF 440407	Animal Borne Disease	\$ 600,000	\$ 642,291	92165
	and Prevention			
GRF 440412	Cancer Incidence	\$ 874,234	\$ 874,234	92166
	Surveillance System			
GRF 440413	Local Health	\$ 3,301,921	\$ 3,301,921	92167
	Department Support			
GRF 440416	Mothers and Children	\$ 7,538,449	\$ 7,538,449	92168

	Safety Net Services				
GRF 440418	Immunizations	\$	7,739,432	\$	7,839,432 92169
GRF 440431	Free Clinics Safety	\$	624,751	\$	624,751 92170
	Net Services				
GRF 440438	Breast and Cervical	\$	2,500,000	\$	2,500,000 92171
	Cancer Screening				
GRF 440444	AIDS Prevention and	\$	6,442,314	\$	6,442,314 92172
	Treatment				
GRF 440446	Infectious Disease	\$	500,000	\$	500,000 92173
	Protection and				
	Surveillance				
GRF 440451	Public Health	\$	3,099,138	\$	3,099,138 92174
	Laboratory				
GRF 440452	Child and Family	\$	921,615	\$	921,615 92175
	Health Services Match				
GRF 440453	Health Care Quality	\$	9,917,765	\$	9,917,765 92176
	Assurance				
GRF 440454	Local Environmental	\$	791,677	\$	791,677 92177
	Health				
GRF 440459	Help Me Grow	\$	14,965,000	\$	14,965,000 92178
GRF 440465	Federally Qualified	\$	2,686,688	\$	2,686,688 92179
	Health Centers				
GRF 440467	Access to Dental Care	\$	772,120	\$	772,120 92180
GRF 440469	Health - Federal	\$	2,680,035	\$	2,463,903 92181
	Stimulus				
GRF 440505	Medically Handicapped	\$	8,762,451	\$	8,762,451 92182
	Children				
GRF 440507	Targeted Health Care	\$	1,493,449	\$	1,493,449 92183
	Services Over 21				
GRF 440511	Uncompensated	\$	589,738	\$	663,579 92184
	Care/Emergency Medical				
	Assistance				
TOTAL GRF	General Revenue Fund	\$	76,800,777	\$	76,800,777 92185

State Highway Safety Fund Group					92186
4T40 440603 Child Highway Safety	\$	233,894	\$	233,894	92187
TOTAL HSF State Highway Safety	\$		\$		92188
Fund Group	\$	233,894	\$	233,894	92189
General Services Fund Group					92190
1420 440646 Agency Health	\$	7,961,915	\$	7,961,915	92191
Services					
2110 440613 Central Support	\$	28,884,706	\$	28,884,706	92192
Indirect Costs					
4730 440622 Lab Operating	\$	4,954,045	\$	4,954,045	92193
Expenses					
6830 440633 Employee Assistance	\$	1,204,905	\$	1,204,905	92194
Program					
6980 440634 Nurse Aide Training	\$	100,000	\$	100,000	92195
TOTAL GSF General Services					92196
Fund Group	\$	43,105,571	\$	43,105,571	92197
Federal Special Revenue Fund Group					92198
3200 440601 Maternal Child Health	\$	29,056,772	\$	29,068,886	92199
Block Grant					
3870 440602 Preventive Health	\$	7,826,659	\$	7,826,659	92200
Block Grant					
3890 440604 Women, Infants, and	\$	298,672,689	\$	308,672,689	92201
Children					
3910 440606 Medicaid/Medicare	\$	25,891,157	\$	26,826,242	92202
3920 440618 Federal Public Health	\$	136,778,215	\$	136,778,215	92203
Programs					
TOTAL FED Federal Special Revenue					92204
Fund Group	\$	498,225,492	\$	509,172,691	92205
State Special Revenue Fund Group					92206
4700 440647 Fee Supported	\$	23,923,382	\$	23,923,382	92207
Programs					
4710 440619 Certificate of Need	\$	898,000	\$	898,000	92208

4770	440627	Medically Handicapped Children Audit	\$	3,693,016	\$	3,693,016	92209
4D60	440608	Genetics Services	\$	3,317,000	\$	3,317,000	92210
4F90	440610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	92211
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	92212
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	92213
4L30	440609	Miscellaneous Expenses	\$	333,164	\$	333,164	92214
4P40	440628	Ohio Physician Loan Repayment	\$	476,870	\$	476,870	92215
4V60	440641	Save Our Sight	\$	2,260,880	\$	2,260,880	92216
5B50	440616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	92217
5C00	440615	Alcohol Testing and Permit	\$	1,126,239	\$	1,126,239	92218
5CJ0	440654	Sewage Treatment System Innovation	\$	250,000	\$	250,000	92219
5CN0	440645	Choose Life	\$	75,000	\$	75,000	92220
5D60	440620	Second Chance Trust	\$	1,054,951	\$	1,054,951	92221
5ED0	440651	Smoke Free Indoor Air	\$	189,500	\$	190,452	92222
5G40	440639	Adoption Services	\$	20,000	\$	20,000	92223
5L10	440623	Nursing Facility Technical Assistance Program	\$	548,062	\$	548,062	92224
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	92225
6100	440626	Radiation Emergency Response	\$	850,000	\$	850,000	92226
6660	440607	Medically Handicapped Children - County	\$	17,320,687	\$	17,320,687	92227

Assessments

TOTAL SSR State Special Revenue				92228
Fund Group	\$	58,360,574	\$ 58,361,526	92229
Holding Account Redistribution Fund Group				92230
R014 440631 Vital Statistics	\$	44,986	\$ 44,986	92231
R048 440625 Refunds, Grants	\$	20,000	\$ 20,000	92232
Reconciliation, and Audit Settlements				
TOTAL 090 Holding Account				92233
Redistribution Fund Group	\$	64,986	\$ 64,986	92234
TOTAL ALL BUDGET FUND GROUPS	\$	676,791,294	\$ 687,739,445	92235

Section 289.20. HIV/AIDS PREVENTION/TREATMENT 92237

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives. 92238
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INFECTIOUS DISEASE PREVENTION 92242

The foregoing appropriation item 440446, Infectious Disease Protection and Surveillance, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases. 92243
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HELP ME GROW 92247

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to distribute subsidies to counties to implement the Help Me Grow Program. Appropriation item 440459, Help Me Grow, may be used in conjunction with Early Intervention funding from the Department of Mental Retardation and Developmental Disabilities, and in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that 92248
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acknowledge and support the social, emotional, cognitive, 92256
intellectual, and physical development of children and the vital 92257
role of families in ensuring the well-being and success of 92258
children. The Department of Health shall enter into an interagency 92259
agreement with the Department of Education, Department of Mental 92260
Retardation and Developmental Disabilities, Department of Job and 92261
Family Services, and Department of Mental Health to ensure that 92262
all early childhood programs and initiatives are coordinated and 92263
school linked. 92264

Of the foregoing appropriation item 440459, Help Me Grow, if 92265
a county Family and Children First Council selects home-visiting 92266
programs, the home-visiting program shall only be eligible for 92267
funding if it serves pregnant women, or parents or other primary 92268
caregivers and the parent or other primary caregiver's child or 92269
children under the age of entry into kindergarten, through quality 92270
programs of early childhood home visitation and if the home 92271
visitations are performed by nurses, social workers, child 92272
development specialists or other well-trained and competent staff, 92273
as demonstrated by education or training and the provision of 92274
ongoing specific training and supervision in the model of service 92275
being delivered. The home-visiting program also shall be required 92276
to have outcome and research standards that demonstrate ongoing 92277
positive outcomes for children, parents, and other primary 92278
caregivers that enhance child health and development, and conform 92279
to a clear consistent home visitation model that has been in 92280
existence for at least three years. The home visitation model 92281
shall be research-based; grounded in relevant, empirically based 92282
knowledge; linked to program-determined outcomes; associated with 92283
a national organization or institution of higher education that 92284
has comprehensive home visitation program standards that ensure 92285
high quality service delivery and continuous program improvement; 92286
and have demonstrated significant positive outcomes when evaluated 92287
using well-designed and rigorous randomized, controlled, or 92288

quasi-experimental research designs, and the evaluation results 92289
have been published in a peer-reviewed journal. 92290

The foregoing appropriation item 440459, Help Me Grow, may 92291
also be used for the Autism Diagnosis Education Pilot Program. 92292

DEPARTMENT OF HEALTH - FEDERAL STIMULUS 92293

Upon the request of the Director of Health, the Director of 92294
Budget and Management may transfer appropriation from 92295
appropriation item 440469, Health - Federal Stimulus, to the 92296
following appropriation items: \$300,000 in fiscal year 2010 and 92297
\$257,709 in fiscal year 2011 to appropriation item 440407, Animal 92298
Borne Disease and Prevention; \$50,000 in each fiscal year to 92299
appropriation item 440412, Cancer Incidence Surveillance System; 92300
\$106,194 in each fiscal year to appropriation item 440413, Local 92301
Health Department Support; \$800,000 in fiscal year 2010 and 92302
\$700,000 in fiscal year 2011 to appropriation item 440418, 92303
Immunizations; \$200,000 in each fiscal year to appropriation item 92304
440431, Free Clinics Safety Net Services; \$200,000 in each fiscal 92305
year to appropriation item 440446, Infectious Disease Protection 92306
and Surveillance; \$100,000 in each fiscal year to appropriation 92307
item 440454, Local Environmental Health; \$50,000 in each fiscal 92308
year to appropriation item 440465, Federally Qualified Health 92309
Centers; \$100,000 in each fiscal year to appropriation item 92310
440468, Chronic Disease and Injury Prevention; and \$773,841 in 92311
fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation 92312
item 440511, Uncompensated Care/Emergency Medical Assistance. 92313

TARGETED HEALTH CARE SERVICES OVER 21 92314

The foregoing appropriation item 440507, Targeted Health Care 92315
Services Over 21, shall be used to administer the Cystic Fibrosis 92316
Program and to implement the Hemophilia Insurance Premium Payment 92317
Program. 92318

The foregoing appropriation item 440507, Targeted Health Care 92319

Services Over 21, shall also be used to provide essential 92320
medications and to pay the copayments for drugs approved by the 92321
Department of Health and covered by Medicare Part D that are 92322
dispensed to Bureau for Children with Medical Handicaps (BCMH) 92323
participants for the Cystic Fibrosis Program. 92324

These funds also may be used, to the extent that funding is 92325
available, to provide up to 18 in-patient hospital days for 92326
participants in the Cystic Fibrosis Program. 92327

The Department shall expend all of these funds. 92328

GENETICS SERVICES 92329

The foregoing appropriation item 440608, Genetics Services 92330
(Fund 4D60), shall be used by the Department of Health to 92331
administer programs authorized by sections 3701.501 and 3701.502 92332
of the Revised Code. None of these funds shall be used to counsel 92333
or refer for abortion, except in the case of a medical emergency. 92334

MEDICALLY HANDICAPPED CHILDREN AUDIT 92335

The Medically Handicapped Children Audit Fund (Fund 4770) 92336
shall receive revenue from audits of hospitals and recoveries from 92337
third-party payers. Moneys may be expended for payment of audit 92338
settlements and for costs directly related to obtaining recoveries 92339
from third-party payers and for encouraging Medically Handicapped 92340
Children's Program recipients to apply for third-party benefits. 92341
Moneys also may be expended for payments for diagnostic and 92342
treatment services on behalf of medically handicapped children, as 92343
defined in division (A) of section 3701.022 of the Revised Code, 92344
and Ohio residents who are twenty-one or more years of age and who 92345
are suffering from cystic fibrosis or hemophilia. Moneys may also 92346
be expended for administrative expenses incurred in operating the 92347
Medically Handicapped Children's Program. 92348

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 92349
PERMIT FUND 92350

The Director of Budget and Management, pursuant to a plan 92351
submitted by the Department of Health, or as otherwise determined 92352
by the Director of Budget and Management, shall set a schedule to 92353
transfer cash from the Liquor Control Fund (Fund 7043) to the 92354
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating 92355
needs of the Alcohol Testing and Permit Program. 92356

The Director of Budget and Management may transfer to the 92357
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor 92358
Control Fund (Fund 7043) created in section 4301.12 of the Revised 92359
Code such amounts at such times as determined by the transfer 92360
schedule. 92361

DENTIST LOAN REPAYMENT ADVISORY BOARD 92362

As specified in the amendments made by this act to section 92363
3702.92 of the Revised Code, the Governor, Speaker of the House of 92364
Representatives, and President of the Senate shall each appoint 92365
one additional member to the Dentist Loan Repayment Advisory 92366
Board. The appointments shall be made not later than sixty days 92367
after the effective date of section 3702.92 of the Revised Code. 92368
The terms of office of the additional members shall end on January 92369
27, 2011, except that a legislative member ceases to be a member 92370
of the Board on ceasing to be a member of the General Assembly. 92371
Vacancies occurring prior to January 27, 2011, shall be filled in 92372
the manner prescribed for original appointments under this 92373
section. 92374

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 92375

The foregoing appropriation item 440607, Medically 92376
Handicapped Children - County Assessments (Fund 6660), shall be 92377
used to make payments under division (E) of section 3701.023 of 92378
the Revised Code. 92379

CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE 92380
SUPPORTED PROGRAMS FUND 92381

On July 1, 2009, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the amount of cash to be transferred from the Sewage Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund (Fund 4700) to meet the needs of the Sewage Program. The Director of Budget and Management may transfer the amount certified. The amount certified is hereby appropriated.

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer, cash from the Resident Protection Fund (Fund 4E30), which is used by the Ohio Department of Job and Family Services, to the Nursing Facility Technical Assistance Program Fund (Fund 5L10), which is used by the Ohio Department of Health, to be used under section 3721.026 of the Revised Code. The transfers shall be up to \$698,595 in each fiscal year.

Section 289.30. DISEASE AND CANCER COMMISSION

(A) There is hereby established in the Department of Health the Disease and Cancer Commission. The Commission shall be composed of individuals selected by the Director of Health who are both of the following:

(1) Representatives of boards of health of city health districts or general health districts, or the authorities having the duties of a board of health under section 3709.05 of the Revised Code;

(2) Located in an area in which the Director of Health determines there is a high prevalence of one of the following:

- (a) Colorectal cancer;
- (b) Prostate cancer;
- (c) Sickle cell anemia;

(d) Triple negative breast cancer.	92412
(B) The Governor shall designate from among the Commission members an individual to serve as the chairperson of the Commission who shall establish the meeting time and locations for the Commission.	92413 92414 92415 92416
(C) The Commission shall study colorectal cancer, prostate cancer, sickle cell anemia, and triple negative breast cancer in areas of the state in which the Director determines such conditions are prevalent. Not later than June 30, 2011, the Commission shall submit a report to the Governor, Speaker and Minority Leader of the House of Representatives, and President and Minority Leader of the Senate describing its findings on the prevalence of colorectal cancer, prostate cancer, sickle cell anemia, and triple negative breast cancer in the areas included in the study. The report shall include policy recommendations to combat the prevalence of these conditions in such areas.	92417 92418 92419 92420 92421 92422 92423 92424 92425 92426 92427
(D) The Commission shall cease to exist on submission of the report under division (C) of this section.	92428 92429
Section 289.40. FUNDING FOR IMMUNIZATIONS	92430
To the extent permitted under state and federal law, the Department of Health shall use state general revenue funds and federal funds appropriated for the purchase of vaccinations to provide immunizations to children and adults in Ohio.	92431 92432 92433 92434
Section 289.50. GRANTS FOR WOMEN'S HEALTH SERVICES	92435
If the Department of Health uses any state funds under section 289.10 of this act for grants for services that are included in the description of "women's health services" in section 3701.046 of the Revised Code, the Department shall comply with the requirements of that section with respect to those funds.	92436 92437 92438 92439 92440

Section 289.60.	FEDERAL ABSTINENCE EDUCATION PROGRAM				92441	
	The Director of Health shall apply to the United States				92442	
	Secretary of Health and Human Services for abstinence education				92443	
	funding under Title V of the "Social Security Act," 42 U.S.C. 710.				92444	
Section 291.10.	HEF HIGHER EDUCATIONAL FACILITY COMMISSION				92445	
	Agency Fund Group				92446	
4610 372601	Operating Expenses	\$	16,819	\$	16,819	92447
TOTAL AGY	Agency Fund Group	\$	16,819	\$	16,819	92448
TOTAL ALL BUDGET FUND GROUPS		\$	16,819	\$	16,819	92449
Section 293.10.	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				92451	
	General Revenue Fund				92452	
GRF 148100	Personal Services	\$	157,216	\$	157,216	92453
GRF 148200	Maintenance	\$	38,100	\$	38,100	92454
GRF 148402	Community Projects	\$	129,264	\$	129,264	92455
TOTAL GRF	General Revenue Fund	\$	324,580	\$	324,580	92456
	General Services Fund Group				92457	
6010 148602	Gifts and	\$	4,558	\$	4,558	92458
	Miscellaneous					
TOTAL GSF	General Services				92459	
Fund Group		\$	4,558	\$	4,558	92460
TOTAL ALL BUDGET FUND GROUPS		\$	329,138	\$	329,138	92461
Section 295.10.	OHS OHIO HISTORICAL SOCIETY				92463	
	General Revenue Fund				92464	
GRF 360501	Education and	\$	3,291,754	\$	3,291,754	92465
	Collections					
GRF 360502	Site and Museum	\$	5,415,927	\$	5,415,927	92466
	Operations					
GRF 360504	Ohio Preservation	\$	326,066	\$	326,066	92467

		Office					
GRF	360505	National	\$	592,568	\$	592,568	92468
		Afro-American Museum					
GRF	360506	Hayes Presidential	\$	401,490	\$	401,490	92469
		Center					
TOTAL GRF		General Revenue Fund	\$	10,027,805	\$	10,027,805	92470
TOTAL ALL BUDGET FUND GROUPS			\$	10,027,805	\$	10,027,805	92471

SUBSIDY APPROPRIATION 92472

Upon approval by the Director of Budget and Management, the 92473
foregoing appropriation items shall be released to the Ohio 92474
Historical Society in quarterly amounts that in total do not 92475
exceed the annual appropriations. The funds and fiscal records of 92476
the society for fiscal year 2010 and fiscal year 2011 shall be 92477
examined by independent certified public accountants approved by 92478
the Auditor of State, and a copy of the audited financial 92479
statements shall be filed with the Office of Budget and 92480
Management. The society shall prepare and submit to the Office of 92481
Budget and Management the following: 92482

(A) An estimated operating budget for each fiscal year of the 92483
biennium. The operating budget shall be submitted at or near the 92484
beginning of each calendar year. 92485

(B) Financial reports, indicating actual receipts and 92486
expenditures for the fiscal year to date. These reports shall be 92487
filed at least semiannually during the fiscal biennium. 92488

The foregoing appropriations shall be considered to be the 92489
contractual consideration provided by the state to support the 92490
state's offer to contract with the Ohio Historical Society under 92491
section 149.30 of the Revised Code. 92492

STATE ARCHIVES 92493

Of the foregoing appropriation item 360501, Education and 92494
Collections, \$910,459 in each fiscal year shall be used for the 92495

State Archives, Library, and Artifact Collections Program.	92496
HAYES PRESIDENTIAL CENTER	92497
If a United States government agency, including, but not	92498
limited to, the National Park Service, chooses to take over the	92499
operations or maintenance of the Hayes Presidential Center, in	92500
whole or in part, the Ohio Historical Society shall make	92501
arrangements with the National Park Service or other United States	92502
government agency for the efficient transfer of operations or	92503
maintenance.	92504
Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES	92505
General Revenue Fund	92506
GRF 025321 Operating Expenses \$ 18,517,093 \$ 18,517,093	92507
TOTAL GRF General Revenue Fund \$ 18,517,093 \$ 18,517,093	92508
General Services Fund Group	92509
1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664	92510
4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849	92511
TOTAL GSF General Services	92512
Fund Group \$ 1,471,513 \$ 1,471,513	92513
TOTAL ALL BUDGET FUND GROUPS \$ 19,988,606 \$ 19,988,606	92514
OPERATING EXPENSES	92515
On July 1, 2009, or as soon as possible thereafter, the Clerk	92516
of the House of Representatives may certify to the Director of	92517
Budget and Management the amount of the unexpended, unencumbered	92518
balance of the foregoing appropriation item 025321, Operating	92519
Expenses, at the end of fiscal year 2009 to be reappropriated to	92520
fiscal year 2010. The amount certified is hereby reappropriated to	92521
the same appropriation item for fiscal year 2010.	92522
On July 1, 2010, or as soon as possible thereafter, the Clerk	92523
of the House of Representatives may certify to the Director of	92524
Budget and Management the amount of the unexpended, unencumbered	92525

balance of the foregoing appropriation item 025321, Operating 92526
Expenses, at the end of fiscal year 2010 to be reappropriated to 92527
fiscal year 2011. The amount certified is hereby reappropriated to 92528
the same appropriation item for fiscal year 2011. 92529

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 92530

Agency Fund Group 92531
5AZ0997601 Housing Finance Agency \$ 8,614,627 \$ 8,614,627 92532
Personal Services
TOTAL AGY Agency Fund Group \$ 8,614,627 \$ 8,614,627 92533
TOTAL ALL BUDGET FUND GROUPS \$ 8,614,627 \$ 8,614,627 92534

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 92536

General Revenue Fund 92537
GRF 965321 Operating Expenses \$ 1,164,218 \$ 1,164,218 92538
TOTAL GRF General Revenue Fund \$ 1,164,218 \$ 1,164,218 92539
General Services Fund Group 92540
5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 92541
General for ODOT
5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 92542
General for BWC/OIC
TOTAL GSF General Services Fund \$ 825,000 \$ 825,000 92543
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,989,218 \$ 1,989,218 92544

Section 307.10. INS DEPARTMENT OF INSURANCE 92546

General Revenue Fund 92547
GRF 820607 State Coverage \$ 2,000,000 \$ 2,000,000 92548
Initiative
TOTAL GRF General Revenue Fund \$ 2,000,000 \$ 2,000,000 92549
Federal Special Revenue Fund Group 92550

3CX0	820608	State Coverage	\$	50,000,000	\$	100,000,000	92551
		Initiative - Federal					
3U50	820602	OSHIIP Operating	\$	1,770,000	\$	1,790,000	92552
		Grant					
TOTAL FED		Federal Special					92553
Revenue Fund Group			\$	51,770,000	\$	101,790,000	92554
State Special Revenue Fund Group							92555
5540	820601	Operating Expenses -	\$	200,000	\$	200,000	92556
		OSHIIP					
5540	820606	Operating Expenses	\$	22,884,736	\$	22,884,736	92557
5540	820609	State Coverage	\$	479,575	\$	479,575	92558
		Initiative					
		Administration					
5550	820605	Examination	\$	7,868,768	\$	7,868,768	92559
TOTAL SSR		State Special Revenue					92560
Fund Group			\$	31,433,079	\$	31,433,079	92561
TOTAL ALL BUDGET FUND GROUPS			\$	85,203,079	\$	135,223,079	92562

STATE COVERAGE INITIATIVE 92563

Of the foregoing appropriation item 820607, State Coverage 92564
Initiative, up to \$2,000,000 in each fiscal year shall be used to 92565
support health information technology strategies. No funds shall 92566
be released or used as state matching money for private funds 92567
unless the Department of Insurance secures private funds that are 92568
equal to or greater than a one-to-one matching ratio. In the 92569
selection procedures for the qualified private funds, the 92570
Department shall give preference to Ohio companies. 92571

MARKET CONDUCT EXAMINATION 92572

When conducting a market conduct examination of any insurer 92573
doing business in this state, the Superintendent of Insurance may 92574
assess the costs of the examination against the insurer. The 92575
superintendent may enter into consent agreements to impose 92576
administrative assessments or fines for conduct discovered that 92577

may be violations of statutes or rules administered by the 92578
superintendent. All costs, assessments, or fines collected shall 92579
be deposited to the credit of the Department of Insurance 92580
Operating Fund (Fund 5540). 92581

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 92582

The Director of Budget and Management, at the request of the 92583
Superintendent of Insurance, may transfer funds from the 92584
Department of Insurance Operating Fund (Fund 5540), established by 92585
section 3901.021 of the Revised Code, to the Superintendent's 92586
Examination Fund (Fund 5550), established by section 3901.071 of 92587
the Revised Code, only for expenses incurred in examining domestic 92588
fraternal benefit societies as required by section 3921.28 of the 92589
Revised Code. 92590

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 92591

Not later than the thirty-first day of July each fiscal year, 92592
the Director of Budget and Management shall transfer \$5,000,000 92593
from the Department of Insurance Operating Fund (Fund 5540) to the 92594
General Revenue Fund. 92595

Section 307.20. HEALTH CARE COVERAGE AND QUALITY COUNCIL 92596

(A) The Health Care Coverage and Quality Council created 92597
under section 3923.90 of the Revised Code, as enacted by this act, 92598
shall hold its first meeting not later than September 1, 2009. 92599

(B) In addition to the Council's duties specified in section 92600
3923.91 of the Revised Code, the Council shall evaluate and 92601
recommend strategies pursuant to the recommendations of the former 92602
Ohio Medicaid Administrative Study Council to establish an 92603
initiative conducted by clinicians in the Office of Ohio Health 92604
Plans within the Department of Job and Family Services to do all 92605
of the following: 92606

(1) Adopt evidence-based protocols for the prevention and 92607

management of disease;				92608	
(2) Develop a centralized system for payment of Medicaid claims;				92609 92610	
(3) Provide physicians, nurses, and allied health professionals with training on Medicaid claims procedures and Medicaid payment reforms;				92611 92612 92613	
(4) Monitor results for preventive and primary care services.				92614	
(C) Not later than June 30, 2010, the Council shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.				92615 92616 92617 92618	
Section 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES				92619	
General Revenue Fund				92620	
GRF 600321 Support Services				92621	
State	\$	39,633,697	\$	39,633,697	92622
Federal	\$	6,994,182	\$	6,994,182	92623
Support Services Total	\$	46,627,879	\$	46,627,879	92624
GRF 600410 TANF State	\$	190,932,468	\$	203,183,335	92625
GRF 600413 Child Care	\$	88,415,688	\$	93,105,300	92626
Match/Maintenance of Effort					
GRF 600416 Computer Projects				92627	
State	\$	81,411,648	\$	81,411,648	92628
Federal	\$	9,045,738	\$	9,045,738	92629
Computer Projects Total	\$	90,457,386	\$	90,457,386	92630
GRF 600417 Medicaid Provider Audits	\$	1,400,000	\$	1,400,000	92631
GRF 600420 Child Support Administration	\$	7,369,234	\$	7,431,310	92632
GRF 600421 Office of Family	\$	2,720,599	\$	2,720,599	92633

	Stability				
GRF 600423	Office of Children and Families	\$ 4,842,705	\$ 4,842,705		92634
GRF 600425	Office of Ohio Health Plans				92635
	State	\$ 14,688,390	\$ 11,452,327		92636
	Federal	\$ 15,287,916	\$ 11,919,769		92637
	Office of Ohio Health Plans Total	\$ 29,976,306	\$ 23,372,096		92638
GRF 600502	Administration - Local	\$ 23,582,308	\$ 23,150,288		92639
GRF 600511	Disability Financial Assistance	\$ 25,335,908	\$ 25,335,908		92640
GRF 600521	Entitlement Administration - Local	\$ 107,026,181	\$ 100,893,286		92641
GRF 600523	Children and Families Services	\$ 74,209,378	\$ 74,209,378		92642
GRF 600525	Health Care/Medicaid				92643
	State	\$ 2,493,379,157	\$ 3,539,256,149		92644
	Federal	\$ 6,372,697,855	\$ 7,407,374,830		92645
	Health Care Total	\$ 8,866,077,012	\$10,946,630,979		92646
GRF 600526	Medicare Part D	\$ 271,746,617	\$ 287,194,790		92647
GRF 600528	Adoption Services				92648
	State	\$ 38,722,700	\$ 41,060,302		92649
	Federal	\$ 49,792,948	\$ 47,455,346		92650
	Adoption Services Total	\$ 88,515,648	\$ 88,515,648		92651
GRF 600533	Child, Family, and Adult Community & Protective Services	\$ 50,000,000	\$ 50,000,000		92652
GRF 600534	Adult Protective Services	\$ 522,040	\$ 511,453		92653
GRF 600535	Early Care and Education	\$ 150,000,000	\$ 150,000,000		92654
GRF 600537	Children's Hospital	\$ 6,000,000	\$ 6,000,000		92655

GRF 600540	Second Harvest Food Banks	\$ 3,500,000	\$ 3,500,000	92656
GRF 600661	Child Care - Federal Stimulus	\$ 8,915,224	\$ 13,459,664	92657
TOTAL GRF	General Revenue Fund			92658
	State	\$ 3,684,353,942	\$ 4,759,752,139	92659
	Federal	\$ 6,453,818,639	\$ 7,482,789,865	92660
	GRF Total	\$10,138,172,581	\$12,242,542,004	92661
	General Services Fund Group			92662
4A80 600658	Child Support Collections	\$ 26,000,000	\$ 26,000,000	92663
4R40 600665	BCII Services/Fees	\$ 36,974	\$ 36,974	92664
5BG0 600653	Managed Care Assessment	\$ 168,914,857	\$ 0	92665
5C90 600671	Medicaid Program Support	\$ 69,876,838	\$ 68,313,238	92666
5DL0 600639	Medicaid Revenue and Collections	\$ 63,600,000	\$ 63,600,000	92667
5DM0 600633	Administration & Operating	\$ 19,853,583	\$ 19,928,733	92668
5FX0 600638	Medicaid Payment Withholding	\$ 26,000,000	\$ 26,000,000	92669
5N10 600677	County Technologies	\$ 500,000	\$ 500,000	92670
5P50 600692	Health Care Services	\$ 84,052,802	\$ 226,469,478	92671
TOTAL GSF	General Services Fund Group	\$ 458,835,054	\$ 430,848,423	92672
	Federal Special Revenue Fund Group			92674
3270 600606	Child Welfare	\$ 33,972,321	\$ 33,984,200	92675
3310 600686	Federal Operating	\$ 60,672,731	\$ 56,569,912	92676
3840 600610	Food Assistance and State Administration	\$ 159,109,776	\$ 159,109,427	92677
3850 600614	Refugee Services	\$ 10,497,024	\$ 11,265,511	92678

3950	600616	Special Activities/Child and Family Services	\$ 3,113,200	\$ 2,813,200	92679
3960	600620	Social Services Block Grant	\$ 120,000,000	\$ 120,000,000	92680
3970	600626	Child Support	\$ 305,830,981	\$ 305,832,341	92681
3980	600627	Adoption Maintenance/ Administration	\$ 355,345,646	\$ 352,184,668	92682
3A20	600641	Emergency Food Distribution	\$ 9,953,222	\$ 4,970,000	92683
3AW0	600675	Faith Based Initiatives	\$ 544,140	\$ 544,140	92684
3D30	600648	Children's Trust Fund Federal	\$ 2,040,524	\$ 2,040,524	92685
3F00	600623	Health Care Federal	\$3,257,696,629	\$ 2,481,516,614	92686
3F00	600650	Hospital Care Assurance Match	\$ 362,092,785	\$ 367,826,196	92687
3G50	600655	Interagency Reimbursement	\$1,703,777,044	\$ 1,666,905,912	92688
3H70	600617	Child Care Federal	\$ 241,862,780	\$ 241,862,779	92689
3N00	600628	IV-E Foster Care Maintenance	\$ 169,324,768	\$ 161,644,455	92690
3S50	600622	Child Support Projects	\$ 534,050	\$ 534,050	92691
3V00	600688	Workforce Investment Act	\$ 326,923,124	\$ 327,145,616	92692
3V40	600678	Federal Unemployment Programs	\$ 167,478,790	\$ 136,982,528	92693
3V40	600679	Unemployment Compensation Review Commission - Federal	\$ 3,487,473	\$ 3,487,473	92694
3V60	600689	TANF Block Grant	\$ 755,528,435	\$ 760,614,433	92695
TOTAL FED Federal Special Revenue					92696

Fund Group			\$8,049,785,443	\$ 7,197,833,979	92697
State Special Revenue Fund Group					92698
1980 600647	Children's Trust Fund	\$	5,881,011	\$ 5,881,011	92699
4A90 600607	Unemployment Compensation Administration Fund	\$	27,134,851	\$ 37,772,416	92700
4A90 600694	Unemployment Compensation Review Commission	\$	2,357,197	\$ 2,431,133	92701
4E30 600605	Nursing Home Assessments	\$	4,759,914	\$ 4,759,914	92702
4E70 600604	Child and Family Services Collections	\$	121,318	\$ 121,318	92703
4F10 600609	Foundation Grants/Child & Family Services	\$	250,000	\$ 250,000	92704
4J50 600613	Nursing Facility Bed Assessments	\$	36,713,984	\$ 36,713,984	92705
4J50 600618	Residential State Supplement Payments	\$	15,700,000	\$ 15,700,000	92706
4K10 600621	ICF/MR Bed Assessments	\$	28,261,826	\$ 29,482,434	92707
4R30 600687	Banking Fees	\$	700,000	\$ 700,000	92708
4Z10 600625	HealthCare Compliance	\$	1,000,000	\$ 1,000,000	92709
5AJ0 600631	Money Follows the Person	\$	6,286,485	\$ 6,195,163	92710
5DB0 600637	Military Injury Grants	\$	2,000,000	\$ 2,000,000	92711
5DP0 600634	Adoption Assistance Loan	\$	500,000	\$ 500,000	92712
5ES0 600630	Food Assistance	\$	500,000	\$ 500,000	92713
5GC0 600640	GOFBCI/Family Stability	\$	70,000	\$ 70,000	92714
5GF0 600656	Medicaid - Hospital	\$	338,505,284	\$ 370,861,816	92715
5Q90 600619	Supplemental Inpatient	\$	56,125,998	\$ 56,125,998	92716

		Hospital Payments					
5R20	600608	Medicaid-Nursing	\$	347,955,251	\$	365,135,000	92717
		Facilities					
5S30	600629	MR/DD Medicaid	\$	2,070,707	\$	2,070,707	92718
		Administration and					
		Oversight					
5U30	600654	Health Care Services	\$	12,017,389	\$	12,017,389	92719
		Administration					
5U60	600663	Children and Family	\$	3,000,000	\$	3,000,000	92720
		Support					
6510	600649	Hospital Care	\$	220,612,051	\$	218,164,239	92721
		Assurance Program Fund					
TOTAL SSR		State Special Revenue					92722
Fund Group			\$	1,112,523,266	\$	1,171,452,522	92723
Agency Fund Group							92724
1920	600646	Support Intercept -	\$	130,000,000	\$	130,000,000	92725
		Federal					
5830	600642	Support Intercept -	\$	16,000,000	\$	16,000,000	92726
		State					
5B60	600601	Food Assistance	\$	2,000,000	\$	2,000,000	92727
		Intercept					
TOTAL AGY		Agency Fund Group	\$	148,000,000	\$	148,000,000	92728
Holding Account		Redistribution Fund Group					92729
R012	600643	Refunds and Audit	\$	2,200,000	\$	2,200,000	92730
		Settlements					
R013	600644	Forgery Collections	\$	10,000	\$	10,000	92731
TOTAL 090		Holding Account	\$	2,210,000	\$	2,210,000	92732
Redistribution Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	19,909,526,344	\$	21,192,886,928	92733
Section 309.20.		SUPPORT SERVICES					92735
Section 309.20.10.		AGENCY FUND GROUP					92736

The Agency Fund Group and Holding Account Redistribution Fund 92737
Group shall be used to hold revenues until the appropriate fund is 92738
determined or until the revenues are directed to the appropriate 92739
governmental agency other than the Department of Job and Family 92740
Services. If receipts credited to the Support Intercept - Federal 92741
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 92742
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 92743
Settlements Fund (Fund R012), or the Forgery Collections Fund 92744
(Fund R013) exceed the amounts appropriated from the fund, the 92745
Director of Job and Family Services may request the Director of 92746
Budget and Management to authorize expenditures from the fund in 92747
excess of the amounts appropriated. Upon the approval of the 92748
Director of Budget and Management, the additional amounts are 92749
hereby appropriated. 92750

Section 309.30. MEDICAID 92751

Section 309.30.10. HEALTH CARE/MEDICAID 92752

The foregoing appropriation item 600525, Health 92753
Care/Medicaid, shall not be limited by section 131.33 of the 92754
Revised Code. 92755

Section 309.30.11. MEDICAID COST MANAGEMENT 92756

The Department of Job and Family Services shall achieve the 92757
following savings to the Medicaid Program as specified in the 92758
Department's Quarterly Cost Management Report on Ohio's Medicaid 92759
Program from November 9, 2007: (1) \$12,500,000 in fiscal year 2010 92760
and \$37,500,000 in fiscal year 2011 by increasing medical support 92761
collections related to child support cases; (2) \$8,543,343 in 92762
fiscal year 2010 and \$37,463,393 in fiscal year 2011 by increasing 92763
Medicare enrollment for Medicaid recipients who qualify for 92764
Medicare; and (3) \$20,000,000 in fiscal year 2011 by implementing 92765
a medical claims editing system to ungroup claims and identify 92766

questionable claims prior to payment. 92767

Section 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES TO 92768
ICF/MR RESIDENTS 92769

Of the foregoing appropriation item 600525, Health 92770
Care/Medicaid, \$30,000 in each fiscal year shall be used to 92771
reimburse medical suppliers of oxygen services in accordance with 92772
section 5111.236 of the Revised Code. 92773

Section 309.30.15. CHILDREN'S HOSPITALS 92774

(A) As used in this section: 92775

(1) "Children's hospital" means a hospital that primarily 92776
serves patients eighteen years of age and younger and is excluded 92777
from Medicare prospective payment in accordance with 42 C.F.R. 92778
412.23(d). 92779

(2) "Medicaid inpatient cost-to-charge ratio" means the 92780
historic Medicaid inpatient cost-to-charge ratio applicable to a 92781
hospital as described in rules adopted by the Director of Job and 92782
Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the 92783
Administrative Code. 92784

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of 92785
the Administrative Code and except as provided in division (C) of 92786
this section, the Director of Job and Family Services shall pay a 92787
children's hospital that meets the criteria in paragraphs (E)(1) 92788
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each 92789
cost outlier claim made in fiscal years 2010 and 2011, an amount 92790
that is the product of the hospital's allowable charges and the 92791
hospital's Medicaid inpatient cost-to-charge ratio. 92792

(C) The Director of Job and Family Services shall cease 92793
paying a children's hospital for a cost outlier claim under the 92794
methodology in division (B) of this section and revert to paying 92795

the hospital for such a claim according to the methodology in 92796
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 92797
Administrative Code, as applicable, when the difference between 92798
the total amount the Director has paid according to the 92799
methodology in division (B) of this section for such claims and 92800
the total amount the Director would have paid according to the 92801
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 92802
the Administrative Code for such claims, as the applicable 92803
paragraph existed on June 30, 2009, exceeds the sum of the state 92804
funds and corresponding federal match earmarked in division (F) of 92805
this section. 92806

(D) The Director of Job and Family Services shall make 92807
supplemental Medicaid payments to children's hospitals for 92808
inpatient services under a program modeled after the program the 92809
Department of Job and Family Services was required to create for 92810
fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 92811
66 of the 126th General Assembly if the difference between the 92812
total amount the Director has paid according to the methodology in 92813
division (B) of this section for cost outlier claims and the total 92814
amount the Director would have paid according to the methodology 92815
in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 92816
Administrative Code for such claims, as the applicable paragraph 92817
existed on June 30, 2009, does not require the expenditure of all 92818
state and federal funds earmarked in division (F) of this section 92819
for the applicable fiscal year. The program may be the same as the 92820
program the Director used for making the payments to children's 92821
hospitals for fiscal years 2008 and 2009 under Section 309.30.13 92822
of Am. Sub. H.B. 119 of the 127th General Assembly. 92823

(E) The Director of Job and Family Services shall not adopt, 92824
amend, or rescind any rules that would result in decreasing the 92825
amount paid to children's hospitals under division (B) of this 92826
92827

section for cost outlier claims. 92828

(F) Of the foregoing appropriation item, 600537, Children's 92829
Hospital, up to \$6 million (state share) in each fiscal year plus 92830
the corresponding federal match, if available, shall be used by 92831
the Department to pay the amounts described in division (B) of 92832
this section. 92833

Section 309.30.20. FISCAL YEARS 2010 AND 2011 MEDICAID 92834
REIMBURSEMENT SYSTEM FOR NURSING FACILITIES 92835

(A) As used in this section: 92836

(1) "Applicable fiscal year" means the following: 92837

(a) In the case of rates to be paid under this section for 92838
nursing facility services provided during fiscal year 2010, fiscal 92839
year 2010; 92840

(b) In the case of rates to be paid under this section for 92841
nursing facility services provided during fiscal year 2011, fiscal 92842
year 2011. 92843

(2) "Franchise permit fee," "Medicaid days," "nursing 92844
facility," and "provider" have the same meanings as in section 92845
5111.20 of the Revised Code. 92846

(3) "Nursing facility services" means nursing facility 92847
services covered by the Medicaid program that a nursing facility 92848
provides to a resident of the nursing facility who is a Medicaid 92849
recipient eligible for Medicaid-covered nursing facility services. 92850
92851

(B) Except as otherwise provided by this section, the 92852
provider of a nursing facility that has a valid Medicaid provider 92853
agreement on the day immediately preceding the first day of the 92854
applicable fiscal year and a valid Medicaid provider agreement 92855
during the applicable fiscal year shall be paid, for nursing 92856
facility services the nursing facility provides during the 92857

applicable fiscal year, the rate calculated for the nursing facility under sections 5111.20 to 5111.33 of the Revised Code with the following adjustments:

(1) The nursing facility's rate for capital costs shall be the greater of the following:

(a) The sum calculated under division (B)(2) of section 5111.25 of the Revised Code for the nursing facility;

(b) The median rate for capital costs for the nursing facilities in the nursing facility's peer group as determined under division (D) of section 5111.25 of the Revised Code, adjusted as follows:

(i) Increase the rate so determined by two per cent;

(ii) Increase the rate determined under division (B)(1)(b)(i) of this section by two per cent;

(iii) Increase the rate determined under division (B)(1)(b)(ii) of this section by one per cent.

(2) The cost per case mix-unit calculated under section 5111.231 of the Revised Code, the rate for ancillary and support costs calculated under section 5111.24 of the Revised Code, and the rate for tax costs calculated under section 5111.242 of the Revised Code shall each be adjusted as follows:

(a) Increase the cost and rates so calculated by two per cent;

(b) Increase the cost and rates determined under division (B)(2)(a) of this section by two per cent;

(c) Increase the cost and rates determined under division (B)(2)(b) of this section by one per cent.

(3) The mean payment used in the calculation of the quality incentive payment made under section 5111.244 of the Revised Code shall be, weighted by Medicaid days, three dollars and three cents

per Medicaid day. 92888

(C)(1) If the rate determined for a nursing facility under 92889
division (B) of this section for nursing facility services 92890
provided during fiscal year 2010 is more than the sum calculated 92891
under division (C)(3) of this section for the nursing facility, 92892
the Department of Job and Family Services shall reduce the nursing 92893
facility's rate determined under division (B) of this section for 92894
fiscal year 2010 by one-half of the difference between the rate 92895
determined for the nursing facility under division (B) of this 92896
section for fiscal year 2010 and the sum calculated under division 92897
(C)(3) of this section for the nursing facility. 92898

(2) If the rate determined for a nursing facility under 92899
division (B) of this section for nursing facility services 92900
provided during the applicable fiscal year is less than the sum 92901
calculated under division (C)(3) of this section for the nursing 92902
facility, the Department shall increase the nursing facility's 92903
rate determined under division (B) of this section for the 92904
applicable fiscal year by the difference between the rate 92905
determined for the nursing facility under division (B) of this 92906
section for the applicable fiscal year and the sum calculated 92907
under division (C)(3) of this section for the nursing facility. 92908

(3) The sum of the following shall be calculated for the 92909
purpose of divisions (C)(1) and (2) of this section: 92910

(a) The rate the provider is paid for nursing facility 92911
services the nursing facility provides on June 30, 2009; 92912

(b) In the case of a nursing facility that pays the franchise 92913
permit fee, one hundred seventy-three per cent of the mean of the 92914
amounts calculated under divisions (D)(1)(c)(ii), (iii), and (iv) 92915
of section 5111.231 of the Revised Code; 92916

(c) In the case of a nursing facility that does not pay the 92917
franchise permit fee, zero. 92918

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of nursing facility services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(E) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of a nursing facility that has a valid Medicaid provider agreement on the day immediately preceding the first day of the applicable fiscal year and a valid Medicaid provider agreement during the applicable fiscal year notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

Section 309.30.30. NURSING FACILITY CAPITAL COSTS STUDY

Not later than December 31, 2010, the Department of Job and Family Services shall submit a report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly with recommendations for developing a new system for reimbursing nursing facilities' capital costs under the Medicaid program. The report may include recommendations for changes to other parts of the Medicaid reimbursement system for nursing facilities. The Department shall prepare the report in consultation with the Ohio Academy of Nursing Homes; the Association of Ohio Philanthropic Homes, Housing, and Services for the Aging; and the Ohio Health Care Association. The recommendations regarding the new system for reimbursing nursing facilities for capital costs shall focus on both of the following:

(A) Resulting in a statewide average per diem rate, weighted by Medicaid days, for capital costs for the first fiscal year the system is implemented that is budget neutral compared to the

statewide average per diem rate, weighted by Medicaid days, for 92950
capital costs under section 5111.25 of the Revised Code, as 92951
amended by this act; 92952

(B) Appropriately recognizing increased costs incurred by 92953
nursing facilities for capital improvements to, and replacement 92954
of, existing nursing facilities. 92955

Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 92956
SYSTEM FOR ICFs/MR 92957

(A) As used in this section: 92958

"Change of operator," "entering operator," and "exiting 92959
operator" have the same meanings as in section 5111.65 of the 92960
Revised Code. 92961

"Franchise permit fee" and "provider" have the same meanings 92962
as in section 5111.20 of the Revised Code. 92963

"ICF/MR" means an intermediate care facility for the mentally 92964
retarded as defined in section 5111.20 of the Revised Code. 92965

"ICF/MR services" means services covered by the Medicaid 92966
program that an ICF/MR provides to a Medicaid recipient eligible 92967
for the services. 92968

"Medicaid days" means all days during which a resident who is 92969
a Medicaid recipient occupies a bed in an ICF/MR that is included 92970
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 92971
hospital leave days for which payment is made under section 92972
5111.33 of the Revised Code are considered Medicaid days 92973
proportionate to the percentage of the ICF/MR's per resident per 92974
day rate paid for those days. 92975

"Per diem rate" means the per diem rate calculated pursuant 92976
to sections 5111.20 to 5111.33 of the Revised Code. 92977

(B) This section applies to providers of ICFs/MR to which 92978

either of the following applies: 92979

(1) The provider has a valid Medicaid provider agreement for 92980
the ICF/MR on June 30, 2009, and a valid Medicaid provider 92981
agreement for the ICF/MR during fiscal year 2010. 92982

(2) The ICF/MR undergoes a change of operator effective July 92983
1, 2009, the exiting operator has a valid Medicaid provider 92984
agreement for the ICF/MR on June 30, 2009, and the entering 92985
operator has a valid Medicaid provider agreement for the ICF/MR 92986
during fiscal year 2010. 92987

(C) Except as otherwise provided by this section, the 92988
provider of an ICF/MR to which this section applies shall be paid, 92989
for ICF/MR services the ICF/MR provides during fiscal year 2010, 92990
the rate calculated for the ICF/MR under sections 5111.20 to 92991
5111.33 of the Revised Code. 92992

(D) If the mean total per diem rate for all ICFs/MR in this 92993
state for fiscal year 2010, weighted by May 2009 Medicaid days and 92994
calculated as of July 1, 2009, exceeds \$277.25, the Department 92995
shall reduce the total per diem rate for each ICF/MR to which this 92996
section applies by a percentage that is equal to the percentage by 92997
which the mean total per diem rate exceeds \$277.25. 92998

(E) The rate of an ICF/MR set pursuant to this section shall 92999
not be subject to any adjustments authorized by sections 5111.20 93000
to 5111.33 of the Revised Code, or any rule authorized by those 93001
sections, during the remainder of fiscal year 2010. 93002

(F) If the United States Centers for Medicare and Medicaid 93003
Services requires that the franchise permit fee be reduced or 93004
eliminated, the Department of Job and Family Services shall reduce 93005
the amount it pays providers of ICF/MR services under this section 93006
as necessary to reflect the loss to the state of the revenue and 93007
federal financial participation generated from the franchise 93008
permit fee. 93009

(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

(H) Not later than September 30, 2009, the Director of Job and Family Services shall submit an amendment to the state Medicaid plan to the United States Secretary of Health and Human Services as necessary to implement this section. On receipt of the United States Secretary's approval of the amendment to the state Medicaid plan, the Director shall implement this section retroactive to the later of the effective date of the state Medicaid plan amendment or July 1, 2009.

Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR

(A) As used in this section:

"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code.

"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code.

"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code.

"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services.

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section

5111.33 of the Revised Code are considered Medicaid days 93040
proportionate to the percentage of the ICF/MR's per resident per 93041
day rate paid for those days. 93042

"Per diem rate" means the per diem rate calculated pursuant 93043
to sections 5111.20 to 5111.33 of the Revised Code. 93044

(B) This section applies to providers of ICFs/MR to which 93045
either of the following applies: 93046

(1) The provider has a valid Medicaid provider agreement for 93047
the ICF/MR on June 30, 2010, and a valid Medicaid provider 93048
agreement for the ICF/MR during fiscal year 2011. 93049

(2) The ICF/MR undergoes a change of operator effective July 93050
1, 2010, the exiting operator has a valid Medicaid provider 93051
agreement for the ICF/MR on June 30, 2010, and the entering 93052
operator has a valid Medicaid provider agreement for the ICF/MR 93053
during fiscal year 2011. 93054

(C) Except as otherwise provided by this section, the 93055
provider of an ICF/MR to which this section applies shall be paid, 93056
for ICF/MR services the ICF/MR provides during fiscal year 2011, 93057
the rate calculated for the ICF/MR under sections 5111.20 to 93058
5111.33 of the Revised Code. 93059

(D) If the mean total per diem rate for all ICFs/MR in this 93060
state for fiscal year 2011, weighted by May 2010 Medicaid days and 93061
calculated as of July 1, 2010, exceeds \$277.25, the Department 93062
shall reduce the total per diem rate for each ICF/MR to which this 93063
section applies by a percentage that is equal to the percentage by 93064
which the mean total per diem rate exceeds \$277.25. 93065

(E) The rate of an ICF/MR set pursuant to this section shall 93066
not be subject to any adjustments authorized by sections 5111.20 93067
to 5111.33 of the Revised Code, or any rule authorized by those 93068
sections, during the remainder of fiscal year 2011. 93069

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised Code.

(H) Not later than September 30, 2010, the Director of Job and Family Services shall submit an amendment to the state Medicaid plan to the United States Secretary of Health and Human Services as necessary to implement this section. On receipt of the United States Secretary's approval of the amendment to the state Medicaid plan, the Director shall implement this section retroactive to the later of the effective date of the state Medicaid plan amendment or July 1, 2010.

Section 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL

(A) There is hereby created the ICF/MR Reimbursement Study Council consisting of all of the following members:

(1) The Director of Job and Family Services;

(2) The Deputy Director of the Office of Ohio Health Plans of the Department of Job and Family Services;

(3) The Director of Mental Retardation and Developmental Disabilities;

(4) One representative of Medicaid recipients residing in intermediate care facilities for the mentally retarded, appointed

by the Governor; 93100

(5) Two representatives of each of the following 93101
organizations, appointed by their respective governing bodies: 93102

(a) The Ohio Provider Resource Association; 93103

(b) The Ohio Health Care Association; 93104

(c) The Ohio Association of County Boards of Mental 93105
Retardation and Developmental Disabilities. 93106

Initial appointments of members described in divisions (A)(4) 93107
and (5) of this section shall be made not later than thirty days 93108
after the effective date of this section. Vacancies shall be 93109
filled in the same manner as the original appointments. Members 93110
described in those divisions shall serve at the pleasure of the 93111
official or governing body making the appointment of the member. 93112

The Director of Job and Family Services shall serve as 93113
chairperson of the council. Members of the council shall serve 93114
without compensation, except to the extent that serving on the 93115
council is part of their regular duties of employment. 93116

(B) The council shall review the system established by 93117
sections 5111.20 to 5111.33 of the Revised Code for reimbursing 93118
intermediate care facilities for the mentally retarded under the 93119
Medicaid program. Not later than July 1, 2010, the council shall 93120
issue a report of its activities, findings, and recommendations to 93121
the Governor, the Speaker of the House of Representatives, and the 93122
President of the Senate. 93123

(C) In its consideration of the system for reimbursing 93124
intermediate care facilities for the mentally retarded under 93125
division (B) of this section, the council shall use the following 93126
principles: 93127

(1) The system should appropriately account for differences 93128
in acuity and service needs among individuals in intermediate care 93129

facilities for the mentally retarded.	93130
(2) The system should support and encourage quality services, including both of the following elements:	93131 93132
(a) A high level of coverage of direct care costs;	93133
(b) Pay for performance mechanisms.	93134
(3) The system should reflect appropriate recognition that virtually all individuals served in intermediate care facilities for the mentally retarded are Medicaid recipients.	93135 93136 93137
(4) The system should encourage cost-effective service delivery.	93138 93139
(5) The system should encourage innovation in service delivery.	93140 93141
(6) The system should encourage appropriate maintenance, improvement, and replacement of facilities.	93142 93143
(D) The council shall cease to exist on the submission of a report under division (B) of this section.	93144 93145
Section 309.30.72. (A) As used in this section:	93146
(1) "Durable medical mobility equipment" means manual and power wheelchairs.	93147 93148
(2) "Asset management service" means a system under which discarded, no longer required, or otherwise unused but functional durable medical mobility equipment is reallocated to eligible Medicaid recipients for reuse.	93149 93150 93151 93152
(B) The Department of Job and Family Services shall study the potential of using an asset management service within the Medicaid program. Under the asset management service, the state is to retain ownership of all durable medical mobility equipment provided to Medicaid recipients. In conducting the study, the department shall evaluate all of the following:	93153 93154 93155 93156 93157 93158

(1) The use of an online database that facilitates the reallocation of durable medical mobility equipment;	93159 93160
(2) The use of an annual inspection and maintenance system to service and maintain durable medical mobility equipment;	93161 93162
(3) A process whereby durable medical mobility equipment that has been provided in the past to medicaid recipients may be included in an asset management service;	93163 93164 93165
(4) The potential costs and cost savings under an asset management service;	93166 93167
(5) Implementation of an asset management service on a trial basis before statewide implementation;	93168 93169
(6) Whether any adjustments to the state's Medicaid plan are necessary to implement an asset management system.	93170 93171
(C) Not later than January 1, 2010, the Department shall prepare a report of its findings and recommendations resulting from the study, including a specific recommendation as to whether an asset management service should be implemented under the Medicaid program. The Department shall submit the report to the Governor, Speaker and Minority Leader of the House of Representatives, and President and Minority Leader of the Senate.	93172 93173 93174 93175 93176 93177 93178
Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES	93179 93180
The Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to increase, for the period beginning January 1, 2010, and ending June 30, 2011, the Medicaid reimbursement rates for Medicaid-covered hospital inpatient services and hospital outpatient services to rates that result in an amount that is five per cent higher than the amount resulting from the rates in effect on December 31, 2009.	93181 93182 93183 93184 93185 93186 93187 93188

Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER 93189

The Department of Aging may transfer cash from the foregoing 93190
appropriation item 490412, Residential State Supplement, and the 93191
PASSPORT/Residential State Supplement Fund (Fund 4J40), to the 93192
Home and Community-Based Services for the Aged Fund (Fund 4J50), 93193
used by the Department of Job and Family Services to make benefit 93194
payments to Residential State Supplement recipients. The transfer 93195
shall be made using an intrastate transfer voucher. 93196

Section 309.30.90. MONEY FOLLOWS THE PERSON 93197

The Director of Budget and Management may seek Controlling 93198
Board approval to do any of the following in support of any home 93199
and community-based services Medicaid waiver component: 93200

(A) Create new funds and appropriation items associated with 93201
a unified long-term care budget; 93202

(B) Transfer cash between funds used by affected agencies; 93203

(C) Transfer appropriation between appropriation items within 93204
a fund and used by the same state agency. 93205

Any transfers of cash approved by the Controlling Board under 93206
this section are hereby appropriated. 93207

Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED 93208
REIMBURSEMENT FUND 93209

The Money Follows the Person Enhanced Reimbursement Fund is 93210
hereby created in the state treasury. This is a continuation of 93211
the fund created by Section 751.20 of Am. Sub. H.B. 562 of the 93212
127th General Assembly. The federal payments made to the state 93213
under subsection (e) of section 6071 of the "Deficit Reduction Act 93214
of 2005," Pub. L. No. 109-171, shall be deposited into the fund. 93215
The Department of Job and Family Services shall use money 93216

deposited into the fund for system reform activities related to 93217
the Money Follows the Person demonstration project. 93218

Section 309.31.20. MEDICARE PART D 93219

The foregoing appropriation item 600526, Medicare Part D, may 93220
be used by the Department of Job and Family Services for the 93221
implementation and operation of the Medicare Part D requirements 93222
contained in the "Medicare Prescription Drug, Improvement, and 93223
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 93224
the request of the Department of Job and Family Services, the 93225
Director of Budget and Management may transfer the state share of 93226
appropriations between appropriation item 600525, Health 93227
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 93228
the state share of appropriation item 600525, Health 93229
Care/Medicaid, is adjusted, the Director of Budget and Management 93230
shall adjust the federal share accordingly. The Department of Job 93231
and Family Services shall provide notification to the Controlling 93232
Board of any transfers at the next scheduled Controlling Board 93233
meeting. 93234

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND 93235
IDENTIFICATION OF OVERPAYMENTS 93236

Notwithstanding any limitations in sections 3721.51 and 93237
3721.56 of the Revised Code, in each fiscal year, cash from the 93238
Home and Community-Based Services for the Aged Fund (Fund 4J50), 93239
in excess of the amounts needed for the transfers to the 93240
PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the 93241
Department of Aging, may be used by the Department of Job and 93242
Family Services for the following purposes: (A) up to \$3,000,000 93243
in each fiscal year to fund the state share of audits or limited 93244
reviews of Medicaid providers; and (B) up to \$450,000 in each 93245
fiscal year to provide one-time transitional benefits under the 93246

Ohio Access Success Project that the Director of Job and Family 93247
Services may establish under section 5111.97 of the Revised Code. 93248
93249

Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF 93250
AGING 93251

The Department of Job and Family Services shall transfer 93252
\$33,263,984 cash in each fiscal year from the Home and 93253
Community-Based Services for the Aged Fund (Fund 4J50) to the 93254
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 93255
the Department of Aging. The transfer may occur on a quarterly 93256
basis or on a schedule developed and agreed to by both 93257
departments. The transfer shall be made using an intrastate 93258
transfer voucher. 93259

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS 93260

(A) At least quarterly, the Director of Job and Family 93261
Services shall certify to the Director of Budget and Management 93262
both of the following: 93263

(1) The amount of offsets withheld under section 3721.541 of 93264
the Revised Code from payments made from the General Revenue Fund. 93265

(2) The amount of offsets withheld under section 5112.341 of 93266
the Revised Code from payments made from the General Revenue Fund. 93267

(B) The Director of Budget and Management may transfer cash 93268
from the General Revenue Fund to all of the following: 93269

(1) The Home and Community Based Services for the Aged Fund 93270
(Fund 4J50), or the Nursing Facility Stabilization Fund (Fund 93271
5R20), in accordance with sections 3721.56 and 3721.561 of the 93272
Revised Code; 93273

(2) The ICF/MR Bed Assessments Fund (Fund 4K10). 93274

(C) Amounts transferred pursuant to this section are hereby 93275

appropriated. 93276

Section 309.31.55. STUDY OF PROVIDER FRANCHISE PERMIT FEES 93277

There is hereby created a committee to study the issue of 93278
funding the Medicaid program through franchise permit fees on 93279
providers of health-care services. The President of the Senate 93280
shall appoint two members of the Senate, each from a different 93281
political party, to the committee. The Speaker of the House of 93282
Representatives shall appoint two members of the House of 93283
Representatives, each from a different political party, to the 93284
committee. The Governor may appoint as many individuals to the 93285
committee as the Governor determines appropriate. Members of the 93286
committee shall serve without compensation, except to the extent 93287
that serving on the committee is considered part of their regular 93288
employment duties. The President of the Senate shall designate one 93289
of the members of the Senate appointed to the committee to serve 93290
as a co-chairperson of the committee. The Speaker of the House of 93291
Representatives shall designate one of the members of the House of 93292
Representatives appointed to serve on the committee to serve as 93293
the other co-chairperson of the committee. The Department of Job 93294
and Family Services shall provide any support staff the committee 93295
needs. Not later than June 30, 2010, the committee shall submit a 93296
report of the committee's study, with any recommendations, to the 93297
Governor and, in accordance with section 101.68 of the Revised 93298
Code, the General Assembly. The committee shall cease to exist on 93299
submission of its report. 93300

Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF 93301
MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 93302

The Department of Job and Family Services shall transfer 93303
\$12,000,000 cash in each fiscal year from the ICF/MR Bed 93304
Assessments Fund (Fund 4K10) to the Home and Community-Based 93305

Services Fund (Fund 4K80), used by the Department of Mental 93306
Retardation and Developmental Disabilities. The transfer may occur 93307
on a quarterly basis or on a schedule developed and agreed to by 93308
both departments. The transfer shall be made using an intrastate 93309
transfer voucher. 93310

Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 93311

Notwithstanding any limitations contained in sections 5112.31 93312
and 5112.37 of the Revised Code, in each fiscal year, cash from 93313
the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the 93314
amounts needed for transfers to the Home and Community-Based 93315
Services Fund (Fund 4K80), used by the Department of Mental 93316
Retardation and Developmental Disabilities, may be used by the 93317
Department of Job and Family Services to cover costs of care 93318
provided to participants in a waiver with an ICF/MR level of care 93319
requirement administered by the Department of Job and Family 93320
Services. 93321

Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH 93322

The foregoing appropriation item 600650, Hospital Care 93323
Assurance Match, shall be used by the Department of Job and Family 93324
Services solely for distributing funds to hospitals under section 93325
5112.08 of the Revised Code. 93326

Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 93327

Of the amount received by the Department of Job and Family 93328
Services during fiscal year 2010 and fiscal year 2011 from the 93329
first installment of assessments paid under section 5112.06 of the 93330
Revised Code and intergovernmental transfers made under section 93331
5112.07 of the Revised Code, the Director of Job and Family 93332
Services shall deposit \$350,000 in each fiscal year into the state 93333
treasury to the credit of the Health Care Services Administration 93334

Fund (Fund 5U30). 93335

Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE 93336

The foregoing appropriation item 600671, Medicaid Program 93337
Support, shall be used by the Department of Job and Family 93338
Services to pay for Medicaid services and contracts. The 93339
Department may also deposit to Fund 5C90 revenues received from 93340
other state agencies for Medicaid services under the terms of 93341
interagency agreements between the Department and other state 93342
agencies, and all funds the Department recovers because the 93343
benefits a person received under the Disability Medical Assistance 93344
Program established in section 5115.10 of the Revised Code were 93345
determined to be covered by the Medicaid Program established under 93346
Chapter 5111. of the Revised Code. 93347

Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE 93348
DEPARTMENT OF MENTAL HEALTH 93349

The Department of Job and Family Services shall transfer cash 93350
from the Medicaid Program Support Fund (Fund 5C90), to the 93351
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 93352
Department of Mental Health, in accordance with an interagency 93353
agreement that delegates authority from the Department of Job and 93354
Family Services to the Department of Mental Health to administer 93355
specified Medicaid services. The transfer shall be made using an 93356
intrastate transfer voucher. 93357

Section 309.32.30. PRESCRIPTION DRUG REBATE FUND 93358

The foregoing appropriation item 600692, Health Care 93359
Services, shall be used by the Department of Job and Family 93360
Services to pay for Medicaid services and contracts. 93361

Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS ' 93362

ADMINISTRATIVE COSTS 93363

As used in this section, "community behavioral health boards" 93364
means boards of alcohol, drug addiction, and mental health 93365
services, community mental health boards, and alcohol and drug 93366
addiction services boards. 93367

Not later than October 1, 2009, the Director of Job and 93368
Family Services shall seek federal approval to establish a system 93369
under which community behavioral health boards obtain federal 93370
financial participation for the allowable administrative 93371
activities the boards perform in the administration of the 93372
Medicaid program. The Director shall implement the system on 93373
receipt of federal approval. The Director shall work with the 93374
Directors of Alcohol and Drug Addiction Services and Mental Health 93375
and representatives of community behavioral health boards when 93376
implementing this section. 93377

Section 309.32.50. PRIOR AUTHORIZATION STUDY 93378

The Department of Job and Family Services shall study the 93379
issue of requiring prior authorization for all services and goods 93380
available under the fee-for-service component of the Medicaid 93381
program. Not later than August 1, 2009, the Department shall issue 93382
a request for information to obtain information needed to conduct 93383
the study. Not later than October 1, 2009, the Department shall 93384
submit a report regarding the study to the General Assembly in 93385
accordance with section 101.68 of the Revised Code. The report 93386
shall include a discussion of expected cost savings such a prior 93387
authorization system would have for the Medicaid program. 93388

Section 309.32.60. THIRD PARTY LIABILITY - PILOT PROGRAM 93389

(A) As used in this section: 93390

(1) "Medicaid program" means the medical assistance program 93391

established under Chapter 5111. of the Revised Code. 93392

(2) "Third party" has the same meaning as in section 5101.571 93393
of the Revised Code. 93394

(B)(1) Except as provided in division (C) of this section and 93395
using technology designed to identify all persons liable to pay a 93396
claim for a medical item or service, the Director of Job and 93397
Family Services shall establish and administer a pilot program for 93398
the purpose of identifying third parties that are liable for 93399
paying all or a portion of a claim for a medical item or service 93400
provided to a Medicaid recipient before the claim is submitted to, 93401
or paid by, the Medicaid program. The Director shall determine the 93402
duration of the pilot program, except that the Director shall not 93403
terminate the program less than eighteen months after it is 93404
established. 93405

(2) In administering the pilot program, the Director shall, 93406
subject to division (B)(3) of this section, ensure that all 93407
aspects of the program comply with Ohio and federal law, including 93408
the "Health Insurance Portability and Accountability Act of 1996," 93409
Pub. L. No. 104-191, as amended, and regulations promulgated by 93410
the United States Department of Health and Human Services to 93411
implement the Act. 93412

(3) The Director's duty to ensure compliance with the laws 93413
described in division (B)(2) of this section does not prohibit 93414
either of the following: 93415

(a) A third party from providing information to the 93416
Department of Job and Family Services or disclosing or making use 93417
of information as permitted under section 5101.572 of the Revised 93418
Code or when required by any other provision of Ohio or federal 93419
law; 93420

(b) The Department from using information provided by a third 93421
party as permitted in section 5101.572 of the Revised Code or when 93422

required by any other provision of Ohio or federal law. 93423

(C)(1) The Director may enter into a contract with any person 93424
under which the person serves as the administrator of the pilot 93425
program. Before entering into a contract for a pilot program 93426
administrator, the Department shall issue a request for proposals 93427
from persons seeking to be considered. The Department shall 93428
develop a process to be used in issuing the request for proposals, 93429
receiving responses to the request, and evaluating the responses 93430
on a competitive basis. In accordance with that process, the 93431
Department shall select the person to be awarded the contract. 93432

(2) The Director may delegate to the person awarded the 93433
contract any of the Director's powers or duties specified in this 93434
section. The terms of the contract shall specify the extent to 93435
which the powers or duties are delegated to the pilot program 93436
administrator. 93437

(3) In exercising powers or performing duties delegated under 93438
the contract, the pilot program administrator is subject to the 93439
same provisions of this section that grant the powers or duties to 93440
the Director, as well as any limitations or restrictions that are 93441
applicable to or associated with those powers or duties. 93442

(4) The terms of a contract for a pilot program administrator 93443
shall include a provision that specifies that the Director or any 93444
agent of the Director is not liable for the failure of the 93445
administrator to comply with a term of the contract, including any 93446
term that specifies the administrator's duty to ensure compliance 93447
with the laws described in division (B)(1) of this section. 93448

(D) Twelve months after the pilot program is established, the 93449
Director shall evaluate the program's effectiveness. As part of 93450
this evaluation, the Director shall determine both of the 93451
following: 93452

(1) For the twelve months immediately preceding the 93453

establishment of the pilot program, all of the following: 93454

(a) The amount of money paid for each Medicaid claim in which 93455
no third party liability was indicated by the Medicaid recipient 93456
but for which at least one third party was liable to pay all or a 93457
portion of the claim, and the amount attributable to each liable 93458
party; 93459

(b) The portion of the amounts attributable to each liable 93460
third party, described in division (D)(1)(a) of this section, that 93461
were recovered by the Director or a person with which the Director 93462
has contracted to manage the recovery of money due from liable 93463
third parties. 93464

(c) The portion of the amounts attributable to each liable 93465
third party, described in division (D)(1)(a) of this section, that 93466
would have been identified by the technology used by the pilot 93467
program had the technology been used in those twelve months. 93468

(2) For the first twelve months of the pilot program, both of 93469
the following: 93470

(a) The items described in divisions (D)(1)(a) and (b) of 93471
this section. 93472

(b) The portion of the amounts attributable to each liable 93473
third party, described in division (D)(1)(a) of this section, that 93474
were identified by the technology used by pilot program. 93475

(E) Not later than three months after the evaluation required 93476
by division (D) of this section is initiated, the Director shall 93477
prepare and submit to the Governor, the Speaker and Minority 93478
Leader of the House of Representatives, and the President and 93479
Minority Leader of the Senate a report that summarizes the results 93480
of the Director's evaluation of the pilot program. At a minimum, 93481
the report shall summarize and compare the determinations made 93482
under division (D) of this section, conclude whether the program 93483
achieved savings for the Medicaid program, and make a 93484

recommendation as to whether the pilot program should be extended 93485
or be made permanent. 93486

(F) The Director may adopt rules in accordance with Chapter 93487
119. of the Revised Code as necessary to implement this section. 93488

Section 309.32.70. DURABLE MEDICAL EQUIPMENT STUDY 93489

The Department of Job and Family Services shall prepare and 93490
submit to the Speaker and Minority Leader of the House of 93491
Representatives and the President and Minority Leader of the 93492
Senate a report on expenditures for durable medical equipment by 93493
the Medicaid program. In preparing the report, the Department 93494
shall do all of the following: 93495

(A) Identify the types of durable medical equipment that 93496
represent, in total, greater than fifty per cent of the state's 93497
total Medicaid expenditures for durable medical equipment; 93498

(B) Consult with durable medical equipment suppliers to 93499
identify cost-saving strategies; 93500

(C) Evaluate opportunities for competitive purchasing 93501
procedures for durable medical equipment. 93502

The report prepared under this section shall include 93503
recommendations on strategies to reduce the Medicaid program's 93504
costs for durable medical equipment. The report shall be submitted 93505
not later than July 1, 2010. 93506

Section 309.40. FAMILY STABILITY 93507

Section 309.40.10. FOOD STAMPS TRANSFER 93508

On July 1, 2009, or as soon as possible thereafter, the 93509
Director of Budget and Management may transfer up to \$1,000,000 93510
cash from the Food Stamp Program Fund (Fund 3840), to the Food 93511
Assistance Fund (Fund 5ES0). 93512

Section 309.40.20. NAME OF FOOD STAMP PROGRAM 93513

The Director of Job and Family Services is not required to 93514
amend rules regarding the Food Stamp Program to change the name of 93515
the program to the Supplemental Nutrition Assistance Program. The 93516
Director may refer to the program as the Food Stamp Program or the 93517
Food Assistance Program in rules and documents of the Department 93518
of Job and Family Services. 93519

Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD 93520
BANKS 93521

The foregoing appropriation item 600540, Second Harvest Food 93522
Banks, shall be used to provide funds to the Ohio Association of 93523
Second Harvest Food Banks to purchase and distribute food 93524
products. 93525

Notwithstanding section 5101.46 of the Revised Code and any 93526
other provision in this bill, in addition to funds designated for 93527
the Ohio Association of Second Harvest Food Banks in this section, 93528
in fiscal years 2010 and 2011, the Director of Job and Family 93529
Services shall provide assistance from eligible funds to the Ohio 93530
Association of Second Harvest Food Banks in an amount equal to the 93531
assistance provided in state fiscal year 2009. 93532

Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE 93533

The foregoing appropriation item 600658, Child Support 93534
Collections, shall be used by the Department of Job and Family 93535
Services to meet the TANF maintenance of effort requirements of 42 93536
U.S.C. 609(a)(7). When the state is assured that it will meet the 93537
maintenance of effort requirement, the Department of Job and 93538
Family Services may use funds from appropriation item 600658, 93539
Child Support Collections, to support public assistance 93540
activities. 93541

Section 309.40.55. KINSHIP PERMANENCY INCENTIVE PROGRAM 93542

Of the foregoing appropriation item 600689, TANF Block Grant 93543
(Fund 3V60), up to \$10,000,000 in each fiscal year may be used to 93544
support, in accordance with sections 5101.80 and 5101.801 of the 93545
Revised Code, the activities of the Kinship Permanency Incentive 93546
Program created under section 5101.802 of the Revised Code. 93547

The Department of Job and Family Services shall prepare 93548
reports concerning: 93549

(A) Stability and permanency outcomes for children for whom 93550
incentive payments are made under the program; 93551

(B) The total amount of payments made under the program, 93552
patterns of expenditures made per child, and cost savings realized 93553
from placing children with kinship caregivers rather than other 93554
out-of-home placements. 93555

The department shall submit reports to the Governor, the 93556
Speaker and Minority Leader of the House of Representatives, and 93557
the President and Minority Leader of the Senate not later than 93558
December 31, 2009, and December 31, 2010. 93559

Section 309.40.57. HELP ME GROW 93560

Of the foregoing appropriation item 600689, TANF Block Grant, 93561
up to \$21,535,000 in each fiscal year may be used for the Help Me 93562
Grow Program. 93563

Section 309.40.60. EARLY LEARNING INITIATIVE 93564

(A) As used in this section: 93565

(1) "Title IV-A services" means benefits and services that 93566
are allowable under Title IV-A of the "Social Security Act," as 93567
specified in 42 U.S.C. 604(a), except that they shall not be 93568
benefits and services included in the term "assistance" as defined 93569

in 45 C.F.R. 260.31(a) and shall be benefits and services that are 93570
excluded from the definition of the term "assistance" under 45 93571
C.F.R. 260.31(b). 93572

(2) "Eligible child" means a child who is at least three 93573
years of age but not of compulsory school age or enrolled in 93574
kindergarten, is eligible for Title IV-A services, and whose 93575
family income at the time of application does not exceed two 93576
hundred per cent of the federal poverty guidelines. 93577

(3) "Early learning program" means a program for eligible 93578
children that provides Title IV-A services, according to the 93579
purposes listed in 45 C.F.R. 260.20(c), that are early learning 93580
services, as defined by pursuant to division (D)(1) of this 93581
section. 93582

(4) "Early learning provider" means an entity that operates 93583
an early learning program. 93584

(5) "Early learning agency" means an early learning provider 93585
or an entity that has entered into an agreement with an early 93586
learning provider requiring the early learning provider to operate 93587
an early learning program on behalf of the entity. 93588

(6) "Federal poverty line" has the same meaning as in section 93589
5104.01 of the Revised Code. 93590

(7) "Of compulsory school age" has the same meaning as in 93591
section 3321.01 of the Revised Code. 93592

(B) The Early Learning Initiative is hereby established. The 93593
Department of Education and the Department of Job and Family 93594
Services shall administer the Initiative in accordance with 93595
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 93596
shall provide early learning services to eligible children. Early 93597
learning services may be provided on a full-day basis, a part-day 93598
basis, or both a full-day and part-day basis. 93599

(C) The Department of Job and Family Services shall do both of the following: 93600
93601

(1) Reimburse early learning agencies for services provided to eligible children according to the terms of the contract and the rules adopted under division (C)(2) of this section; 93602
93603
93604

(2) In consultation with the Department of Education, adopt rules in accordance with Chapter 119. of the Revised Code to implement the Early Learning Initiative. The rules shall include all of the following: 93605
93606
93607
93608

(a) Provisions regarding the establishment of co-payments for families of eligible children whose family income is more than one hundred per cent of the federal poverty guidelines but equal to or less than the maximum amount of family income authorized for an eligible child as defined in division (A)(2) of this section; 93609
93610
93611
93612
93613

(b) An exemption from co-payment requirements for families whose family income is equal to or less than one hundred per cent of the federal poverty guideline; 93614
93615
93616

(c) A definition of "enrollment" for the purpose of compensating early learning agencies; 93617
93618

(d) Provisions that establish compensation rates for early learning agencies based on the enrollment of eligible children; 93619
93620

(e) Provisions for the completion of criminal record checks for employees of early learning agencies and early learning providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of the Revised Code are considered applicable to these employees; 93621
93622
93623
93624

(f) Provisions for the timeline of eligibility determination; 93625

(g) A requirement that early learning programs licensed by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code participate in the quality-rating program established under section 5104.30 of the Revised Code. 93626
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(D) The Department of Education shall do all of the following: 93630
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(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative; 93632
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(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with which the agency has entered into an agreement for the operation of an early learning program on the agency's behalf, to be licensed by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code or by the Department of Job and Family Services under Chapter 5104. of the Revised Code; 93634
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(3) Establish early learning program guidelines for school readiness to assess the operation of early learning programs. 93643
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(E) Any entity that seeks to be an early learning agency shall apply to the Department of Education by a deadline established by the Department. The Department of Education shall select entities that meet the criteria established under division (D)(2) of this section to be early learning agencies. Upon selection of an entity to be an early learning agency, the Department of Education shall designate the number of eligible children the agency may enroll. The Department of Education shall notify the Department of Job and Family Services of the number so designated. 93645
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(F) The Department of Education and the Department of Job and Family Services shall enter into a contract with each early learning agency selected under division (E) of this section. The requirements of section 127.16 of the Revised Code do not apply to contracts entered into under this section. The contract shall outline the terms and conditions applicable to the provision of 93655
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Title IV-A services for eligible children and shall include at least the following: 93661
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(1) The respective duties of the early learning agency, the Department of Education, and the Department of Job and Family Services; 93663
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(2) Requirements applicable to the allowable use of and accountability for compensation paid under the contract; 93666
93667

(3) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten; 93668
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(4) The compensation schedule payable under the contract; 93672

(5) Audit requirements; 93673

(6) Provisions for suspending, modifying, or terminating the contract. 93674
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(G) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits substandard performance, as determined by the Department of Education, the agency shall develop and implement a corrective action plan. The Department of Education shall approve the corrective action plan prior to implementation. 93676
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(H) If an early learning agency fails to implement a corrective action plan under division (G) of this section, the Department of Education may direct the Department of Job and Family Services to either withhold funding or request that the Department of Job and Family Services suspend or terminate the contract with the agency. 93684
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(I) Each early learning program shall do all of the 93690

following:	93691
(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;	93692 93693
(2) Align curriculum to the early learning content standards;	93694
(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that apply to the program;	93695 93696
(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per biennium of professional development as prescribed by the Department of Education regarding the implementation of early learning program guidelines for school readiness;	93697 93698 93699 93700 93701 93702
(5) Document and report child progress;	93703
(6) Meet and report compliance with the early learning program guidelines for school success;	93704 93705
(7) Participate in early language and literacy classroom observation evaluation studies.	93706 93707
(J) Each county Department of Job and Family Services shall determine eligibility for Title IV-A services for children seeking to enroll in an early learning program within fifteen days after receipt of a completed application in accordance with rules adopted under this section.	93708 93709 93710 93711 93712
(K) The provision of early learning services in an early learning program shall not prohibit or otherwise prevent an individual from obtaining certificates for payment under division (C) of section 5104.32 of the Revised Code.	93713 93714 93715 93716
(L) Notwithstanding section 126.07 of the Revised Code:	93717
(1) Any fiscal year 2010 contract executed prior to July 1, 2009, between the Departments of Job and Family Services and Education and an early learning agency that was not an early	93718 93719 93720

learning agency as of June 30, 2009, shall be deemed to be 93721
effective as of July 1, 2009, upon issuance of a state purchase 93722
order, even if the purchase order is approved at some later date. 93723

(2) Any fiscal year 2010 contract executed between the 93724
Departments of Job and Family Services and Education and an early 93725
learning agency that had a valid contract for early learning 93726
services on June 30, 2009, shall be deemed to be effective as of 93727
July 1, 2009, upon the issuance of a state purchase order, even if 93728
the purchase order is approved at some later date. 93729

(3) Any fiscal year 2011 contract executed prior to July 1, 93730
2010, between the Departments of Job and Family Services and 93731
Education and an early learning agency that was not an early 93732
learning agency as of June 30, 2010, shall be deemed to be 93733
effective as of July 1, 2010, upon issuance of a state purchase 93734
order, even if the purchase order is approved at some later date. 93735

(4) Any fiscal year 2011 contract executed between the 93736
Departments of Job and Family Services and Education and an early 93737
learning agency that had a valid contract for early learning 93738
services on June 30, 2010, shall be deemed to be effective as of 93739
July 1, 2010, upon the issuance of a state purchase order, even if 93740
the purchase order is approved at some later date. 93741

(M) The Departments of Job and Family Services and Education 93742
shall contract for up to 12,000 enrollment slots for eligible 93743
children in each fiscal year through the Early Learning 93744
Initiative. 93745

(N) Eligible expenditures for the Early Learning Initiative 93746
shall be claimed each fiscal year to help meet the state's TANF 93747
maintenance of effort requirement. The Superintendent of Public 93748
Instruction and the Director of Job and Family Services shall 93749
enter into an interagency agreement to carry out the requirements 93750
under this division, which shall include developing reporting 93751

guidelines for these expenditures. 93752

Section 309.45. CHILD WELFARE 93753

Section 309.45.10. ALTERNATIVE RESPONSE 93754

The Department of Job and Family Services shall develop, 93755
implement, oversee, and evaluate a pilot program based on an 93756
"Alternative Response" approach to reports of child abuse, 93757
neglect, and dependency. The pilot program shall be implemented in 93758
not more than ten counties that are selected by the Department and 93759
that agree to participate in the pilot program. The pilot program 93760
shall last eighteen months, not including time expended in 93761
preparation for the implementation of the pilot program and any 93762
post-pilot program evaluation activity. After the eighteen-month 93763
period, the ten sites may continue to administer the Alternative 93764
Response approach uninterrupted, unless the Department determines 93765
otherwise. 93766

The Department shall assure that the Alternative Response 93767
pilot program is independently evaluated with respect to outcomes 93768
for children and families, costs, worker satisfaction, and any 93769
other criteria the Department determines will be useful in the 93770
consideration of statewide implementation of an Alternative 93771
Response approach to child protection. The measure associated with 93772
the eighteen-month pilot program shall, for the purposes of the 93773
evaluation, be compared with those same measures in the pilot 93774
counties during the eighteen-month period immediately preceding 93775
the beginning of the pilot program period. If the independent 93776
evaluation of the pilot program recommends statewide 93777
implementation of an Alternative Response approach to child 93778
protection, the Department may expand the Alternative Response 93779
approach statewide through a schedule determined by the 93780
Department. Prior to statewide implementation, the Department 93781

shall adopt rules in accordance with Chapter 119. of the Revised 93782
Code as necessary to carry out the purposes of this section. Until 93783
that time, the Department may adopt rules in accordance with 93784
section 111.15 of the Revised Code, as if they were internal 93785
management rules, as necessary to carry out the purposes of this 93786
section. 93787

Section 309.45.15. INDEPENDENT LIVING SERVICES 93788

Of the foregoing appropriation item 600523, Children and 93789
Families Services, up to \$1,500,000 in each fiscal year shall be 93790
used to provide independent living services to foster youth and 93791
former foster youth between 16 and 21 years of age. 93792

Section 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND 93793
PROTECTIVE SERVICES 93794

(A) The foregoing appropriation item 600533, Child, Family, 93795
and Adult Community & Protective Services, shall be distributed to 93796
each county department of job and family services using the 93797
formula the Department of Job and Family Services uses when 93798
distributing Title XX funds to county departments of job and 93799
family services under section 5101.46 of the Revised Code. County 93800
departments shall use the funds distributed to them under this 93801
section as follows, in accordance with the written plan of 93802
cooperation entered into under section 307.983 of the Revised 93803
Code: 93804

(1) To assist individuals achieve or maintain 93805
self-sufficiency, including by reducing or preventing dependency 93806
among individuals with family income not exceeding two hundred per 93807
cent of the federal poverty guidelines; 93808

(2) Subject to division (B) of this section, to respond to 93809
reports of abuse, neglect, or exploitation of children and adults, 93810
including through the alternative approach pilot program developed 93811

under Section 309.40.40 of this act; 93812

(3) To provide outreach and referral services regarding home 93813
and community-based services to individuals at risk of placement 93814
in a group home or institution, regardless of the individuals' 93815
family income and without need for a written application; 93816

(4) To provide outreach, referral, application assistance, 93817
and other services to assist individuals receive assistance, 93818
benefits, or services under Medicaid; Title IV-A programs, as 93819
defined in section 5101.80 of the Revised Code; the Supplemental 93820
Nutrition Assistance Program; and other public assistance 93821
programs. 93822

(B) Protective services may be provided to a child or adult 93823
as part of a response, under division (A)(2) of this section, to a 93824
report of abuse, neglect, or exploitation without regard to a 93825
child or adult's family income and without need for a written 93826
application. The protective services may be provided if the case 93827
record documents circumstances of actual or potential abuse, 93828
neglect, or exploitation. 93829

Section 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS 93830

(A) As used in this section: 93831

(1) "Income maintenance funds" means funds the Department of 93832
Job and Family Services allocates to a county to meet matching 93833
fund requirements or reimburse a county for administrative 93834
expenditures incurred in the administration of the Disability 93835
Financial Assistance Program, Disability Medical Assistance 93836
Program, Medicaid Program, or Supplemental Nutrition Assistance 93837
Program. 93838

(2) "TANF funds" means funds the Department of Job and Family 93839
Services allocates to a county for Title IV-A programs, as defined 93840
in section 5101.80 of the Revised Code. 93841

(3) "TANF Title XX transfer funds" means funds the Department of Job and Family Services allocates to a county for purposes of section 5101.461 of the Revised Code.

(4) "Title XX social services funds" means funds the Department of Job and Family Services allocates to a county department of job and family services for purposes of section 5101.46 of the Revised Code.

(B) If a county informs the Department of Job and Family Services that the county will not use the entire amount of the income maintenance funds, TANF funds, TANF Title XX transfer funds, or Title XX social services funds allocated to the county for fiscal year 2010 or fiscal year 2011, the Department shall reallocate the portion of the funds the county will not use to other counties for the remainder of the fiscal year in which the funds are reallocated or the next fiscal year. In reallocating the funds, the Department shall do both of the following:

(1) For each of the funds separately, rank each county by the percentage reduction in allocations of the funds from the fiscal year preceding the fiscal year in which the reallocation is made to the fiscal year in which the reallocation is made, with the county that has the greatest reduction percentage placed at the top of the ranking;

(2) Reallocate each of the funds separately to counties in the order in which counties are ranked under division (B)(1) of this section in a manner that provides, to the extent funds are available for reallocation, for each county to be, as a result of the reallocation, allocated the same amount of the funds that the county was allocated the previous fiscal year, other than the counties that inform the Department they will not use the full amount of their allocation of the funds.

Section 309.50.10. EMPLOYER SURCHARGE 93873

The surcharge and the interest on the surcharge amounts due 93874
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 93875
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 93876
118th General Assembly, and section 4141.251 of the Revised Code 93877
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 93878
General Assembly, again shall be assessed and collected by, 93879
accounted for, and made available to the Department of Job and 93880
Family Services in the same manner as set forth in section 93881
4141.251 of the Revised Code as it existed prior to its repeal by 93882
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 93883
repeal of the surcharge for calendar years after 1990, pursuant to 93884
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 93885
received by the Director on or after July 1, 2001, shall be 93886
deposited into the Unemployment Compensation Special 93887
Administrative Fund (Fund 4A90) established pursuant to section 93888
4141.11 of the Revised Code. 93889

Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS 93890

All unexpended funds remaining at the end of fiscal year 2009 93891
that were appropriated and made available to the state under 93892
section 903(d) of the Social Security Act, as amended, in the 93893
foregoing appropriation item 600678, Federal Unemployment Programs 93894
(Fund 3V40), are hereby appropriated to the Department of Job and 93895
Family Services. Upon the request of the Director of Job and 93896
Family Services, the Director of Budget and Management may 93897
increase the appropriation for fiscal year 2010 by the amount 93898
remaining unspent from the fiscal year 2009 appropriation and may 93899
increase the appropriation for fiscal year 2011 by the amount 93900
remaining unspent from the fiscal year 2010 appropriation. The 93901
appropriation shall be used under the direction of the Department 93902
of Job and Family Services to pay for administrative activities 93903

for the Unemployment Insurance Program, employment services, and 93904
other allowable expenditures under section 903(d) of the Social 93905
Security Act, as amended. 93906

The amounts obligated pursuant to this section shall not 93907
exceed at any time the amount by which the aggregate of the 93908
amounts transferred to the account of the state under section 93909
903(d) of the Social Security Act, as amended, exceeds the 93910
aggregate of the amounts obligated for administration and paid out 93911
for benefits and required by law to be charged against the amounts 93912
transferred to the account of the state. 93913

Section 309.50.30. REMOVAL OF UNEMPLOYMENT COMPENSATION 93914
ADVISORY COUNCIL MEMBERS 93915

The intent of the General Assembly in the amendments made in 93916
this act to section 145.012 is to provide that service as a member 93917
of the Unemployment Compensation Advisory Council on or after the 93918
effective date of this section shall not be service as a public 93919
employee for purposes of Chapter 145. of the Revised Code. The 93920
amendments are not intended to prohibit the use of such service 93921
for calculation of benefits under Chapter 145. of the Revised Code 93922
for service prior to the effective date of this section. 93923
93924

Section 310.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 93925

General Revenue Fund 93926

GRF 029321 Operating Expenses	\$	435,168	\$	435,168	93927
TOTAL GRF General Revenue Fund	\$	435,168	\$	435,168	93928
TOTAL ALL BUDGET FUND GROUPS	\$	435,168	\$	435,168	93929

OPERATING 93930

The Chief Administrative Officer of the House of 93931
Representatives and the Clerk of the Senate shall determine, by 93932
mutual agreement, which of them shall act as fiscal agent for the 93933

Joint Committee on Agency Rule Review. Members of the Committee 93934
 shall be paid in accordance with section 101.35 of the Revised 93935
 Code. 93936

OPERATING EXPENSES 93937

On July 1, 2009, or as soon as possible thereafter, the 93938
 Executive Director of the Joint Committee on Agency Rule Review 93939
 may certify to the Director of Budget and Management the amount of 93940
 the unexpended, unencumbered balance of the foregoing 93941
 appropriation item 029321, Operating Expenses, at the end of 93942
 fiscal year 2009 to be reappropriated to fiscal year 2010. The 93943
 amount certified is hereby reappropriated to the same 93944
 appropriation item for fiscal year 2010. 93945

On July 1, 2010, or as soon as possible thereafter, the 93946
 Executive Director of the Joint Committee on Agency Rule Review 93947
 may certify to the Director of Budget and Management the amount of 93948
 the unexpended, unencumbered balance of the foregoing 93949
 appropriation item 029321, Operating Expenses, at the end of 93950
 fiscal year 2010 to be reappropriated to fiscal year 2011. The 93951
 amount certified is hereby reappropriated to the same 93952
 appropriation item for fiscal year 2011. 93953

Section 313.10. JSC THE JUDICIARY/SUPREME COURT 93954

General Revenue Fund 93955

GRF 005321 Operating Expenses - \$ 131,055,370 \$ 131,055,370 93956
 Judiciary/Supreme
 Court

GRF 005401 State Criminal \$ 206,770 \$ 206,770 93957
 Sentencing Council

GRF 005409 Ohio Courts \$ 4,250,000 \$ 4,250,000 93958
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 135,512,140 \$ 135,512,140 93959

General Services Fund Group					93960
4030 005XXX Ohio Jury	\$	350,000	\$	350,000	93961
Instructions					
6720 005601 Continuing Judicial	\$	300,000	\$	300,000	93962
Education					
TOTAL GSF General Services Fund	\$	650,000	\$	650,000	93963
Group					
Federal Special Revenue Fund Group					93964
3J00 005603 Federal Grants	\$	2,137,866	\$	1,917,081	93965
TOTAL FED Federal Special Revenue	\$	2,137,866	\$	1,917,081	93966
Fund Group					
State Special Revenue Fund Group					93967
4C80 005605 Attorney Services	\$	3,704,659	\$	3,704,659	93968
5T80 005609 Grants and Awards	\$	50,000	\$	50,000	93969
6A80 005606 Supreme Court	\$	1,284,142	\$	1,284,142	93970
Admissions					
TOTAL SSR State Special Revenue	\$	5,038,801	\$	5,038,801	93971
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	143,338,807	\$	143,118,022	93972
OHIO COURTS TECHNOLOGY INITIATIVE					93973
The foregoing appropriation item 005409, Ohio Courts					93974
Technology Initiative, shall be used to fund an initiative by the					93975
Supreme Court to facilitate the exchange of information and					93976
warehousing of data by and between Ohio courts and other justice					93977
system partners through the creation of an Ohio Courts Network,					93978
the delivery of technology services to courts throughout the					93979
state, including the provision of hardware, software, and the					93980
development and implementation of educational and training					93981
programs for judges and court personnel, and operation of the					93982
Commission on Technology and the Courts by the Supreme Court for					93983
the promulgation of statewide rules, policies, and uniform					93984
standards, and to aid in the orderly adoption and comprehensive					93985

use of technology in Ohio courts. 93986

CONTINUING JUDICIAL EDUCATION 93987

The Continuing Judicial Education Fund (Fund 6720) shall 93988
consist of fees paid by judges and court personnel for attending 93989
continuing education courses and other gifts and grants received 93990
for the purpose of continuing judicial education. The foregoing 93991
appropriation item 005601, Continuing Judicial Education, shall be 93992
used to pay expenses for continuing education courses for judges 93993
and court personnel. If it is determined by the Administrative 93994
Director of the Supreme Court that additional appropriations are 93995
necessary, the amounts are hereby appropriated. 93996

No money in Fund 6720 shall be transferred to any other fund 93997
by the Director of Budget and Management or the Controlling Board. 93998
Interest earned on moneys in Fund 6720 shall be credited to the 93999
fund. 94000

FEDERAL GRANTS 94001

The Federal Grants Fund (Fund 3J00) shall consist of grants 94002
and other moneys awarded to the Supreme Court (The Judiciary) by 94003
the United States Government or other entities that receive the 94004
moneys directly from the United States Government and distribute 94005
those moneys to the Supreme Court (The Judiciary). The foregoing 94006
appropriation item 005603, Federal Grants, shall be used in a 94007
manner consistent with the purpose of the grant or award. If it is 94008
determined by the Administrative Director of the Supreme Court 94009
that additional appropriations are necessary, the amounts are 94010
hereby appropriated. 94011

No money in Fund 3J00 shall be transferred to any other fund 94012
by the Director of Budget and Management or the Controlling Board. 94013
However, interest earned on moneys in Fund 3J00 shall be credited 94014
or transferred to the General Revenue Fund. 94015

ATTORNEY SERVICES 94016

The Attorney Services Fund (Fund 4C80), formerly known as the Attorney Registration Fund, shall consist of moneys received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in Fund 4C80 shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No moneys in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on moneys in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

SUPREME COURT ADMISSIONS				94048
The foregoing appropriation item 005606, Supreme Court				94049
Admissions, shall be used to compensate Supreme Court employees				94050
who are primarily responsible for administering the attorney				94051
admissions program under the Rules for the Government of the Bar				94052
of Ohio, and to fund any other activities considered appropriate				94053
by the court. Moneys shall be deposited into the Supreme Court				94054
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the				94055
Government of the Bar of Ohio. If it is determined by the				94056
Administrative Director of the Supreme Court that additional				94057
appropriations are necessary, the amounts are hereby appropriated.				94058
No moneys in Fund 6A80 shall be transferred to any other fund				94059
by the Director of Budget and Management or the Controlling Board.				94060
Interest earned on moneys in Fund 6A80 shall be credited to the				94061
fund.				94062
Section 313.20. SUPREME COURT FILING FEE				94063
The General Assembly hereby respectfully requests the Supreme				94064
Court to modify Rule XV of the Rules of Practice of the Supreme				94065
Court of Ohio pursuant to its authority under the Ohio				94066
Constitution to make that Rule consistent with the amendments made				94067
by this act to section 2503.17 of the Revised Code.				94068
Section 315.10. LEC LAKE ERIE COMMISSION				94069
State Special Revenue Fund Group				94070
4C00 780601 Lake Erie Protection	\$	450,000	\$ 450,000	94071
Fund				
5D80 780602 Lake Erie Resources	\$	301,087	\$ 301,087	94072
Fund				
TOTAL SSR State Special Revenue				94073
Fund Group	\$	751,087	\$ 751,087	94074
TOTAL ALL BUDGET FUND GROUPS	\$	751,087	\$ 751,087	94075

Section 317.10. LRS LEGAL RIGHTS SERVICE				94077
General Revenue Fund				94078
GRF	054321	Support Services	\$ 142,614 \$	142,614 94079
GRF	054401	Ombudsman	\$ 209,698 \$	209,698 94080
TOTAL GRF General Revenue Fund			\$ 352,312 \$	352,312 94081
General Services Fund Group				94082
5M00	054610	Settlements	\$ 81,352 \$	81,352 94083
TOTAL GSF General Services Fund Group			\$ 81,352 \$	81,352 94085
Federal Special Revenue Fund Group				94086
3050	054602	Protection and Advocacy - Developmentally Disabled	\$ 1,500,000 \$	1,500,000 94087
3AG0	054613	Protection and Advocacy - Voter Accessibility	\$ 135,000 \$	135,000 94088
3B80	054603	Protection and Advocacy - Mentally Ill	\$ 1,100,000 \$	1,100,000 94089
3CA0	054615	Work Incentives Planning and Assistance	\$ 355,000 \$	355,000 94090
3N30	054606	Protection and Advocacy - Individual Rights	\$ 570,000 \$	570,000 94091
3N90	054607	Assistive Technology	\$ 160,000 \$	160,000 94092
3R90	054604	Family Support Collaborative	\$ 12,500 \$	0 94093
3R90	054616	Developmental Disability	\$ 130,000 \$	130,000 94094

	Publications					
3T20	054609	Client Assistance	\$	435,000	\$	435,000 94095
		Program				
3X10	054611	Protection and	\$	235,000	\$	235,000 94096
		Advocacy -				
		Beneficiaries of				
		Social Security				
3Z60	054612	Protection and	\$	70,000	\$	70,000 94097
		Advocacy - Traumatic				
		Brain Injury				
TOTAL FED		Federal Special Revenue				94098
Fund Group			\$	4,702,500	\$	4,690,000 94099
		State Special Revenue Fund Group				94100
5AE0	054614	Grants and Contracts	\$	24,600	\$	24,600 94101
TOTAL SSR		State Special Revenue	\$	24,600	\$	24,600 94102
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	5,160,764	\$	5,148,264 94103
		Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION				94105
		STUDY				94106
		(A) The Legal Rights Service Commission shall conduct a study				94107
		concerning a potential transition from a public entity to a				94108
		nonprofit organization effective July 1, 2011. The study shall				94109
		include an analysis of all of the following:				94110
		(1) The feasibility of a transition to a nonprofit				94111
		organization;				94112
		(2) The potential effects on service delivery, including				94113
		client service and access to required resources, and any other				94114
		service delivery advantages or disadvantages that might result				94115
		from the transition to a nonprofit organization;				94116
		(3) Potential organizational effects, including cost savings				94117
		and non-state funding sources, and any other organizational				94118

advantages or disadvantages that might result from the transition 94119
to a nonprofit organization; 94120

(4) The approximate amount of time necessary to achieve a 94121
transition to nonprofit status. 94122

(B) The Legal Rights Service Commission shall develop a 94123
process plan by which a transition to a nonprofit organization 94124
could be implemented not later than July 1, 2011. 94125

(C) Not later than six months after the effective date of 94126
this section, a written report of the results of the study and a 94127
copy of the process plan shall be submitted to the Governor, the 94128
Speaker and the Minority Leader of the House of Representatives, 94129
and the President and the Minority Leader of the Senate. 94130

Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 94131

General Revenue Fund 94132

GRF 028321 Legislative Ethics \$ 550,000 \$ 550,000 94133
Committee

TOTAL GRF General Revenue Fund \$ 550,000 \$ 550,000 94134

General Services Fund Group 94135

4G70 028601 Joint Legislative \$ 100,000 \$ 100,000 94136
Ethics Committee

TOTAL GSF General Services Fund \$ 100,000 \$ 100,000 94137
Group

TOTAL ALL BUDGET FUND GROUPS \$ 650,000 \$ 650,000 94138

Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION 94139

General Revenue Fund 94140

GRF 035321 Operating Expenses \$ 15,117,700 \$ 15,117,700 94141

GRF 035402 Legislative Interns \$ 1,000,000 \$ 1,000,000 94142

GRF 035407 Legislative Task \$ 750,000 \$ 750,000 94143

Force on

		Redistricting				
GRF	035409	National Associations	\$	520,468	\$	542,976 94144
GRF	035410	Legislative	\$	3,500,000	\$	3,500,000 94145
		Information Systems				
TOTAL GRF		General Revenue Fund	\$	20,888,168	\$	20,910,676 94146
		General Services Fund Group				94147
4100	035601	Sale of Publications	\$	10,000	\$	10,000 94148
4F60	035603	Legislative Budget	\$	200,000	\$	200,000 94149
		Services				
5EF0	035607	Legislative Agency	\$	30,000	\$	30,000 94150
		Telephone Usage				
TOTAL GSF		General Services				94151
		Fund Group	\$	240,000	\$	240,000 94152
TOTAL ALL BUDGET FUND GROUPS			\$	21,128,168	\$	21,150,676 94153
		The Legislative Agency Telephone Usage Fund (Fund 5EF0),				94154
		created by section 103.24 of the Revised Code, is the same fund,				94155
		with a new name, as the House and Senate Telephone Usage Fund				94156
		created by the Controlling Board in 2007.				94157
		Section 323.10. LIB STATE LIBRARY BOARD				94158
		General Revenue Fund				94159
GRF	350321	Operating Expenses	\$	5,200,000	\$	5,200,000 94160
GRF	350401	Ohioana Rental	\$	128,560	\$	128,560 94161
		Payments				
GRF	350502	Regional Library	\$	600,000	\$	600,000 94162
		Systems				
TOTAL GRF		General Revenue Fund	\$	5,928,560	\$	5,928,560 94163
		General Services Fund Group				94164
1390	350602	Intra-Agency Service	\$	9,000	\$	9,000 94165
		Charges				
4590	350603	Library Service	\$	2,708,092	\$	2,708,092 94166
		Charges				

4S40	350604	Ohio Public Library	\$	5,702,150	\$	5,702,150	94167
		Information Network					
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	94168
5GG0	350606	Gates Foundation	\$	500,000	\$	0	94169
		Grants					
TOTAL GSF General Services							94170
Fund Group			\$	10,193,436	\$	9,693,436	94171
Federal Special Revenue Fund Group							94172
3130	350601	LSTA Federal	\$	5,543,747	\$	5,543,747	94173
TOTAL FED Federal Special Revenue							94174
Fund Group			\$	5,543,747	\$	5,543,747	94175
TOTAL ALL BUDGET FUND GROUPS							94176
OHIOANA RENTAL PAYMENTS							94177
The foregoing appropriation item 350401, Ohioana Rental							94178
Payments, shall be used to pay the rental expenses of the Martha							94179
Kinney Cooper Ohioana Library Association under section 3375.61 of							94180
the Revised Code.							94181
REGIONAL LIBRARY SYSTEMS							94182
The foregoing appropriation item 350502, Regional Library							94183
Systems, shall be used to support regional library systems							94184
eligible for funding under sections 3375.83 and 3375.90 of the							94185
Revised Code.							94186
OHIO PUBLIC LIBRARY INFORMATION NETWORK							94187
(A) The foregoing appropriation item 350604, Ohio Public							94188
Library Information Network, shall be used for an information							94189
telecommunications network linking public libraries in the state							94190
and such others as may participate in the Ohio Public Library							94191
Information Network (OPLIN).							94192
The Ohio Public Library Information Network Board of Trustees							94193
created under section 3375.65 of the Revised Code may make							94194
decisions regarding use of the foregoing appropriation item							94195

350604, Ohio Public Library Information Network. 94196

(B) Of the foregoing appropriation item 350604, Ohio Public 94197
Library Information Network, up to \$81,000 in each fiscal year 94198
shall be used to help local libraries use filters to screen out 94199
obscene and illegal internet materials. 94200

The OPLIN Board shall research and assist or advise local 94201
libraries with regard to emerging technologies and methods that 94202
may be effective means to control access to obscene and illegal 94203
materials. The OPLIN Executive Director shall provide biannual 94204
written reports to the Governor, the Speaker and Minority Leader 94205
of the House of Representatives, and the President and Minority 94206
Leader of the Senate on any steps being taken by OPLIN and public 94207
libraries in the state to limit and control such improper usage as 94208
well as information on technological, legal, and law enforcement 94209
trends nationally and internationally affecting this area of 94210
public access and service. 94211

(C) The Ohio Public Library Information Network, INFOhio, and 94212
OhioLINK shall, to the extent feasible, coordinate and cooperate 94213
in their purchase or other acquisition of the use of electronic 94214
databases for their respective users and shall contribute funds in 94215
an equitable manner to such effort. 94216

LIBRARY FOR THE BLIND 94217

The foregoing appropriation item 350605, Library for the 94218
Blind, shall be used for the statewide Talking Book Program to 94219
assist the blind and disabled. 94220

TRANSFER TO OPLIN TECHNOLOGY FUND 94221

Notwithstanding sections 5747.03 and 5747.47 of the Revised 94222
Code and any other provision of law to the contrary, in accordance 94223
with a schedule established by the Director of Budget and 94224
Management, the Director of Budget and Management shall transfer 94225
\$3,702,150 cash in each fiscal year from the Public Library Fund 94226

(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				94227
TRANSFER TO LIBRARY FOR THE BLIND FUND				94228
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				94229 94230 94231 94232 94233 94234
Section 325.10. LCO LIQUOR CONTROL COMMISSION				94235
Liquor Control Fund Group				94236
7043 970321 Operating Expenses	\$	728,162	\$ 772,524	94237
TOTAL LCF Liquor Control Fund Group	\$	728,162	\$ 772,524	94238
TOTAL ALL BUDGET FUND GROUPS	\$	728,162	\$ 772,524	94239
Section 327.10. LOT STATE LOTTERY COMMISSION				94241
State Lottery Fund Group				94242
2310 950604 Charitable Gaming Oversight	\$	2,378,000	\$ 2,378,000	94243
7044 950100 Personal Services	\$	24,378,979	\$ 24,378,979	94244
7044 950200 Maintenance	\$	14,578,155	\$ 14,652,155	94245
7044 950300 Equipment	\$	4,058,420	\$ 3,603,920	94246
7044 950402 Advertising Contracts	\$	21,756,000	\$ 21,756,000	94247
7044 950403 Gaming Contracts	\$	47,978,749	\$ 48,756,010	94248
7044 950500 Problem Gambling Subsidy	\$	350,000	\$ 350,000	94249
7044 950601 Direct Prize Payments	\$	124,426,168	\$ 124,884,039	94250
8710 950602 Annuity Prizes	\$	89,935,565	\$ 89,415,976	94251
TOTAL SLF State Lottery Fund Group	\$	329,840,036	\$ 330,175,079	94252 94253
TOTAL ALL BUDGET FUND GROUPS	\$	329,840,036	\$ 330,175,079	94254
OPERATING EXPENSES				94255

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 15 per cent of anticipated total revenue accruing from the sale of lottery tickets. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes, bonuses, and commissions are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

The Director of Budget and Management shall transfer an amount greater than or equal to \$705,000,000 in fiscal year 2010 and \$711,000,000 in fiscal year 2011 from the State Lottery Fund to the Lottery Profits Education Fund (Fund 7017). Transfers from the State Lottery Fund to the Lottery Profits Education Fund shall

represent the estimated net income from operations for the 94287
Commission in fiscal year 2010 and fiscal year 2011. Transfers by 94288
the Director of Budget and Management to the Lottery Profits 94289
Education Fund shall be administered as the statutes direct. 94290

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 94291

General Services Fund Group 94292
4K90 996609 Operating Expenses \$ 400,000 \$ 400,000 94293
TOTAL GSF General Services 94294
Fund Group \$ 400,000 \$ 400,000 94295
TOTAL ALL BUDGET FUND GROUPS \$ 400,000 \$ 400,000 94296

Section 331.10. MED STATE MEDICAL BOARD 94298

General Services Fund Group 94299
5C60 883609 Operating Expenses \$ 8,100,000 \$ 8,100,000 94300
TOTAL GSF General Services 94301
Fund Group \$ 8,100,000 \$ 8,100,000 94302
TOTAL ALL BUDGET FUND GROUPS \$ 8,100,000 \$ 8,100,000 94303

Section 333.10. AMB MEDICAL TRANSPORTATION BOARD 94305

General Services Fund Group 94306
4K90 915604 Operating Expenses \$ 450,734 \$ 450,734 94307
TOTAL GSF General Services 94308
Fund Group \$ 450,734 \$ 450,734 94309
TOTAL ALL BUDGET FUND GROUPS \$ 450,734 \$ 450,734 94310

Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH 94312

General Revenue Fund 94313
GRF 332401 Forensic Services \$ 3,904,972 \$ 3,904,972 94314
GRF 333321 Central Administration \$ 17,204,000 \$ 17,204,000 94315
GRF 333402 Resident Trainees \$ 637,460 \$ 637,460 94316

GRF	333403	Pre-Admission Screening Expenses	\$	650,135	\$	650,135	94317
GRF	333415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	94318
GRF	334408	Community and Hospital Mental Health Services	\$	383,724,688	\$	383,724,688	94319
GRF	334506	Court Costs	\$	781,322	\$	781,322	94320
GRF	335404	Behavioral Health Services-Children	\$	7,460,800	\$	7,460,000	94321
GRF	335405	Family & Children First	\$	2,322,000	\$	2,322,000	94322
GRF	335419	Community Medication Subsidy	\$	9,959,798	\$	9,959,798	94323
GRF	335505	Local Mental Health Systems of Care	\$	85,510,483	\$	65,567,856	94324
GRF	335636	Local Mental Health Subsidy - Federal Stimulus	\$	0	\$	27,697,699	94325
TOTAL GRF	General Revenue Fund		\$	533,782,458	\$	542,271,030	94326
General Services Fund Group							94327
1490	333609	Central Office Operating	\$	1,200,000	\$	1,200,000	94328
1490	334609	Hospital - Operating Expenses	\$	28,700,000	\$	28,700,000	94329
1500	334620	Special Education	\$	150,000	\$	150,000	94330
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000	94331
1510	336601	Office of Support Services	\$	148,998,000	\$	159,279,140	94332
TOTAL GSF	General Services Fund Group		\$	179,298,000	\$	189,579,140	94333
Federal Special Revenue Fund Group							94334

3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500	94335
3A60	333608	Community and Hospital Services	\$	140,000	\$	140,000	94336
3A70	333612	Social Services Block Grant	\$	25,000	\$	25,000	94337
3A80	333613	Federal Grant - Administration	\$	4,888,105	\$	4,888,105	94338
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	94339
3B10	333635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	94340
3240	334605	Medicaid/Medicare	\$	25,200,000	\$	30,200,000	94341
3A60	334608	Federal Miscellaneous	\$	586,224	\$	586,224	94342
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	94343
3B00	334617	Elementary/Secondary Education Act	\$	182,334	\$	182,334	94344
3A60	335608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	94345
3A70	335612	Social Services Block Grant	\$	8,632,288	\$	8,632,288	94346
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,595,040	\$	2,595,040	94347
3A90	335614	Mental Health Block Grant	\$	14,220,930	\$	14,220,930	94348
3B10	335635	Community Medicaid Expansion	\$	362,770,242	\$	345,067,320	94349
TOTAL FED	Federal Special Revenue	\$	436,213,514	\$	423,510,592	94350	
Fund Group							
State	Special Revenue Fund Group					94351	
2320	333621	Family and Children First Administration	\$	725,000	\$	725,000	94352

4850	333632	Mental Health	\$	134,233	\$	134,233	94353
		Operating					
4X50	333607	Behavioral Health	\$	3,000,624	\$	3,000,624	94354
		Medicaid Services					
5V20	333611	Non-Federal	\$	560,000	\$	560,000	94355
		Miscellaneous					
4850	334632	Mental Health	\$	2,400,000	\$	2,400,000	94356
		Operating					
6920	334636	Community Mental	\$	80,000	\$	80,000	94357
		Health Board Risk					
		Fund					
5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	94358
5CH0	335622	Residential Support	\$	1,500,000	\$	1,500,000	94359
		Service					
6320	335616	Community Capital	\$	350,000	\$	350,000	94360
		Replacement					
TOTAL SSR State Special Revenue			\$	15,439,857	\$	15,439,857	94361
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	1,164,733,829	\$	1,170,800,619	94362

Section 335.10.10. FORENSIC SERVICES 94364

The foregoing appropriation item 332401, Forensic Services, 94365
shall be used to provide psychiatric services to courts of common 94366
pleas. The appropriation shall be allocated through community 94367
mental health boards to certified community agencies and shall be 94368
distributed according to the criteria delineated in rule 94369
5122:32-01 of the Administrative Code. These community forensic 94370
funds may also be used to provide forensic training to community 94371
mental health boards and to forensic psychiatry residency programs 94372
in hospitals operated by the Department of Mental Health and to 94373
provide evaluations of patients of forensic status in facilities 94374
operated by the Department of Mental Health prior to conditional 94375
release to the community. 94376

In addition, appropriation item 332401, Forensic Services, 94377
may be used to support projects involving mental health or 94378
substance abuse, to assist courts and law enforcement to identify 94379
and develop appropriate alternative services to incarceration for 94380
nonviolent mentally ill offenders, and to provide specialized 94381
re-entry services to offenders leaving prisons and jails. Funds 94382
may also be used to provide forensic monitoring and tracking in 94383
addition to community programs serving persons of forensic status 94384
on conditional release or probation. 94385

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 94386

The foregoing appropriation item 333402, Resident Trainees, 94387
shall be used to fund training agreements entered into by the 94388
Director of Mental Health for the development of curricula and the 94389
provision of training programs to support public mental health 94390
services. 94391

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 94392

The foregoing appropriation item 333403, Pre-Admission 94393
Screening Expenses, shall be used to ensure that uniform statewide 94394
methods for pre-admission screening are in place for persons who 94395
have severe mental illness and are referred for long-term Medicaid 94396
certified nursing facility placement. Pre-admission screening 94397
includes the following activities: pre-admission assessment, 94398
consideration of continued stay requests, discharge planning and 94399
referral, and adjudication of appeals and grievance procedures. 94400
94401

Section 335.20.30. LEASE-RENTAL PAYMENTS 94402

The foregoing appropriation item 333415, Lease-Rental 94403
Payments, shall be used to meet all payments during the period 94404
from July 1, 2009, to June 30, 2011, by the Department of Mental 94405

Health under leases and agreements made under section 154.20 of 94406
the Revised Code. These appropriations are the source of funds 94407
pledged for bond service charges on obligations issued pursuant to 94408
Chapter 154. of the Revised Code. 94409

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 94410

The Department of Mental Health shall administer specified 94411
Medicaid services as delegated by the Department of Job and Family 94412
Services in an interagency agreement. The foregoing appropriation 94413
item 333607, Behavioral Health Medicaid Services, may be used to 94414
make payments for free-standing psychiatric hospital inpatient 94415
services as defined in an interagency agreement with the 94416
Department of Job and Family Services. 94417

Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND 94418

The foregoing appropriation item 334636, Community Mental 94419
Health Board Risk Fund, shall be used to make payments under 94420
section 5119.62 of the Revised Code. 94421

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 94422

The foregoing appropriation item 335404, Behavioral Health 94423
Services-Children, shall be used to provide behavioral health 94424
services for children and their families. At least \$1,000,000 in 94425
each fiscal year shall be used to provide behavioral health 94426
treatment services for children under the age of seven and their 94427
families. Behavioral health services include mental health and 94428
alcohol and other drug treatment services and other necessary 94429
supports. 94430

The foregoing appropriation item 335404, Behavioral Health 94431
Services-Children, shall be distributed to boards of alcohol, drug 94432
addiction, and mental health services, including community mental 94433
health boards and alcohol and drug addiction boards, based upon a 94434

distribution formula approved by the Director of Mental Health, 94435
except that the amount earmarked for children under the age of 94436
seven shall be distributed to the local boards based on 94437
community-need as determined by the Director of Mental Health. 94438
These moneys shall be used in accordance with the board's 94439
applicable plan or plans developed under sections 340.03 and 94440
340.033 of the Revised Code and in collaboration with the local 94441
family and children first council. Collaboration with the local 94442
council shall be conducted through a process defined by a system 94443
of care guidance as approved by the Ohio Family and Children First 94444
Cabinet Council. 94445

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY 94446

The foregoing appropriation item 335419, Community Medication 94447
Subsidy, shall be used to provide subsidized support for 94448
psychotropic medication needs of indigent citizens in the 94449
community to reduce unnecessary hospitalization because of lack of 94450
medication and to provide subsidized support for methadone costs. 94451

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 94452

The foregoing appropriation item 335505, Local Mental Health 94453
Systems of Care, shall be used for mental health services provided 94454
by community mental health boards in accordance with a community 94455
mental health plan submitted under section 340.03 of the Revised 94456
Code and as approved by the Department of Mental Health. 94457
94458

Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND 94459
DEVELOPMENTAL DISABILITIES 94460

General Revenue Fund 94461

GRF 320321 Central \$ 4,936,950 \$ 4,936,950 94462
Administration

GRF	320412	Protective Services	\$	2,558,619	\$	2,558,619	94463
GRF	320415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	94464
GRF	322413	Residential and Support Services	\$	5,854,555	\$	5,854,555	94465
GRF	322416	Medicaid Waiver - State Match	\$	76,940,156	\$	96,995,649	94466
GRF	322451	Family Support Services	\$	6,616,953	\$	6,616,953	94467
GRF	322501	County Boards Subsidies	\$	82,093,807	\$	49,338,483	94468
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	94469
GRF	322504	Martin Settlement	\$	36,841,819	\$	36,841,819	94470
GRF	322646	MR/DD Subsidy - Federal Stimulus	\$	0	\$	23,185,824	94471
GRF	322647	ICF/MR Franchise Fee - Developmental Centers	\$	5,600,000	\$	7,500,000	94472
GRF	323321	Developmental Center and Residential Facilities Operation Expenses	\$	72,874,333	\$	80,147,778	94473
TOTAL GRF	General Revenue Fund		\$	329,943,992	\$	350,336,930	94474
General Services Fund Group							94475
4880	322603	Provider Audit Refunds	\$	10,000	\$	10,000	94476
1520	323609	Developmental Center and Residential Operating Services	\$	912,176	\$	912,176	94477
TOTAL GSF	General Services Fund Group		\$	922,176	\$	922,176	94478
Federal Special Revenue Fund Group							94479
3A50	320613	DD Council	\$	2,891,473	\$	2,963,760	94480

3250	322612	Community Social Service Programs	\$	10,494,451	\$	10,494,451	94481
3G60	322639	Medicaid Waiver - Federal	\$	759,888,829	\$	745,540,748	94482
3M70	322650	CAFS Medicaid	\$	28,465,980	\$	29,349,502	94483
3A40	323605	Developmental Center and Residential Facility Services and Support	\$	167,503,941	\$	162,857,712	94484
TOTAL FED	Federal Special Revenue Fund Group		\$	969,244,674	\$	951,206,173	94485
	State Special Revenue Fund Group						94486
5GE0	320606	Operating and Services	\$	3,760,504	\$	7,521,008	94487
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000	94488
4K80	322604	Medicaid Waiver - State Match	\$	12,000,000	\$	12,000,000	94489
5CT0	322632	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	94490
5DJ0	322625	Targeted Case Management Match	\$	13,716,454	\$	13,716,454	94491
5DJ0	322626	Targeted Case Management Services	\$	29,926,640	\$	29,926,640	94492
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	94493
5EV0	322627	Program Fees	\$	500,000	\$	500,000	94494
5H00	322619	Medicaid Repayment	\$	15,000	\$	15,000	94495
5Z10	322624	County Board Waiver Match	\$	158,648,995	\$	169,754,424	94496
4890	323632	Developmental Center Direct Care Support	\$	15,395,774	\$	15,395,684	94497
5S20	590622	Medicaid	\$	15,000,000	\$	15,000,000	94498

Administration &
Oversight

TOTAL SSR State Special Revenue	\$ 250,863,367	\$ 265,729,210	94499
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 1,550,974,209	\$ 1,568,194,489	94500

Section 337.20.10. LEASE-RENTAL PAYMENTS 94502

The foregoing appropriation item 320415, Lease-Rental 94503
 Payments, shall be used to meet all payments at the time they are 94504
 required to be made during the period from July 1, 2009, to June 94505
 30, 2011, by the Department of Mental Retardation and 94506
 Developmental Disabilities under leases and agreements made under 94507
 section 154.20 of the Revised Code. These appropriations are the 94508
 source of funds pledged for bond service charges or obligations 94509
 issued pursuant to Chapter 154. of the Revised Code. 94510

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES 94511

The Department of Mental Retardation and Developmental 94512
 Disabilities may designate a portion of appropriation item 322413, 94513
 Residential and Support Services, for Sermak Class Services used 94514
 to implement the requirements of the agreement settling the 94515
 consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United 94516
 States District Court for the Southern District of Ohio, Eastern 94517
 Division. 94518

**Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 94519
 PROGRAMS** 94520

The foregoing appropriation item 322413, Residential Support 94521
 Services, may be used for residential and support service 94522
 programs, developed by the Department of Mental Retardation and 94523
 Developmental Disabilities, that enable persons with mental 94524
 retardation and developmental disabilities to live in the 94525
 community. 94526

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 94527

Except as otherwise provided in section 5123.0416 of the 94528
Revised Code, the purposes for which the foregoing appropriation 94529
item 322416, Medicaid Waiver - State Match, shall be used include 94530
the following: 94531

(A) Home and community-based waiver services under Title XIX 94532
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 94533
as amended. 94534

(B) To pay the nonfederal share of the cost of one or more 94535
new intermediate care facilities for the mentally retarded 94536
certified beds, if the Director of Mental Retardation and 94537
Developmental Disabilities is required by this act to transfer to 94538
the Director of Job and Family Services funds to pay such 94539
nonfederal share. 94540

**Section 337.30.40. FISCAL PLAN FOR HOME AND COMMUNITY-BASED 94541
WAIVER SERVICES** 94542

Not later than December 31, 2009, the Director of Mental 94543
Retardation and Developmental Disabilities shall submit a plan to 94544
the Director of Job and Family Services with recommendations for 94545
actions to be taken addressing the fiscal sustainability of home 94546
and community-based services as defined in section 5123.01 of the 94547
Revised Code. The plan may include recommendations for all of the 94548
following: 94549

(A) Changing the ranges in the amount the Medicaid program 94550
will pay per individual for the home and community-based services; 94551

(B) Establishing one or more maximum amounts that the 94552
Medicaid program will pay per individual for the home and 94553
community-based services; 94554

(C) Modifying the methodology used in establishing payment 94555

rates for providers, including the methodology's component that 94556
reflects wages and benefits for persons providing direct care and 94557
the component that reflects training and direct supervision of 94558
those persons. 94559

Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS 94560

Except as otherwise provided in the section of this act 94561
titled "Nonfederal Share of New ICF/MR Beds," the Director of 94562
Mental Retardation and Developmental Disabilities, in consultation 94563
with the county boards of mental retardation and developmental 94564
disabilities, shall develop a formula for allocating the foregoing 94565
appropriation item 322501, County Boards Subsidies, to each board. 94566
The Department shall distribute this subsidy to county boards in 94567
quarterly installments. 94568

Except as otherwise provided in section 5126.0511 of the 94569
Revised Code, county boards shall use the subsidy for early 94570
childhood services and adult services provided under section 94571
5126.05 of the Revised Code, service and support administration 94572
provided under section 5126.15 of the Revised Code, and supported 94573
living as defined in section 5126.01 of the Revised Code. 94574

Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES 94575

As used in this section, "home and community-based services" 94576
has the same meaning as in section 5123.01 of the Revised Code. 94577

The Director of Mental Retardation and Developmental 94578
Disabilities shall establish a methodology to be used in state 94579
fiscal years 2010 and 2011 to estimate the quarterly amount each 94580
county board of mental retardation and developmental disabilities 94581
is to pay of the nonfederal share of home and community-based 94582
services that section 5126.0510 of the Revised Code requires 94583
county boards to pay. Each quarter, the Director shall submit to a 94584
county board written notice of the amount the county board is to 94585

pay for that quarter. The notice shall specify when the payment is due. 94586
94587

If a county board fails to make the full payment by the time it is due, the Director of Mental Retardation and Developmental Disabilities may withhold the amount the county board fails to pay from one or more of the state subsidies that the Department of Mental Retardation and Developmental Disabilities would otherwise provide to the county board. Each quarter, the Director may use one or more of the following appropriation items to transfer cash from the General Revenue Fund to the County Board Waiver Match Fund (Fund 5Z10) equal to the amount the county board failed to pay: 94588
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(A) Appropriation item 322413, Residential and Support Services; 94598
94599

(B) Appropriation item 322451, Family Support Services; 94600

(C) Appropriation item 322501, County Boards Subsidies; 94601

(D) Appropriation item 322503, Tax Equity. 94602

Transfers shall be made using an intrastate transfer voucher. 94603

Section 337.30.70. TAX EQUITY 94604

Notwithstanding section 5126.18 of the Revised Code, if the Director of Mental Retardation and Developmental Disabilities determines that there is sufficient appropriation available, the foregoing appropriation item 322503, Tax Equity, shall be used to pay each county board of mental retardation and developmental disabilities an amount that is equal to the amount the board received for fiscal year 2009. If the Director determines that there is not sufficient appropriation available for this purpose, the Department shall pay to each county board an amount that is proportionate to the amount the board received for fiscal year 2009. Proportionality shall be determined by dividing the total 94605
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tax equity payments distributed to county boards for fiscal year 94616
2009 by the tax equity payment a county board received for fiscal 94617
year 2009. 94618

Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80) 94619

The foregoing appropriation item 322604, Medicaid Waiver - 94620
State Match (Fund 4K80), shall be used as state matching funds for 94621
home and community-based waivers. 94622

Section 337.30.85. ICF/MR CONVERSION 94623

(A) As used in this section, "home and community-based 94624
services" has the same meaning as in section 5123.01 of the 94625
Revised Code. 94626

(B) For each quarter of the biennium, the Director of Mental 94627
Retardation and Developmental Disabilities shall certify to the 94628
Director of Budget and Management the estimated amount needed to 94629
fund the provision of home and community-based services made 94630
available by the slots sought under section 5111.877 of the 94631
Revised Code. On receipt of certification, the Director of Budget 94632
and Management shall transfer the estimated amount in cash from 94633
the General Revenue Fund to the Home and Community-Based 94634
Services/Mental Retardation Fund (Fund 4K80), used by the 94635
Department of Mental Retardation and Developmental Disabilities. 94636
Upon completion of the transfer, appropriation item 600525, Health 94637
Care/Medicaid, is hereby reduced by the amount transferred under 94638
this section plus the corresponding federal share. The amount 94639
transferred to Fund 4K80 is hereby appropriated to appropriation 94640
item 322604, Medicaid Waiver - State Match. 94641

(C) If receipts credited to the Medicaid Waiver Fund (Fund 94642
3G60) exceed the amounts appropriated from the fund, the Director 94643
of Mental Retardation and Developmental Disabilities may request 94644
the Director of Budget and Management to authorize expenditures 94645

from the fund in excess of the amounts appropriated. Upon the 94646
approval of the Director of Budget and Management, the additional 94647
amounts are hereby appropriated. 94648

(D) If receipts credited to the Interagency Reimbursement 94649
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 94650
the Director of Job and Family Services may request the Director 94651
of Budget and Management to authorize expenditures from the fund 94652
in excess of the amounts appropriated. Upon approval of the 94653
Director of Budget and Management, the additional amounts are 94654
hereby appropriated. 94655

Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES 94656

County boards of mental retardation and developmental 94657
disabilities shall pay the nonfederal portion of targeted case 94658
management costs to the Department of Mental Retardation and 94659
Developmental Disabilities. The Director of Mental Retardation and 94660
Developmental Disabilities shall withhold any amount owed to the 94661
Department from subsequent payments from any appropriation item or 94662
money otherwise due to a nonpaying county. 94663

The Directors of Mental Retardation and Developmental 94664
Disabilities and Job and Family Services may enter into an 94665
interagency agreement under which the Department of Mental 94666
Retardation and Developmental Disabilities shall transfer cash to 94667
the Department of Job and Family Services equal to the nonfederal 94668
portion of the cost of targeted case management services paid by 94669
county boards and the Department of Job and Family Services shall 94670
pay the total cost of targeted case management claims. The 94671
transfer shall be made using an intrastate transfer voucher. 94672

Section 337.31.10. TRANSFER TO PROGRAM FEE FUND 94673

On July 1, 2009, or as soon as possible thereafter, the 94674
Director of Mental Retardation and Developmental Disabilities 94675

shall request that the Director of Budget and Management transfer 94676
the cash balance in the Conference/Training Fund (Fund 4B50) to 94677
the Program Fee Fund (Fund 5EV0). Upon completion of the transfer, 94678
Fund 4B50 is abolished. The Director of Mental Retardation and 94679
Developmental Disabilities shall cancel any existing encumbrances 94680
against appropriation item 320640, Training and Service 94681
Development, and re-establish them against appropriation item 94682
322627, Program Fees. The re-established encumbrances are hereby 94683
appropriated. 94684

Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES 94685

Developmental centers of the Department of Mental Retardation 94686
and Developmental Disabilities may provide services to persons 94687
with mental retardation or developmental disabilities living in 94688
the community or to providers of services to these persons. The 94689
Department may develop a method for recovery of all costs 94690
associated with the provisions of these services. 94691

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 94692
PHARMACY PROGRAMS 94693

The Director of Mental Retardation and Developmental 94694
Disabilities shall transfer cash to the Department of Job and 94695
Family Services quarterly, in an amount equal to the nonfederal 94696
share of Medicaid prescription drug claim costs for all 94697
developmental centers paid by the Department of Job and Family 94698
Services. The quarterly transfer shall be made using an intrastate 94699
transfer voucher. 94700

Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT 94701
SERVICES 94702

Any county funds received by the Department of Mental 94703
Retardation and Developmental Disabilities from county boards for 94704

active treatment shall be deposited in the Mental Retardation 94705
Operating Fund (Fund 4890). 94706

Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS 94707

(A) As used in this section, "intermediate care facility for 94708
the mentally retarded" has the same meaning as in section 5111.20 94709
of the Revised Code. 94710

(B) Except as provided in division (D) of this section, if 94711
one or more new beds obtain certification as an intermediate care 94712
facility for the mentally retarded bed on or after July 1, 2009, 94713
the Director of Mental Retardation and Developmental Disabilities 94714
shall transfer cash to the Department of Job and Family Services 94715
to pay the nonfederal share of the cost under the Medicaid Program 94716
for those beds. The transfer shall be made using an intrastate 94717
transfer voucher. Except as otherwise provided in section 94718
5123.0416 of the Revised Code, the Director shall use only the 94719
following appropriation items for the transfer: 94720

(1) Appropriation item 322416, Medicaid Waiver - State Match; 94721
94722

(2) Appropriation item 322501, County Boards Subsidies. 94723

(C) If the beds are located in a county served by a county 94724
board of mental retardation and developmental disabilities that 94725
initiates or supports the beds' certification, the cash that the 94726
Director transfers under division (B) of this section shall be 94727
moneys that the Director has allocated to the county board serving 94728
the county in which the beds are located unless the amount of the 94729
allocation is insufficient to pay the entire nonfederal share of 94730
the cost under the Medicaid Program for those beds. If the 94731
allocation is insufficient, the Director shall use as much of such 94732
moneys allocated to other counties as is needed to make up the 94733
difference. 94734

(D) Division (B) of this section shall not apply in the case 94735
of beds in an intermediate care facility for the mentally retarded 94736
if, under section 5123.193 of the Revised Code, a residential 94737
facility license was obtained for the facility without obtaining 94738
approval of a plan for the proposed residential facility pursuant 94739
to section 5123.042 of the Revised Code. 94740

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 94741

General Revenue Fund 94742

GRF 149321	Operating Expenses	\$	461,698	\$	461,698	94743
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GRF 149501	Minority Health	\$	1,000,000	\$	1,000,000	94744
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Grants

GRF 149502	Lupus Program	\$	136,126	\$	136,126	94745
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TOTAL GRF	General Revenue Fund	\$	1,597,824	\$	1,597,824	94746
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Federal Special Revenue Fund Group 94747

3J90 149602	Federal Grants	\$	179,250	\$	179,250	94748
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TOTAL FED	Federal Special Revenue					94749
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Fund Group		\$	179,250	\$	179,250	94750
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State Special Revenue Fund Group 94751

4C20 149601	Minority Health	\$	30,000	\$	30,000	94752
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Conference

TOTAL SSR	State Special Revenue					94753
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Fund Group		\$	30,000	\$	30,000	94754
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TOTAL ALL BUDGET FUND GROUPS		\$	1,807,074	\$	1,807,074	94755
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Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR 94757

REGISTRATION BOARD 94758

General Services Fund Group 94759

4K90 865601	Operating Expenses	\$	288,745	\$	288,745	94760
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TOTAL GSF	General Services					94761
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Fund Group		\$	288,745	\$	288,745	94762
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TOTAL ALL BUDGET FUND GROUPS		\$	288,745	\$	288,745	94763
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	Section 343.10.	DNR DEPARTMENT OF NATURAL RESOURCES				94765	
	General Revenue Fund					94766	
GRF	725401	Wildlife-GRF Central Support	\$	2,300,000	\$	2,300,000	94767
GRF	725413	Lease Rental Payments	\$	21,417,400	\$	21,556,500	94768
GRF	725423	Stream and Ground Water Gauging	\$	175,000	\$	175,000	94769
GRF	725456	Canal Lands	\$	300,000	\$	300,000	94770
GRF	725502	Soil and Water Districts	\$	4,500,000	\$	900,000	94771
GRF	725652	Natural Resources Operations	\$	4,886,947	\$	4,492,839	94772
GRF	725903	Natural Resources General Obligation Debt Service	\$	26,334,400	\$	26,549,400	94773
GRF	727321	Division of Forestry	\$	6,906,376	\$	6,906,376	94774
GRF	728321	Division of Geological Survey	\$	1,550,000	\$	1,550,000	94775
GRF	729321	Office of Information Technology	\$	350,000	\$	350,000	94776
GRF	730321	Division of Parks and Recreation	\$	36,119,971	\$	36,119,971	94777
GRF	736321	Division of Engineering	\$	3,000,000	\$	3,000,000	94778
GRF	737321	Division of Soil and Water Resources	\$	6,628,562	\$	6,628,562	94779
GRF	738321	Division of Real Estate and Land Management	\$	2,000,000	\$	2,000,000	94780
GRF	741321	Division of Natural Areas and Preserves	\$	2,339,873	\$	2,333,981	94781
GRF	744321	Division of Mineral	\$	5,029,708	\$	4,152,364	94782

Resources Management					
TOTAL GRF General Revenue Fund	\$	123,838,237	\$	119,314,993	94783
General Services Fund Group					94784
1550 725601 Departmental Projects	\$	2,100,000	\$	2,100,000	94785
1570 725651 Central Support	\$	6,000,000	\$	6,000,000	94786
Indirect					
2040 725687 Information Services	\$	4,200,000	\$	4,400,448	94787
2070 725690 Real Estate Services	\$	130,000	\$	132,000	94788
2230 725665 Law Enforcement	\$	2,062,410	\$	2,062,410	94789
Administration					
2270 725406 Parks Projects	\$	150,000	\$	150,000	94790
Personnel					
4300 725671 Canal Lands	\$	916,541	\$	922,424	94791
4D50 725618 Recycled Materials	\$	50,000	\$	50,000	94792
4S90 725622 NatureWorks Personnel	\$	412,740	\$	412,740	94793
4X80 725662 Water Resources	\$	138,900	\$	138,900	94794
Council					
5080 725684 Natural Resources	\$	150,000	\$	150,000	94795
Publications					
5100 725631 Maintenance -	\$	258,919	\$	258,919	94796
State-owned					
Residences					
5160 725620 Water Management	\$	2,500,000	\$	2,500,000	94797
6350 725664 Fountain Square	\$	3,500,000	\$	3,500,000	94798
Facilities Management					
6970 725670 Submerged Lands	\$	772,011	\$	772,011	94799
TOTAL GSF General Services					94800
Fund Group	\$	23,341,521	\$	23,549,852	94801
Federal Special Revenue Fund Group					
3320 725669 Federal Mine Safety	\$	258,102	\$	258,102	94803
Grant					
3B30 725640 Federal Forest	\$	600,000	\$	600,000	94804

		Pass-Thru					
3B40	725641	Federal Flood	\$	700,000	\$	700,000	94805
		Pass-Thru					
3B50	725645	Federal Abandoned Mine Lands	\$	14,307,667	\$	14,307,667	94806
3B60	725653	Federal Land and Water Conservation Grants	\$	2,000,000	\$	2,000,000	94807
3B70	725654	Reclamation - Regulatory	\$	2,394,565	\$	2,388,775	94808
3P00	725630	Natural Areas and Preserves - Federal	\$	215,000	\$	215,000	94809
3P10	725632	Geological Survey - Federal	\$	689,506	\$	692,401	94810
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	94811
3P30	725650	Coastal Management - Federal	\$	1,711,237	\$	1,711,237	94812
3P40	725660	Federal - Soil and Water Resources	\$	316,734	\$	316,734	94813
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	94814
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	94815
TOTAL FED		Federal Special Revenue					94816
Fund Group			\$	27,299,268	\$	27,299,426	94817
State Special Revenue Fund Group							94818
4J20	725628	Injection Well Review	\$	68,933	\$	68,933	94819
4M70	725686	Wildfire Suppression	\$	75,000	\$	75,000	94820
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	94821
5090	725602	State Forest	\$	6,000,000	\$	6,000,000	94822
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	94823

5120	725605	State Parks Operations	\$	29,885,528	\$	29,885,528	94824
5140	725606	Lake Erie Shoreline	\$	757,113	\$	757,113	94825
5180	725643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,574,378	94826
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	94827
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	94828
5220	725656	Natural Areas and Preserves	\$	1,400,000	\$	1,400,000	94829
5260	725610	Strip Mining Administration Fee	\$	1,932,491	\$	1,932,491	94830
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	94831
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	94832
5310	725648	Reclamation Forfeiture	\$	1,500,000	\$	1,500,000	94833
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	94834
5860	725633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	94835
5B30	725674	Mining Regulation		28,850		28,850	94836
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	94837
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	15,104,906	94838
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923	94839
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	94840
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	94841
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	94842
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	94843

5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	94844
6150	725661	Dam Safety	\$	807,403	\$	807,403	94845
TOTAL SSR State Special Revenue							94846
Fund Group			\$	72,276,401	\$	76,653,133	94847
Clean Ohio Conservation Fund Group							94848
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	94849
TOTAL CLF Clean Ohio Conservation Fund Group							94850
Wildlife Fund Group							94851
5P20	725634	Wildlife Boater Angler Administration	\$	2,000,000	\$	2,000,000	94852
7015	740401	Division of Wildlife Conservation	\$	58,614,436	\$	54,906,000	94853
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	94854
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	94855
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,800,000	\$	2,800,000	94856
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	94857
8190	725685	Ohio River Management	\$	128,584	\$	128,584	94858
TOTAL WLF Wildlife Fund Group							94859
Waterways Safety Fund Group							94860
7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575	94861
7086	725418	Buoy Placement	\$	52,182	\$	52,182	94862
7086	725501	Waterway Safety Grants	\$	137,867	\$	137,867	94863
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	94864
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643	94865

7086 739401	Division of	\$	19,784,181	\$	19,784,181	94866
	Watercraft					
TOTAL WSF Waterways Safety Fund						94867
Group		\$	25,182,601	\$	25,182,601	94868
Accrued Leave Liability Fund Group						94869
4M80 725675	FOP Contract	\$	20,844	\$	20,844	94870
TOTAL ALF Accrued Leave						94871
Liability Fund Group		\$	20,844	\$	20,844	94872
Holding Account Redistribution Fund Group						94873
R017 725659	Performance Cash Bond	\$	296,263	\$	296,263	94874
	Refunds					
R043 725624	Forestry	\$	2,000,000	\$	2,000,000	94875
TOTAL 090 Holding Account						94876
Redistribution Fund Group		\$	2,296,263	\$	2,296,263	94877
TOTAL ALL BUDGET FUND GROUPS		\$	340,695,489	\$	337,049,030	94878

Section 343.20. CENTRAL SUPPORT INDIRECT 94880

With the exception of the Division of Wildlife, whose direct 94881
and indirect central support charges shall be paid out of the 94882
General Revenue Fund from the foregoing appropriation item 725401, 94883
Wildlife-GRF Central Support, the Department of Natural Resources, 94884
with approval of the Director of Budget and Management, shall 94885
utilize a methodology for determining each division's payments 94886
into the Central Support Indirect Fund (Fund 1570). The 94887
methodology used shall contain the characteristics of 94888
administrative ease and uniform application in compliance with 94889
federal grant requirements. It may include direct cost charges for 94890
specific services provided. Payments to Fund 1570 shall be made 94891
using an intrastate transfer voucher. 94892

Section 343.20.10. FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 94893

The foregoing appropriation item 725652, Natural Resources 94894

Operations, shall be used to support services of the Department of 94895
Natural Resources consistent with funds received from the federal 94896
government for fiscal stabilization and recovery purposes. Such 94897
services shall include the improvement of facilities at state 94898
parks. 94899

Section 343.20.20. WELL LOG FILING FEES 94900

The Chief of the Division of Water shall deposit fees 94901
forwarded to the Division pursuant to section 1521.05 of the 94902
Revised Code into the Departmental Services - Intrastate Fund 94903
(Fund 1550) for the purposes described in that section. 94904

Section 343.30. LEASE RENTAL PAYMENTS 94905

The foregoing appropriation item 725413, Lease Rental 94906
Payments, shall be used to meet all payments at the times they are 94907
required to be made during the period from July 1, 2009, to June 94908
30, 2011, by the Department of Natural Resources pursuant to 94909
leases and agreements made under section 154.22 of the Revised 94910
Code. These appropriations are the source of funds pledged for 94911
bond service charges or obligations issued pursuant to Chapter 94912
154. of the Revised Code. 94913

CANAL LANDS 94914

The foregoing appropriation item 725456, Canal Lands, shall 94915
be used to transfer funds to the Canal Lands Fund (Fund 4300) to 94916
provide operating expenses for the State Canal Lands Program. The 94917
transfer shall be made using an intrastate transfer voucher and 94918
shall be subject to the approval of the Director of Budget and 94919
Management. 94920

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 94921

The foregoing appropriation item 725903, Natural Resources 94922
General Obligation Debt Service, shall be used to pay all debt 94923

service and related financing costs during the period July 1, 94924
2009, to June 30, 2011, on obligations issued under sections 94925
151.01 and 151.05 of the Revised Code. 94926

Section 343.30.10. FOUNTAIN SQUARE 94927

The foregoing appropriation item 725664, Fountain Square 94928
Facilities Management, shall be used for payment of repairs, 94929
renovation, utilities, property management, and building 94930
maintenance expenses for the Fountain Square complex. Cash 94931
transferred by intrastate transfer vouchers from various 94932
department funds and rental income received by the Department of 94933
Natural Resources shall be deposited into the Fountain Square 94934
Facilities Management Fund (Fund 6350). 94935

Section 343.40. SOIL AND WATER DISTRICTS 94936

In addition to state payments to soil and water conservation 94937
districts authorized by section 1515.10 of the Revised Code, the 94938
Department of Natural Resources may use appropriation item 725502, 94939
Soil and Water Districts, to pay any soil and water conservation 94940
district an annual amount not to exceed \$30,000, upon receipt of a 94941
request and justification from the district and approval by the 94942
Ohio Soil and Water Conservation Commission. The county auditor 94943
shall credit the payments to the special fund established under 94944
section 1515.10 of the Revised Code for the local soil and water 94945
conservation district. Moneys received by each district shall be 94946
expended for the purposes of the district. 94947

The foregoing appropriation item 725683, Soil and Water 94948
Districts, shall be expended for the purposes described above, 94949
except that the funding source for this appropriation shall be 94950
fees applied on the disposal of construction and demolition debris 94951
and municipal solid waste as provided in section 1515.14 of the 94952
Revised Code. 94953

OIL AND GAS WELL PLUGGING 94954

The foregoing appropriation item 725677, Oil and Gas Well 94955
Plugging, shall be used exclusively for the purposes of plugging 94956
wells and to properly restore the land surface of idle and orphan 94957
oil and gas wells pursuant to section 1509.071 of the Revised 94958
Code. No funds from the appropriation item shall be used for 94959
salaries, maintenance, equipment, or other administrative 94960
purposes, except for those costs directly attributed to the 94961
plugging of an idle or orphan well. This appropriation item shall 94962
not be used to transfer cash to any other fund or appropriation 94963
item. 94964

LITTER CONTROL AND RECYCLING 94965

Of the foregoing appropriation item 725644, Litter Control 94966
and Recycling, up to \$1,500,000 may be used in each fiscal year 94967
for the administration of the Recycling and Litter Prevention 94968
Program. 94969

Section 343.40.10. CLEAN OHIO OPERATING EXPENSES 94970

The foregoing appropriation item 725405, Clean Ohio 94971
Operating, shall be used by the Department of Natural Resources in 94972
administering section 1519.05 of the Revised Code. 94973

Section 343.50. WATERCRAFT MARINE PATROL 94974

Of the foregoing appropriation item 739401, Division of 94975
Watercraft, up to \$200,000 in each fiscal year shall be expended 94976
for the purchase of equipment for marine patrols qualifying for 94977
funding from the Department of Natural Resources pursuant to 94978
section 1547.67 of the Revised Code. Proposals for equipment shall 94979
accompany the submission of documentation for receipt of a marine 94980
patrol subsidy pursuant to section 1547.67 of the Revised Code and 94981
shall be loaned to eligible marine patrols pursuant to a 94982
cooperative agreement between the Department of Natural Resources 94983

and the eligible marine patrol. 94984

Section 343.60. PARKS CAPITAL EXPENSES FUND 94985

The Director of Natural Resources shall submit to the 94986
Director of Budget and Management the estimated design, 94987
engineering, and planning costs of capital-related work to be done 94988
by Department of Natural Resources staff for parks projects. If 94989
the Director of Budget and Management approves the estimated 94990
costs, the Director may release appropriations from appropriation 94991
item C725E6, Project Planning, in the Parks and Recreation 94992
Improvement Fund (Fund 7035), for those purposes. Upon release of 94993
the appropriations, the Department of Natural Resources shall pay 94994
for these expenses from the Parks Capital Expenses Fund (Fund 94995
2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 94996
7035 using an intrastate transfer voucher. 94997

NATUREWORKS CAPITAL EXPENSES FUND 94998

The Department of Natural Resources shall periodically 94999
prepare and submit to the Director of Budget and Management the 95000
estimated design, planning, and engineering costs of 95001
capital-related work to be done by Department of Natural Resources 95002
staff for each capital improvement project within the Ohio Parks 95003
and Natural Resources Fund (Fund 7031). If the Director of Budget 95004
and Management approves the estimated costs, the Director may 95005
release appropriations from appropriation item C725E5, Project 95006
Planning, in fund 7031, for those purposes. Upon release of the 95007
appropriations, the Department of Natural Resources shall pay for 95008
these expenses from the Capital Expenses Fund (Fund 4S90). 95009
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 95010
using an intrastate transfer voucher. 95011

Section 345.10. NUR STATE BOARD OF NURSING 95012

General Services Fund Group 95013

4K90 884609	Operating Expenses	\$	5,661,280	\$	5,661,280	95014
5AC0 884602	Nurse Education Grant	\$	1,000,000	\$	1,000,000	95015
	Program					
5P80 884601	Nursing Special	\$	5,000	\$	5,000	95016
	Issues					
TOTAL GSF General Services						95017
Fund Group		\$	6,666,280	\$	6,666,280	95018
TOTAL ALL BUDGET FUND GROUPS						95019
NURSING SPECIAL ISSUES						95020
The foregoing appropriation item 884601, Nursing Special						95021
Issues (Fund 5P80), shall be used to pay the costs the Board of						95022
Nursing incurs in implementing section 4723.062 of the Revised						95023
Code.						95024
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,						95025
AND ATHLETIC TRAINERS BOARD						95026
General Services Fund Group						95027
4K90 890609	Operating Expenses	\$	900,000	\$	900,000	95028
TOTAL GSF General Services Fund						95029
Group						
TOTAL ALL BUDGET FUND GROUPS						95030
Section 348.10. OLA OHIOANA LIBRARY ASSOCIATION						95032
General Revenue Fund						95033
GRF 355501	Library Subsidy	\$	125,000	\$	125,000	95034
TOTAL GRF General Revenue Fund						95035
TOTAL ALL BUDGET FUND GROUPS						95036
Section 349.10. ODB OHIO OPTICAL DISPENSERS BOARD						95038
General Services Fund Group						95039
4K90 894609	Operating Expenses	\$	316,664	\$	316,664	95040
TOTAL GSF General Services						95041

Fund Group	\$	316,664	\$	316,664	95042
TOTAL ALL BUDGET FUND GROUPS	\$	316,664	\$	316,664	95043

Section 351.10. OPT STATE BOARD OF OPTOMETRY 95045

General Services Fund Group					95046
4K90 885609 Operating Expenses	\$	325,185	\$	325,185	95047
TOTAL GSF General Services					95048
Fund Group	\$	325,185	\$	325,185	95049
TOTAL ALL BUDGET FUND GROUPS	\$	325,185	\$	325,185	95050

Section 353.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS 95052
95053

General Services Fund Group					95054
4K90 973609 Operating Expenses	\$	105,000	\$	105,000	95055
TOTAL GSF General Services					95056
Fund Group	\$	105,000	\$	105,000	95057
TOTAL ALL BUDGET FUND GROUPS	\$	105,000	\$	105,000	95058

Section 355.10. UST PETROLEUM UNDERGROUND STORAGE TANK 95059

Agency Fund Group					95060
6910 810632 PUSTRCB Staff	\$	1,050,000	\$	1,050,000	95061
TOTAL AGY Agency Fund Group	\$	1,050,000	\$	1,050,000	95062
TOTAL ALL BUDGET FUND GROUPS	\$	1,050,000	\$	1,050,000	95063

Section 357.10. PRX STATE BOARD OF PHARMACY 95065

General Services Fund Group					95066
4A50 887605 Drug Law Enforcement	\$	75,500	\$	75,500	95067
4K90 887609 Operating Expenses	\$	5,000,000	\$	5,000,000	95068
TOTAL GSF General Services Fund Group	\$	5,075,500	\$	5,075,500	95069
Federal Special Revenue Fund Group					95070
3BC0 887604 Dangerous Drugs	\$	493,164	\$	500,891	95071

Database

TOTAL FED Federal Special Revenue	\$	493,164	\$	500,891	95072
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,568,664	\$	5,576,391	95073
Section 359.10. PSY STATE BOARD OF PSYCHOLOGY					95075
General Services Fund Group					95076
4K90 882609 Operating Expenses	\$	525,000	\$	525,000	95077
TOTAL GSF General Services					95078
Fund Group	\$	525,000	\$	525,000	95079
TOTAL ALL BUDGET FUND GROUPS	\$	525,000	\$	525,000	95080
Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION					95082
General Revenue Fund					95083
GRF 019321 Public Defender	\$	772,500	\$	612,600	95084
Administration					
GRF 019401 State Legal Defense	\$	4,377,500	\$	3,471,400	95085
Services					
GRF 019403 Multi-County: State	\$	1,308,201	\$	1,456,835	95086
Share					
GRF 019404 Trumbull County -	\$	430,217	\$	467,727	95087
State Share					
GRF 019405 Training Account	\$	50,000	\$	50,000	95088
GRF 019501 County Reimbursement	\$	22,767,720	\$	17,898,638	95089
TOTAL GRF General Revenue Fund	\$	29,706,138	\$	23,957,200	95090
General Services Fund Group					95091
4070 019604 County Representation	\$	196,650	\$	207,143	95092
4080 019605 Client Payments	\$	600,000	\$	600,000	95093
5CX0 019617 Civil Case Filing Fee	\$	743,076	\$	772,121	95094
TOTAL GSF General Services					95095
Fund Group	\$	1,539,726	\$	1,579,264	95096
Federal Special Revenue Fund Group					95097

3S80 019608	Federal	\$	202,347	\$	212,303	95098
	Representation					
TOTAL FED	Federal Special Revenue					95099
Fund Group		\$	202,347	\$	212,303	95100
State Special Revenue Fund Group						95101
4C70 019601	Multi-County: County	\$	2,227,056	\$	2,384,210	95102
	Share					
4X70 019610	Trumbull County -	\$	732,393	\$	765,467	95103
	County Share					
5740 019606	Civil Legal Aid	\$	35,000,000	\$	35,000,000	95104
5DY0 019618	Indigent Defense	\$	27,783,000	\$	37,044,000	95105
	Support - County					
	Share					
5DY0 019619	Indigent Defense	\$	3,087,000	\$	4,116,000	95106
	Support Fund - State					
	Office					
TOTAL SSR	State Special Revenue					95107
Fund Group		\$	68,829,449	\$	79,309,677	95108
TOTAL ALL BUDGET FUND GROUPS		\$	100,277,660	\$	105,058,444	95109
	INDIGENT DEFENSE OFFICE					95110
	The foregoing appropriation items 019404, Trumbull County -					95111
	State Share, and 019610, Trumbull County - County Share, shall be					95112
	used to support an indigent defense office for Trumbull County.					95113
	MULTI-COUNTY OFFICE					95114
	The foregoing appropriation items 019403, Multi-County: State					95115
	Share, and 019601, Multi-County: County Share, shall be used to					95116
	support the Office of the Ohio Public Defender's Multi-County					95117
	Branch Office Program.					95118
	TRAINING ACCOUNT					95119
	The foregoing appropriation item 019405, Training Account,					95120
	shall be used by the Ohio Public Defender to provide legal					95121

training programs at no cost for private appointed counsel who 95122
 represent at least one indigent defendant at no cost and for state 95123
 and county public defenders and attorneys who contract with the 95124
 Ohio Public Defender to provide indigent defense services. 95125

FEDERAL REPRESENTATION 95126

The foregoing appropriation item 019608, Federal 95127
 Representation, shall be used to receive reimbursements from the 95128
 federal courts when the Ohio Public Defender provides 95129
 representation in federal court cases and to support 95130
 representation in such cases. 95131

Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 95132

General Services Fund Group 95133

5F60 870622 Utility and Railroad \$ 32,000,000 \$ 32,000,000 95134
 Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 125,000 \$ 125,000 95135

5F60 870625 Motor Transportation \$ 6,071,829 \$ 6,071,829 95136
 Regulation

5Q50 870626 Telecommunications \$ 5,000,000 \$ 5,000,000 95137
 Relay Service

TOTAL GSF General Services 95138

Fund Group \$ 43,196,829 \$ 43,196,829 95139

Federal Special Revenue Fund Group 95140

3330 870601 Gas Pipeline Safety \$ 597,959 \$ 597,959 95141

3500 870608 Motor Carrier Safety \$ 7,351,660 \$ 7,351,660 95142

3V30 870604 Commercial Vehicle \$ 100,000 \$ 100,000 95143
 Information

Systems/Networks

TOTAL FED Federal Special Revenue 95144

Fund Group \$ 8,049,619 \$ 8,049,619 95145

State Special Revenue Fund Group 95146

4A30	870614	Grade Crossing Protection Devices-State	\$	1,349,757	\$	1,349,757	95147
4L80	870617	Pipeline Safety-State	\$	187,621	\$	187,621	95148
4S60	870618	Hazardous Material Registration	\$	464,325	\$	464,325	95149
4S60	870621	Hazardous Materials Base State Registration	\$	373,346	\$	373,346	95150
4U80	870620	Civil Forfeitures	\$	235,744	\$	235,744	95151
5600	870607	Special Assessment	\$	25,000	\$	25,000	95152
5610	870606	Power Siting Board	\$	500,000	\$	500,000	95153
5BP0	870623	Wireless 9-1-1 Administration	\$	34,417,000	\$	36,443,000	95154
6380	870611	Biofuels/Municipal Waste Technology	\$	40,000	\$	40,000	95155
6610	870612	Hazardous Materials Transportation	\$	900,000	\$	900,000	95156
TOTAL SSR State Special Revenue							95157
Fund Group			\$	38,492,793	\$	40,518,793	95158
TOTAL ALL BUDGET FUND GROUPS			\$	89,739,241	\$	91,765,241	95159
 Section 365.10. PWC PUBLIC WORKS COMMISSION							95161
General Revenue Fund							95162
GRF	150904	Conservation General Obligation Debt Service	\$	20,711,100	\$	25,684,900	95163
GRF	150907	State Capital Improvements General Obligation Debt Service	\$	148,331,900	\$	163,443,500	95164
TOTAL GRF General Revenue Fund							95165
			\$	169,043,000	\$	189,128,400	95166
Clean Ohio Conservation Fund Group							95167

7056 150403	Clean Ohio Operating Expenses	\$	304,332	\$	311,509	95168
TOTAL 056	Clean Ohio Conservation Fund Group	\$	304,332	\$	311,509	95169
	Local Infrastructure Improvements Fund Group					95170
7039 150909	Local Infrastructure Development	\$	261,027	\$	269,555	95171
TOTAL LIF	Local Infrastructure Improvements Fund Group	\$	261,027	\$	269,555	95172
TOTAL ALL BUDGET FUND GROUPS		\$	169,608,359	\$	189,709,464	95173
	CONSERVATION GENERAL OBLIGATION DEBT SERVICE					95174
	The foregoing appropriation item 150904, Conservation General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, through June 30, 2011, at the times they are required to be made for obligations issued under sections 151.01 and 151.09 of the Revised Code.					95175 95176 95177 95178 95179 95180
	STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE					95181
	The foregoing appropriation item 150907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2009, to June 30, 2011, at the times they are required to be made for obligations issued under sections 151.01 and 151.08 of the Revised Code.					95182 95183 95184 95185 95186 95187
	CLEAN OHIO OPERATING EXPENSES					95188
	The foregoing appropriation item 150403, Clean Ohio Operating Expenses, shall be used by the Ohio Public Works Commission in administering sections 164.20 to 164.27 of the Revised Code.					95189 95190 95191 95192
	REIMBURSEMENT TO THE GENERAL REVENUE FUND					95193

(A) On or before July 15, 2011, the Director of the Public Works Commission shall certify to the Director of Budget and Management the following:

(1) The total amount disbursed from appropriation item 700409, Farmland Preservation, during the FY 2010-FY 2011 biennium; and

(2) The amount of interest earnings that have been credited to the Clean Ohio Conservation Fund (Fund 7056) that are in excess of the amount needed for other purposes as calculated by the Director of the Public Works Commission.

(B) If the Director of Budget and Management determines under division (A)(2) of this section that there are excess interest earnings, the Director of Budget and Management shall, on or before July 15, 2011, transfer the excess interest earnings to the General Revenue Fund in an amount equal to the total amount disbursed under division (A)(1) of this section from the Clean Ohio Conservation Fund.

Section 367.10. RAC STATE RACING COMMISSION

State Special Revenue Fund Group				95212
5620	875601	Thoroughbred Race Fund	\$ 2,300,000 \$ 2,300,000	95213
5630	875602	Standardbred Development Fund	\$ 1,900,000 \$ 1,900,000	95214
5640	875603	Quarterhorse Development Fund	\$ 1,000 \$ 1,000	95215
5650	875604	Racing Commission Operating	\$ 3,742,342 \$ 3,758,818	95216
5C40	875607	Simulcast Horse Racing Purse	\$ 14,000,000 \$ 14,000,000	95217
TOTAL SSR State Special Revenue				95218

Fund Group	\$	21,943,342	\$	21,959,818	95219
Holding Account Redistribution Fund Group					95220
R021 875605 Bond Reimbursements	\$	145,000	\$	145,000	95221
TOTAL 090 Holding Account					95222
Redistribution					
Fund Group	\$	145,000	\$	145,000	95223
TOTAL ALL BUDGET FUND GROUPS	\$	22,088,342	\$	22,104,818	95224

Section 371.10. BOR BOARD OF REGENTS 95226

General Revenue Fund					95227
GRF 235321 Operating Expenses	\$	2,195,852	\$	2,195,852	95228
GRF 235401 Lease Rental Payments	\$	124,461,100	\$	107,897,100	95229
GRF 235402 Sea Grants	\$	375,000	\$	375,000	95230
GRF 235406 Articulation and Transfer	\$	2,000,000	\$	2,000,000	95231
GRF 235408 Midwest Higher Education Compact	\$	95,000	\$	95,000	95232
GRF 235409 Information System	\$	800,000	\$	800,000	95233
GRF 235414 State Grants and Scholarship Administration	\$	1,000,000	\$	1,000,000	95234
GRF 235417 Ohio Learning Network	\$	2,500,000	\$	2,500,000	95235
GRF 235428 Appalachian New Economy Partnership	\$	981,887	\$	981,887	95236
GRF 235434 College Readiness and Access	\$	2,500,000	\$	2,500,000	95237
GRF 235438 Choose Ohio First Scholarship	\$	13,000,000	\$	16,000,000	95238
GRF 235443 Adult Basic and Literacy Education - State	\$	7,528,264	\$	7,528,264	95239
GRF 235444 Post-Secondary Adult	\$	14,791,288	\$	14,791,288	95240

	Career-Technical Education				
GRF 235474	Area Health Education Centers Program Support	\$	891,833	\$	891,833 95241
GRF 235501	State Share of Instruction	\$	1,677,708,351	\$	1,689,554,971 95242
GRF 235502	Student Support Services	\$	714,406	\$	714,406 95243
GRF 235504	War Orphans Scholarships	\$	4,331,089	\$	4,331,089 95244
GRF 235507	OhioLINK	\$	5,000,000	\$	5,000,000 95245
GRF 235508	Air Force Institute of Technology	\$	1,000,000	\$	1,000,000 95246
GRF 235510	Ohio Supercomputer Center	\$	3,000,000	\$	3,000,000 95247
GRF 235511	Cooperative Extension Service	\$	23,518,608	\$	22,467,678 95248
GRF 235513	Ohio University Voinovich School	\$	302,474	\$	302,474 95249
GRF 235514	Central State Supplement	\$	10,898,195	\$	10,898,195 95250
GRF 235515	Case Western Reserve University School of Medicine	\$	2,500,000	\$	2,500,000 95251
GRF 235519	Family Practice	\$	3,840,127	\$	3,840,127 95252
GRF 235520	Shawnee State Supplement	\$	2,319,654	\$	2,319,654 95253
GRF 235521	The Ohio State University John Glenn School of Public Affairs	\$	257,474	\$	257,474 95254
GRF 235524	Police and Fire	\$	123,498	\$	123,498 95255

	Protection				
GRF 235525	Geriatric Medicine	\$	633,294	\$	633,294 95256
GRF 235526	Primary Care	\$	1,895,962	\$	1,895,962 95257
	Residencies				
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,000,000	\$	34,000,000 95258
GRF 235536	The Ohio State University Clinical Teaching	\$	11,727,036	\$	11,727,036 95259
GRF 235537	University of Cincinnati Clinical Teaching	\$	9,645,328	\$	9,645,328 95260
GRF 235538	University of Toledo Clinical Teaching	\$	7,518,011	\$	7,518,011 95261
GRF 235539	Wright State University Clinical Teaching	\$	3,652,395	\$	3,652,395 95262
GRF 235540	Ohio University Clinical Teaching	\$	3,530,882	\$	3,530,882 95263
GRF 235541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	3,631,508	\$	3,631,508 95264
GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568 95265
GRF 235553	Dayton Area Graduate Studies Institute	\$	300,000	\$	300,000 95266
GRF 235555	Library Depositories	\$	1,000,000	\$	1,000,000 95267
GRF 235556	Ohio Academic Resources Network	\$	2,354,501	\$	2,354,501 95268
GRF 235558	Long-term Care Research	\$	223,711	\$	223,711 95269
GRF 235563	Ohio College	\$	190,000,000	\$	205,000,000 95270

	Opportunity Grant				
GRF 235567	Central State	\$	1,775,254	\$	0 95271
	University Speed to Scale				
GRF 235572	The Ohio State	\$	929,591	\$	929,591 95272
	University Clinic Support				
GRF 235579	Bliss Institute	\$	257,474	\$	257,474 95273
GRF 235596	Hazardous Materials	\$	373,858	\$	373,858 95274
	Program				
GRF 235599	National Guard	\$	14,912,271	\$	14,912,271 95275
	Scholarship Program				
GRF 235644	State Share of	\$	309,874,026	\$	308,802,662 95276
	Instruction - Federal Stimulus - Education				
GRF 235646	State Share of	\$	87,955,700	\$	103,302,363 95277
	Instruction - Federal Stimulus - Government Services				
GRF 235909	Higher Education	\$	85,317,700	\$	89,480,300 95278
	General Obligation Debt Service				
TOTAL GRF	General Revenue Fund	\$	2,700,525,170	\$	2,729,419,505 95279
	General Services Fund Group				95280
2200 235614	Program Approval and	\$	1,000,000	\$	1,000,000 95281
	Reauthorization				
4560 235603	Sales and Services	\$	200,000	\$	200,000 95282
TOTAL GSF	General Services				95283
Fund Group		\$	1,200,000	\$	1,200,000 95284
	Federal Special Revenue Fund Group				95285
3120 235609	Tech Prep	\$	183,849	\$	183,849 95286
3120 235611	Gear-up Grant	\$	3,900,000	\$	3,900,000 95287

3120	235612	Carl D. Perkins Grant/Plan Administration	\$	912,961	\$	912,961	95288
3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	95289
3120	235641	Adult Basic Literacy Education - Federal	\$	17,869,546	\$	17,869,546	95290
3BE0	235636	Adult Education and Family Literacy Act Incentive Grant	\$	1,783,583	\$	1,783,583	95291
3BG0	235626	Star Schools	\$	250,000	\$	0	95292
3H20	235608	Human Services Project	\$	3,500,000	\$	3,500,000	95293
3N60	235605	State Student Incentive Grants	\$	2,533,339	\$	2,533,339	95294
3N60	235638	College Access Challenge Grant	\$	2,268,044	\$	2,268,044	95295
TOTAL FED Federal Special Revenue							95296
Fund Group			\$	36,401,322	\$	36,151,322	95297
State Special Revenue Fund Group							95298
4E80	235602	Higher Educational Facility Commission Administration	\$	30,000	\$	30,000	95299
6490	235607	The Ohio State University Highway/Transportation Research	\$	500,000	\$	500,000	95300
6820	235606	Nursing Loan Program	\$	893,000	\$	893,000	95301
TOTAL SSR State Special Revenue							95302
Fund Group			\$	1,423,000	\$	1,423,000	95303
Third Frontier Research & Development Fund Group							95304
7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000	95305

Third Frontier Fund

TOTAL 011 Third Frontier Research & \$ 8,000,000 \$ 8,000,000 95306
Development Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 2,747,549,492 \$ 2,776,193,827 95307

Section 371.10.10. LEASE RENTAL PAYMENTS 95309

The foregoing appropriation item 235401, Lease Rental 95310
Payments, shall be used to meet all payments at the times they are 95311
required to be made during the period from July 1, 2009, to June 95312
30, 2011, by the Chancellor of the Board of Regents under leases 95313
and agreements made under section 154.21 of the Revised Code. 95314
These appropriations are the source of funds pledged for bond 95315
service charges or obligations issued pursuant to Chapter 154. of 95316
the Revised Code. 95317

Section 371.10.15. SEA GRANTS 95318

The foregoing appropriation item 235402, Sea Grants, shall be 95319
disbursed to The Ohio State University and shall be used to 95320
conduct research on fish in Lake Erie. 95321

Section 371.10.20. ARTICULATION AND TRANSFER 95322

The foregoing appropriation item 235406, Articulation and 95323
Transfer, shall be used by the Chancellor of the Board of Regents 95324
to maintain and expand the work of the Articulation and Transfer 95325
Council to develop a system of transfer policies to ensure that 95326
students at state institutions of higher education can transfer 95327
and have coursework apply to their majors and degrees at any other 95328
state institution of higher education without unnecessary 95329
duplication or institutional barriers under sections 3333.16, 95330
3333.161, and 3333.162 of the Revised Code. 95331

Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT 95332

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of the Board of Regents under section 3333.40 of the Revised Code.

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Section 371.10.40. INFORMATION SYSTEM

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The foregoing appropriation item 235409, Information System, shall be used by the Chancellor of the Board of Regents to support the development and implementation of information technology solutions designed to improve the performance and services of the Chancellor of the Board of Regents and the University System of Ohio. Information technology solutions shall be provided by the Ohio Academic Research Network (OARnet).

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Section 371.10.50. STATE GRANTS AND SCHOLARSHIP

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ADMINISTRATION

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The foregoing appropriation item 235414, State Grants and Scholarship Administration, shall be used by the Chancellor of the Board of Regents to administer the following student financial aid programs: Ohio College Opportunity Grant, Ohio War Orphans' Scholarship, Nurse Education Assistance Loan Program, Ohio Safety Officers College Memorial Fund, and any other student financial aid programs created by the General Assembly. The appropriation item also shall be used to administer the federal Leveraging Educational Assistance Partnership (LEAP) program, Special Leveraging Educational Assistance Partnership (SLEAP) program, the federal College Access Challenge Grant (CACG), and other student financial aid programs created by Congress and to provide fiscal services for the Ohio National Guard Scholarship Program.

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Section 371.10.70. OHIO LEARNING NETWORK

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The foregoing appropriation item 235417, Ohio Learning

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Network, shall be used by the Chancellor of the Board of Regents 95362
to support the continued implementation of the Ohio Learning 95363
Network, a consortium organized under division (U) of section 95364
3333.04 of the Revised Code to expand access to adult and higher 95365
education opportunities through technology. The funds shall be 95366
used by the Ohio Learning Network to develop and promote learning 95367
and assessment through the use of technology, to test and provide 95368
advice on emerging learning-directed technologies, and to 95369
facilitate cost-effectiveness through shared educational 95370
technology investments. 95371

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP 95372

The foregoing appropriation item 235428, Appalachian New 95373
Economy Partnership, shall be distributed to Ohio University to 95374
continue a multi-campus and multi-agency coordinated effort to 95375
link Appalachia to the new economy. Ohio University shall use 95376
these funds to provide leadership in the development and 95377
implementation of initiatives in the areas of entrepreneurship, 95378
management, education, and technology. 95379

Section 371.20.06. COLLEGE READINESS AND ACCESS 95380

Of the foregoing appropriation item 235434, College Readiness 95381
and Access, \$2,500,000 in each fiscal year shall be used to 95382
support existing early college high schools, which are small, 95383
autonomous schools that blend high school and college into a 95384
coherent educational program for those not traditionally 95385
college-bound. The funds shall be distributed according to 95386
guidelines established by the Department of Education and the 95387
Chancellor of the Board of Regents. 95388

Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP 95389

The foregoing appropriation item 235438, Choose Ohio First 95390

Scholarship, shall be used to operate the program prescribed in 95391
sections 3333.60 to 3333.70 of the Revised Code. Amounts disbursed 95392
to institutions shall be paid on a reimbursement basis. 95393

An amount equal to the unexpended, unencumbered portion of 95394
the foregoing appropriation item 235438, Choose Ohio First 95395
Scholarship, at the end of fiscal year 2010 is hereby 95396
reappropriated to the Board of Regents for the same purpose for 95397
fiscal year 2011. 95398

Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION 95399

Except as provided in the Sections of this act entitled 95400
"Statewide Workforce Development Initiatives" and "Fiscal Year 95401
2011 Plan for Adult Workforce Training Programs", the foregoing 95402
appropriation item 235443, Adult Basic and Literacy Education - 95403
State, shall be used to support adult basic and literacy education 95404
instructional programs and for the operation of an adult basic and 95405
literacy education instructional grant program. The supported 95406
programs shall satisfy the state match and maintenance of effort 95407
requirements for the state-administered grant program. 95408

Of the foregoing appropriation item 235443, Adult Basic and 95409
Literacy Education - State, up to \$507,558 in fiscal year 2010 95410
shall be used for the support and operation of the State Literacy 95411
Resource Center Program. 95412

On or before August 31, 2009, the Chancellor of the Board of 95413
Regents shall submit a funding formula to the Controlling Board 95414
for the allocation of the foregoing appropriation item 235443, 95415
Adult Basic and Literacy Education - State, in fiscal year 2010. 95416

Section 371.20.40. POST-SECONDARY ADULT CAREER-TECHNICAL 95417
EDUCATION 95418

Except as provided in the Sections of this act entitled 95419
"Statewide Workforce Development Initiatives" and "Fiscal Year 95420

2011 Plan for Adult Workforce Training Programs", the foregoing 95421
appropriation item 235444, Post-Secondary Adult Career-Technical 95422
Education, shall be used by the Chancellor of the Board of Regents 95423
in each fiscal year to provide post-secondary adult 95424
career-technical education under sections 3313.52 and 3313.53 of 95425
the Revised Code. 95426

On or before August 31, 2009, the Chancellor of the Board of 95427
Regents shall submit a funding formula to the Controlling Board 95428
for the allocation of funds in fiscal year 2010. 95429

Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT 95430
INITIATIVES 95431

The Chancellor may identify amounts of the foregoing 95432
appropriation items 235443, Adult Basic and Literacy Education - 95433
State, and 235444, Post-Secondary Adult Career-Technical 95434
Education, to be used to support the Ohio Skills Bank Program and 95435
the Stackable Certificates Program. The Ohio Skills Bank Program 95436
seeks to align the education of Ohio's workforce with industry 95437
needs. The Stackable Certificates Program consists of 95438
competency-based, low-cost, noncredit and credit-bearing modules 95439
and courses in communications, mathematics, information 95440
technology, and other fields selected by the Chancellor. The 95441
program culminates in a certificate and provides recipients with a 95442
foundation for additional post-secondary education. 95443

Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE 95444
TRAINING PROGRAMS 95445

Notwithstanding the Sections of this act entitled "Adult 95446
Basic and Literacy Education," and "Post-Secondary Adult 95447
Career-Technical Education," not later than June 1, 2010, the 95448
Chancellor of the Board of Regents shall submit for approval of 95449
the Controlling Board a plan for the integration of funding 95450

support for the state's adult workforce training and development 95451
programs, beginning in fiscal year 2011. Funding support in the 95452
plan shall include appropriation items 235443, Adult Basic and 95453
Literacy Education - State, and 235444, Post-Secondary Adult 95454
Career-Technical Education. 95455

The plan shall clearly define the formulas, or competitive 95456
process, to be used for funding the activities of adult basic and 95457
literacy education program providers, state literacy resource 95458
centers, post-secondary adult career-technical education 95459
providers, and community colleges. The plan may propose the 95460
creation of new appropriation items as necessary to support its 95461
implementation. 95462

Section 371.20.70. AREA HEALTH EDUCATION CENTERS 95463

The foregoing appropriation item 235474, Area Health 95464
Education Centers Program Support, shall be used by the Chancellor 95465
of the Board of Regents to support the medical school regional 95466
area health education centers' educational programs for the 95467
continued support of medical and other health professions 95468
education and for support of the Area Health Education Center 95469
Program. 95470

Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS 95471

The Chancellor of the Board of Regents shall establish 95472
procedures to allocate the foregoing appropriation items 235501, 95473
State Share of Instruction, 235644, State Share of Instruction - 95474
Federal Stimulus - Education, and 235646, State Share of 95475
Instruction - Federal Stimulus - Government Services, based on the 95476
formulas, enrollment, course completion, degree attainment, and 95477
student access factors in the instructional models set out in this 95478
section. 95479

The foregoing appropriation items 235501, State Share of 95480

Instruction, 235644, State Share of Instruction - Federal Stimulus 95481
- Education, and 235646, State Share of Instruction - Federal 95482
Stimulus - Government Services, shall be combined for the purposes 95483
of allocating the state share of instruction subsidy. 95484

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS 95485

(1) As soon as possible during each fiscal year of the 95486
biennium ending June 30, 2011, in accordance with instructions of 95487
the Board of Regents, each state-assisted institution of higher 95488
education shall report its actual enrollment, consistent with the 95489
definitions in the Higher Education Information (HEI) system's 95490
enrollment files, to the Chancellor of the Board of Regents. 95491

(2) In defining the number of full-time equivalent students 95492
for state subsidy purposes, the Chancellor of the Board of Regents 95493
shall exclude all undergraduate students who are not residents of 95494
Ohio, except those charged in-state fees in accordance with 95495
reciprocity agreements made under section 3333.17 of the Revised 95496
Code or employer contracts entered into under section 3333.32 of 95497
the Revised Code. 95498

(3) In calculating the core subsidy entitlements for 95499
university branch and main campuses, the Chancellor of the Board 95500
of Regents shall use the following count of FTE students: 95501

(a) The subsidy eligible enrollments by model shall equal 95502
only those FTE students who successfully complete the course as 95503
defined and reported through the Higher Education Information 95504
(HEI) system course enrollment file; 95505

(b) For those FTE students with successful course 95506
completions, identified in division (3)(a) of this section, 95507
completions that were achieved by a student that was eligible to 95508
receive Ohio need-based financial aid shall have their enrollments 95509
weighted by the following: 95510

(i) Campus-specific course completion rates by discipline 95511

area and level; and 95512

(ii) A statewide average OIG/OCOG course completion weight 95513
determined for each discipline area and level. The statewide 95514
average OIG/OCOG course completion weight shall be determined by 95515
calculating the difference between the percentage of traditional 95516
students who complete a course and the percentage of Ohio 95517
Instructional Grant and Ohio College Opportunity Grant recipients 95518
who complete the same course. 95519

(4) In calculating the core subsidy entitlements for Medical 95520
II models only, the Board of Regents shall use the following count 95521
of FTE students: 95522

(a) For those medical schools whose current year enrollment, 95523
including students repeating terms, is below the base enrollment, 95524
the Medical II FTE enrollment shall equal: 65 per cent of the base 95525
enrollment plus 35 per cent of the current year enrollment 95526
including students repeating terms, where the base enrollment is: 95527

The Ohio State University	1010	95528
University of Cincinnati	833	95529
University of Toledo	650	95530
Wright State University	433	95531
Ohio University	433	95532
Northeastern Ohio Universities College of Medicine	433	95533

(b) For those medical schools whose current year enrollment, 95534
excluding students repeating terms, is equal to or greater than 95535
the base enrollment, the Medical II FTE enrollment shall equal the 95536
base enrollment plus the FTE for repeating students. 95537

(c) Students repeating terms may be no more than five per 95538
cent of current year enrollment. 95539

(5) The state share of instruction to state-supported 95540
universities for students enrolled in law schools in fiscal year 95541

2010 and fiscal year 2011 shall be calculated by using the number of subsidy-eligible FTE law school students funded by state subsidy in fiscal year 1995 or the actual number of subsidy-eligible FTE law school students at the institution in the fiscal year, whichever is less.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

Model	Fiscal Year 2010	Fiscal Year 2011	
ARTS AND HUMANITIES 1	\$7,658	\$7,891	95552
ARTS AND HUMANITIES 2	\$10,117	\$10,425	95553
ARTS AND HUMANITIES 3	\$13,067	\$13,464	95554
ARTS AND HUMANITIES 4	\$19,194	\$19,778	95555
ARTS AND HUMANITIES 5	\$29,994	\$30,906	95556
ARTS AND HUMANITIES 6	\$35,991	\$37,085	95557
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$6,732	\$6,937	95558
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$7,803	\$8,041	95559
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$9,619	\$9,911	95560
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$11,607	\$11,959	95561
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$18,044	\$18,592	95562
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$22,615	\$23,303	95563
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$27,528	\$28,365	95564
MEDICAL 1	\$47,494	\$48,938	95565
MEDICAL 2	\$45,420	\$46,801	95566
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$6,943	\$7,154	95567
MEDICINE 1			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$9,792	\$10,090	95568
MEDICINE 2			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$11,963	\$12,327	95569
MEDICINE 3			

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$15,282	\$15,747	95570
MEDICINE 4			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$19,471	\$20,063	95571
MEDICINE 5			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$21,771	\$22,433	95572
MEDICINE 6			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$27,906	\$28,755	95573
MEDICINE 7			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$36,547	\$37,658	95574
MEDICINE 8			
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	\$51,283	\$52,842	95575
MEDICINE 9			

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section. 95576
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(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 95578
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For the purpose of implementing the recommendations of the State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 95580
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Model	Fiscal Year 2010	Fiscal Year 2011	
ARTS AND HUMANITIES 1	1.0000	1.0000	95587
ARTS AND HUMANITIES 2	1.0000	1.0000	95588
ARTS AND HUMANITIES 3	1.0000	1.0000	95589
ARTS AND HUMANITIES 4	1.0000	1.0000	95590
ARTS AND HUMANITIES 5	1.0425	1.0425	95591
ARTS AND HUMANITIES 6	1.0425	1.0425	95592
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	95593
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	95594

BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	95595
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	95596
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	95597
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	95598
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	95599
MEDICAL 1	1.6456	1.6456	95600
MEDICAL 2	1.7462	1.7462	95601
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	95602
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	95603
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	95604
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	95605
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	95606
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	95607
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	95608
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	95609
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	95610
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			95611
ENTITLEMENTS AND ADJUSTMENTS			95612
(1) Of the foregoing appropriation items 235501, State Share			95613
of Instruction, 235644, State Share of Instruction - Federal			95614
Stimulus - Education, and 235646, State Share of Instruction -			95615
Federal Stimulus - Government Services, 5 per cent of the			95616
appropriation for state-supported community colleges, state			95617
community colleges, and technical colleges in fiscal year 2011			95618

shall be allocated to colleges in proportion to their share of 95619
college student success factors. In fiscal year 2011, student 95620
success factors shall include all measureable student outcomes 95621
that contribute to student achievement as determined by the 95622
Chancellor of the Board of Regents based on the recommendation of 95623
the consultation created in the Section of this act entitled 95624
"Studies to Determine Weights for Fiscal Year 2011 State Share of 95625
Instruction Formula." 95626

(2) Of the foregoing appropriation items 235501, State Share 95627
of Instruction, 235644, State Share of Instruction - Federal 95628
Stimulus - Education, and 235646, State Share of Instruction - 95629
Federal Stimulus - Government Services, up to 12.89 per cent of 95630
the appropriation for university main campuses in each fiscal year 95631
shall be reserved for support of doctoral programs to implement 95632
the funding recommendations made by representatives of the 95633
universities. The amount so reserved shall be referred to as the 95634
doctoral set-aside. 95635

The doctoral set-aside shall be allocated to universities as 95636
follows: 95637

(a) 90 per cent of the doctoral set-aside in fiscal year 2010 95638
and 80 per cent of the doctoral set-aside in fiscal year 2011 95639
shall be allocated to universities in proportion to their share of 95640
the total number of Doctoral I equivalent FTEs as calculated on an 95641
institutional basis using the greater of the two-year or five-year 95642
FTEs for the period fiscal year 1994 through fiscal year 1998 with 95643
annualized FTEs for fiscal years 1994 through 1997 and all-term 95644
FTEs for fiscal year 1998 as adjusted to reflect the effects of 95645
doctoral review and subsequent changes in Doctoral I equivalent 95646
enrollments. For the purposes of this calculation, Doctoral I 95647
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 95648
times the sum of Doctoral II FTEs. 95649

(b) 5 per cent of the doctoral set-aside in fiscal year 2010 95650

and 10 per cent of the doctoral set-aside in fiscal year 2011 95651
shall be allocated to universities in proportion to each campus's 95652
share of the total statewide doctoral degrees, weighted by the 95653
cost of the doctoral discipline. In calculating each campus's 95654
doctoral degrees the Chancellor of the Board of Regents shall use 95655
the three-year average doctoral degrees awarded for the three-year 95656
period ending in the prior year. 95657

(c) 2.5 per cent of the doctoral set-aside in fiscal year 95658
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 95659
shall be allocated to universities in proportion to their share of 95660
research grant activity, using data collected and published by the 95661
National Science Foundation. Grant awards from the National Health 95662
Institute shall be weighted at 50 per cent. 95663

(d) 2.5 per cent of the doctoral set-aside in fiscal year 95664
2010 and 5 per cent of the doctoral set-aside in fiscal year 2011 95665
shall be allocated to universities based on other quality measures 95666
that contribute to the advancement of the Chancellor's strategic 95667
plan. These other quality measures shall be identified by the 95668
Chancellor in consultation with universities. If for any reason 95669
metrics for distributing the quality component of the doctoral 95670
set-aside are not identified prior to the fiscal year allocation 95671
process, this portion of the doctoral set-aside funds shall be 95672
allocated to universities based on division (D)(2)(a) of this 95673
section. 95674

(3) Of the foregoing appropriation items 235501, State Share 95675
of Instruction, 235644, State Share of Instruction - Federal 95676
Stimulus - Education, and 235646, State Share of Instruction - 95677
Federal Stimulus - Government Services, 6.96 per cent of the 95678
appropriation for university main campuses in each fiscal year 95679
shall be reserved for support of Medical II FTEs. The amount so 95680
reserved shall be referred to as the medical II set-aside. 95681

The medical II set-aside shall be allocated to universities 95682

in proportion to their share of the total number of Medical II 95683
FTEs as calculated in division (A) of this section, weighted by 95684
model cost. 95685

(4) Of the foregoing appropriation items 235501, State Share 95686
of Instruction, 235644, State Share of Instruction - Federal 95687
Stimulus - Education, and 235646, State Share of Instruction - 95688
Federal Stimulus - Government Services, 1.61 per cent of the 95689
appropriation for university main campuses in each fiscal year 95690
shall be reserved for support of Medical I FTEs. The amount so 95691
reserved shall be referred to as the medical I set-aside. 95692

The medical I set-aside shall be allocated to universities in 95693
proportion to their share of the total number of Medical I FTEs as 95694
calculated in division (A) of this section. 95695

(5) Of the foregoing appropriation items 235501, State Share 95696
of Instruction, 235644, State Share of Instruction - Federal 95697
Stimulus - Education, and 235646, State Share of Instruction - 95698
Federal Stimulus - Government Services, 5 per cent of the fiscal 95699
year 2010 appropriation for university main campuses and 10 per 95700
cent of the fiscal year 2011 appropriation for university main 95701
campuses shall be reserved for support of associate, 95702
baccalaureate, master's, and professional level degree attainment. 95703
95704

The degree attainment funding shall be allocated to 95705
universities in proportion to each campus's share of the total 95706
statewide degrees granted, weighted by the cost of the degree 95707
programs. 95708

In calculating the subsidy entitlements for degree attainment 95709
at university main campuses, the Chancellor of the Board of 95710
Regents shall use the following count of degrees and degree costs: 95711

(a) For those associate degrees awarded by a state-supported 95712
university, the subsidy eligible degrees granted are defined as 95713

only those earned by students attending a university that received 95714
funding under GRF appropriation item 235418, Access Challenge, in 95715
fiscal year 2009. 95716

In calculating each campus's count of degrees, the Chancellor 95717
of the Board of Regents shall use the three-year average 95718
associate, baccalaureate, master's, and professional degrees 95719
awarded for the three-year period ending in the prior year. 95720

Eligible associate degrees defined in division (D)(5)(a) of 95721
this section and all bachelor's degrees earned by a student that 95722
was eligible to receive Ohio need-based financial aid shall have 95723
their associates degree cost weighted by a statewide OIG/OCOG 95724
degree completion weight. 95725

The statewide average OIG/OCOG degree completion weight shall 95726
be determined by calculating the difference between the percentage 95727
of traditional students who earned a degree and the percentage of 95728
Ohio Instructional Grant and Ohio College Opportunity Grant 95729
recipients who earned a degree during the same time period. 95730

(6) Each campus's state share of instruction base formula 95731
earnings shall be determined as follows: 95732

(a) For each campus in each fiscal year, the instructional 95733
costs shall be determined by multiplying the amounts listed above 95734
in divisions (B) and (C) of this section by (i) average 95735
subsidy-eligible FTEs for the two-year period ending in the prior 95736
year for all models except Doctoral I and Doctoral II; and (ii) 95737
average subsidy-eligible FTEs for the five-year period ending in 95738
the prior year for all models except Doctoral I and Doctoral II. 95739

(b) The Chancellor of the Board of Regents shall compute the 95740
two calculations listed in division (D)(6)(a) of this section and 95741
use the greater amount as each campus's instructional costs. 95742

(c) The Chancellor of the Board of Regents shall compute a 95743
uniform state share of instructional costs for each sector. 95744

(i) For the state supported community colleges, state community colleges, and technical colleges, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(1) of Section 371.20.90 of this act, less the student college success allocation as described in division (D)(1) of this section, by the sum of all eligible campuses' instructional costs as calculated in division (D)(6)(b) of this section.

(ii) For the state supported university branch campuses, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(2) of Section 371.20.90 of this act by the sum of all campuses' instructional costs as calculated in division (D)(6)(b) of this section.

(iii) For the state supported university main campuses, the Chancellor of the Board of Regents shall compute the uniform state share of institutional costs by dividing the earmark in division (C)(3) of Section 371.20.90 of this act, less the doctoral set-aside, less the medical I set-aside, less the medical II set-aside, and less the degree attainment funding as calculated in divisions (D)(2) to (5) of this section, by the sum of all campuses' instructional costs as calculated in division (D)(6)(b) of this section.

(d) The formula entitlement for each sector's campuses shall be determined by multiplying the uniform state share of costs calculated in division (D)(6)(c) of this section by the campus's instructional cost determined in division (D)(6)(b) of this section.

(7) In addition to the student success allocation, doctoral set-aside, medical I set-aside, medical II set-aside, and the degree attainment allocation determined in division (D)(1) to (D)(5) of this section and the formula entitlement determined in

division (D)(6) of this section, an allocation based on 95777
facility-based plant operations and maintenance (POM) subsidy 95778
shall be made. For each eligible campus, the amount of the POM 95779
allocation in each fiscal year shall be distributed based on what 95780
each campus received in the fiscal year 2009 POM allocation. 95781

Any POM allocations required by this division shall be funded 95782
by proportionately reducing formula entitlement earnings, 95783
including the POM allocations, for all campuses in that sector. 95784

(8) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING 95785

In addition to and after the adjustments noted above, in 95786
fiscal year 2010, no campus shall receive a state share of 95787
instruction allocation that is less than 99 per cent of the prior 95788
year's combined state share of instruction, access challenge, and 95789
success challenge amounts. Funds shall be made available to 95790
support this allocation by proportionately reducing formula 95791
entitlement earnings from those campuses, within each sector, that 95792
are not receiving stability funding. 95793

In fiscal year 2011, in addition to and after the adjustments 95794
noted above, no campus shall receive a state share of instruction 95795
allocation that is less than 98 per cent of the prior year's 95796
combined state share of instruction, access challenge, and success 95797
challenge amounts. Funds shall be made available to support this 95798
allocation by proportionately reducing formula entitlement 95799
earnings from those campuses, within each sector, that do not 95800
receive stability funding. 95801

(9) CAPITAL COMPONENT DEDUCTION 95802

After all other adjustments have been made, state share of 95803
instruction earnings shall be reduced for each campus by the 95804
amount, if any, by which debt service charged in Am. H.B. 748 of 95805
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 95806
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 95807

675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 95808
General Assembly, and Am. Sub. H.B. 699 of the 126th General 95809
Assembly, Am. Sub. H.B. 496 of the 127th General Assembly, and Am. 95810
Sub. H.B. 562 of the 127th General Assembly for that campus 95811
exceeds that campus's capital component earnings. The sum of the 95812
amounts deducted shall be transferred to appropriation item 95813
235552, Capital Component, in each fiscal year. 95814

(E) EXCEPTIONAL CIRCUMSTANCES 95815

Adjustments may be made to the state share of instruction 95816
payments and other subsidies distributed by the Chancellor of the 95817
Board of Regents to state-assisted colleges and universities for 95818
exceptional circumstances. No adjustments for exceptional 95819
circumstances may be made without the recommendation of the 95820
Chancellor and the approval of the Controlling Board. 95821

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 95822
INSTRUCTION 95823

The standard provisions of the state share of instruction 95824
calculation as described in the preceding sections of temporary 95825
law shall apply to any reductions made to appropriation items 95826
235501, State Share of Instruction, 235644, State Share of 95827
Instruction - Federal Stimulus - Education, and 235646, State 95828
Share of Instruction - Federal Stimulus - Government Services, 95829
before the Board of Regents has formally approved the final 95830
allocation of the state share of instruction funds for any fiscal 95831
year. 95832

Any reductions made to appropriation items 235501, State 95833
Share of Instruction, 235644, State Share of Instruction - Federal 95834
Stimulus - Education, and 235646, State Share of Instruction - 95835
Federal Stimulus - Government Services, after the Board of Regents 95836
has formally approved the final allocation of the state share of 95837
instruction funds for any fiscal year, shall be uniformly applied 95838

to each campus in proportion to its share of the final allocation. 95839
95840

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 95841

The state share of instruction payments to the institutions 95842
shall be in substantially equal monthly amounts during the fiscal 95843
year, unless otherwise determined by the Director of Budget and 95844
Management pursuant to section 126.09 of the Revised Code. 95845
Payments during the first six months of the fiscal year shall be 95846
based upon the state share of instruction appropriation estimates 95847
made for the various institutions of higher education according to 95848
the Chancellor of the Board of Regents enrollment estimates. 95849
Payments during the last six months of the fiscal year shall be 95850
distributed after approval of the Controlling Board upon the 95851
request of the Board of Regents. 95852

Section 371.20.90. STATE SHARE OF INSTRUCTION FOR FISCAL 95853
YEARS 2010 AND 2011 95854

The boards of trustees of state-assisted institutions of 95855
higher education shall restrain increases in in-state 95856
undergraduate instructional and general fees. For the 2009-2010 95857
academic year, each state-assisted institution shall not increase 95858
its in-state undergraduate instructional and general fees over 95859
what the institution charged for the 2008-2009 academic year. For 95860
the 2010-2011 academic year, each state-assisted community 95861
college, state community college, technical college, and regional 95862
campus of a state-assisted university shall not increase its 95863
in-state undergraduate instructional and general fees over what 95864
the institution charged for the 2009-2010 academic year. For the 95865
2010-2011 academic year, each main campus of a state-assisted 95866
university shall not increase its in-state undergraduate 95867
instructional and general fees more than 3.5 per cent over what 95868
the institution charged for the 2009-2010 academic year. 95869

These limitations shall not apply to increases required to 95870
comply with institutional covenants related to their obligations 95871
or to meet unfunded legal mandates or legally binding obligations 95872
incurred or commitments made prior to the effective date of this 95873
section with respect to which the institution had identified such 95874
fee increases as the source of funds. Any increase required by 95875
such covenants and any such mandates, obligations, or commitments 95876
shall be reported by the Chancellor of the Board of Regents to the 95877
Controlling Board. 95878

Of the combined appropriations of the foregoing appropriation 95879
items 235501, State Share of Instruction, 235644, State Share of 95880
Instruction - Federal Stimulus - Education, and 235646, State 95881
Share of Instruction - Federal Stimulus - Government Services, 95882
\$60,996,059 in each fiscal year shall be distributed to eligible 95883
colleges and universities based on each campus's share of the 95884
appropriation item 235418, Access Challenge, in fiscal year 2009. 95885
95886

Of the combined appropriations of the foregoing appropriation 95887
items 235501, State Share of Instruction, 235644, State Share of 95888
Instruction - Federal Stimulus - Education, and 235646, State 95889
Share of Instruction - Federal Stimulus - Government Services, 95890
\$10,323,056 in each fiscal year shall be distributed among 95891
state-supported community colleges, state community colleges, and 95892
technical colleges in an amount equal to the amount each 95893
institution received in fiscal year 2009 from the supplemental 95894
tuition subsidy earmarked under Section 375.30.25 of H.B. 119 of 95895
the 127th General Assembly. 95896

(C) The remainder of the combined appropriations of 95897
appropriation items 235501, State Share of Instruction, 235644, 95898
State Share of Instruction - Federal Stimulus - Education, and 95899
235646, State Share of Instruction - Federal Stimulus - Government 95900
Services, shall be distributed according to Section 371.20.80 of 95901

this act. Sector allocations shall be determined using the 95902
following earmarks in accordance with the tuition policy described 95903
in division (A) of this section. 95904

(1) Of the combined appropriations of the foregoing 95905
appropriation items 235501, State Share of Instruction, 235644, 95906
State Share of Instruction - Federal Stimulus - Education, and 95907
235646, State Share of Instruction - Federal Stimulus - Government 95908
Services, \$396,965,932 in fiscal year 2010 and \$419,030,691 in 95909
fiscal year 2011 shall be distributed to state-supported community 95910
colleges, state community colleges, and technical colleges. 95911

(2) Of the combined appropriations of the foregoing 95913
appropriation items 235501, State Share of Instruction, 235644, 95914
State Share of Instruction - Federal Stimulus - Education, and 95915
235646, State Share of Instruction - Federal Stimulus - Government 95916
Services, \$125,682,220 in fiscal year 2010 and \$129,739,380 in 95917
fiscal year 2011 shall be distributed to state-supported 95918
university branch campuses. 95919

(3) Of the combined appropriations of the foregoing 95920
appropriation items 235501, State Share of Instruction, 235644, 95921
State Share of Instruction - Federal Stimulus - Education, and 95922
235646, State Share of Instruction - Federal Stimulus - Government 95923
Services, \$1,481,570,810 in each fiscal year shall be distributed 95924
to state-supported university main campuses. 95925

(D) The state share of instruction payments to the 95926
institutions shall be in substantially equal monthly amounts 95927
during the fiscal year, unless otherwise determined by the 95928
Director of Budget and Management pursuant to section 126.09 of 95929
the Revised Code. Payments during the last six months of the 95930
fiscal year shall be distributed after approval of the Controlling 95931
Board upon the request of the Chancellor of the Board of Regents. 95932

Section 371.20.95. STUDIES TO DETERMINE WEIGHTS FOR FISCAL	95933
YEAR 2011 STATE SHARE OF INSTRUCTION FORMULA	95934
(A) STUDY ON IDENTIFYING "AT RISK" STUDENTS	95935
In fiscal year 2010, the Chancellor of the Board of Regents,	95936
in consultation with representatives of state colleges and	95937
universities, shall conduct a study to identify the	95938
socio-economic, demographic, academic, personal, and other factors	95939
that identify a student as being "at-risk" of academic failure,	95940
and recommend how these factors may be used to determine	95941
allocations of the State Share of Instruction after fiscal year	95942
2010. The study shall be completed by April 15, 2010.	95943
Notwithstanding any provision of law to the contrary, the	95944
Chancellor may use the results of the study to recommend	95945
additional weights to be used in the determination of the fiscal	95946
year 2011 State Share of Instruction allocations. The Chancellor	95947
shall report any such formula changes to the Controlling Board by	95948
August 30, 2010.	95949
(B) STUDY ON FUNDING DOCTORAL PROGRAMS THROUGH THE STATE	95950
SHARE OF INSTRUCTION FORMULA	95951
The Chancellor of the Board of Regents, in consultation with	95952
representatives of state universities, shall conduct a study on	95953
the effectiveness and appropriateness of funding for doctoral	95954
programs through the doctoral set-aside as allocated in	95955
appropriation items 235501, State Share of Instruction, 235644,	95956
State Share of Instruction - Federal Stimulus - Education, and	95957
235646, State Share of Instruction - Federal Stimulus - Government	95958
Services. The study may examine alternative funding methodologies	95959
to improve the alignment between university doctoral programs and	95960
the goals of the strategic plan for the University System of Ohio.	95961
The study shall be completed by April 15, 2010. Notwithstanding	95962
any provision of law to the contrary, the Chancellor may use the	95963

results of the study to recommend changes in the determination of 95964
the distribution of the doctoral set-aside beginning in fiscal 95965
year 2011. The Chancellor shall report any such formula changes to 95966
the Controlling Board by August 30, 2010. 95967

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(C) STUDY ON THE USE OF SUCCESS POINTS FOR COMMUNITY COLLEGES 95969

The Chancellor of the Board of Regents, in consultation with 95970
representatives of state community colleges, shall conduct a study 95971
on the use of "success points" in the allocation of appropriations 95972
to community colleges in appropriation items 235501, State Share 95973
of Instruction, 235644, State Share of Instruction - Federal 95974
Stimulus - Education, and 235646, State Share of Instruction - 95975
Federal Stimulus - Government Services, in fiscal year 2011. The 95976
study shall identify success points that occur during the academic 95977
career of community college students and recommend a method to 95978
fund achievement of the success points beginning in fiscal year 95979
2011. The study shall be completed by April 15, 2010. 95980

Notwithstanding any provision of law to the contrary, the 95981
Chancellor shall use the results of the study to recommend changes 95982
in the determination of the distribution of the community college 95983
allocations beginning in fiscal year 2011. The Chancellor shall 95984
report any such formula changes to the Controlling Board by August 95985
30, 2010. 95986

Section 371.30.10. HIGHER EDUCATION - BOARD OF TRUSTEES 95987

(A) Funds appropriated for instructional subsidies at 95988
colleges and universities may be used to provide such branch or 95989
other off-campus undergraduate courses of study and such master's 95990
degree courses of study as may be approved by the Chancellor of 95991
the Board of Regents. 95992

(B) In providing instructional and other services to 95993
students, boards of trustees of state-assisted institutions of 95994

higher education shall supplement state subsidies with income from 95995
charges to students. Except as otherwise provided in this Section, 95996
each board shall establish the fees to be charged to all students, 95997
including an instructional fee for educational and associated 95998
operational support of the institution and a general fee for 95999
noninstructional services, including locally financed student 96000
services facilities used for the benefit of enrolled students. The 96001
instructional fee and the general fee shall encompass all charges 96002
for services assessed uniformly to all enrolled students. Each 96003
board may also establish special purpose fees, service charges, 96004
and fines as required; such special purpose fees and service 96005
charges shall be for services or benefits furnished individual 96006
students or specific categories of students and shall not be 96007
applied uniformly to all enrolled students. A tuition surcharge 96008
shall be paid by all students who are not residents of Ohio. 96009

The board of trustees of a state-assisted institution of 96010
higher education shall not authorize a waiver or nonpayment of 96011
instructional fees or general fees for any particular student or 96012
any class of students other than waivers specifically authorized 96013
by law or approved by the Chancellor. This prohibition is not 96014
intended to limit the authority of boards of trustees to provide 96015
for payments to students for services rendered the institution, 96016
nor to prohibit the budgeting of income for staff benefits or for 96017
student assistance in the form of payment of such instructional 96018
and general fees. 96019

Each state-assisted institution of higher education in its 96020
statement of charges to students shall separately identify the 96021
instructional fee, the general fee, the tuition charge, and the 96022
tuition surcharge. Fee charges to students for instruction shall 96023
not be considered to be a price of service but shall be considered 96024
to be an integral part of the state government financing program 96025
in support of higher educational opportunity for students. 96026

(C) The boards of trustees of state-assisted institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor of the Board of Regents. 96027
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(D) The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served. 96034
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Section 371.30.20. STUDENT SUPPORT SERVICES 96050

The foregoing appropriation item 235502, Student Support Services, shall be distributed by the Chancellor of the Board of Regents to Ohio's state-assisted colleges and universities that incur disproportionate costs in the provision of support services to disabled students. 96051
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Section 371.30.30. WAR ORPHANS SCHOLARSHIPS 96056

The foregoing appropriation item 235504, War Orphans Scholarships, shall be used to reimburse state-assisted institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of the Board of Regents under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235504, War Orphans Scholarships, at the end of fiscal year 2010 is hereby reappropriated to the Board of Regents for the same purpose for fiscal year 2011.

Section 371.30.40. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of the Board of Regents to support OhioLINK, a consortium organized under division (U) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources and the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY

The foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio.

Section 371.30.60. OHIO SUPERCOMPUTER CENTER

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The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of the Board of Regents to support the operation of the Ohio Supercomputer Center, a consortium organized under division (U) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative.

Section 371.30.70. COOPERATIVE EXTENSION SERVICE 96097

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL 96103

The foregoing appropriation item 235513, Ohio University Voinovich School, shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School.

Section 371.30.90. CENTRAL STATE SUPPLEMENT 96108

The foregoing appropriation item 235514, Central State Supplement, shall be used by Central State University to keep undergraduate fees below the statewide average, consistent with its mission of service to many first-generation college students from groups historically underrepresented in higher education and from families with limited incomes.

Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 96115
96116

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of the Board of Regents in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 96117
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Section 371.40.20. FAMILY PRACTICE 96124

Notwithstanding section 3333.031 of the Revised Code, the Board of Regents, and not the Chancellor, shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235519, Family Practice. 96125
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Section 371.40.30. SHAWNEE STATE SUPPLEMENT 96130

The foregoing appropriation item 235520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following: 96131
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(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region; 96134
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(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians. 96138
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Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS 96141

The foregoing appropriation item 235521, The Ohio State 96142

University John Glenn School of Public Affairs, shall be used by 96143
the Chancellor of the Board of Regents to support the operations 96144
of The Ohio State University's John Glenn School of Public 96145
Affairs. 96146

Section 371.40.50. POLICE AND FIRE PROTECTION 96147

The foregoing appropriation item 235524, Police and Fire 96148
Protection, shall be used for police and fire services in the 96149
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 96150
Portsmouth, Xenia Township (Greene County), Rootstown Township, 96151
and the City of Nelsonville that may be used to assist these local 96152
governments in providing police and fire protection for the 96153
central campus of the state-affiliated university located therein. 96154

Section 371.40.60. GERIATRIC MEDICINE 96155

Notwithstanding section 3333.031 of the Revised Code, the 96156
Board of Regents, and not the Chancellor, shall develop plans 96157
consistent with existing criteria and guidelines as may be 96158
required for the distribution of appropriation item 235525, 96159
Geriatric Medicine. 96160

Section 371.40.70. PRIMARY CARE RESIDENCIES 96161

Notwithstanding section 3333.031 of the Revised Code, Board 96162
of Regents, and not the Chancellor, shall develop plans consistent 96163
with existing criteria and guidelines as may be required for the 96164
distribution of appropriation item 235526, Primary Care 96165
Residencies. 96166

The foregoing appropriation item 235526, Primary Care 96167
Residencies, shall be distributed in each fiscal year of the 96168
biennium, based on whether or not the institution has submitted 96169
and gained approval for a plan. If the institution does not have 96170
an approved plan, it shall receive five per cent less funding per 96171

student than it would have received from its annual allocation. 96172
The remaining funding shall be distributed among those 96173
institutions that meet or exceed their targets. 96174

Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 96175
CENTER 96176

The foregoing appropriation item 235535, Ohio Agricultural 96177
Research and Development Center, shall be disbursed through the 96178
Chancellor of the Board of Regents to The Ohio State University in 96179
monthly payments, unless otherwise determined by the Director of 96180
Budget and Management under section 126.09 of the Revised Code. 96181
The Ohio Agricultural Research and Development Center shall not be 96182
required to remit payment to The Ohio State University during the 96183
biennium ending June 30, 2011, for cost reallocation assessments. 96184
The cost reallocation assessments include, but are not limited to, 96185
any assessment on state appropriations to the Center. 96186

The Ohio Agricultural Research and Development Center, an 96188
entity of the College of Food, Agricultural, and Environmental 96189
Sciences of The Ohio State University, shall further its mission 96190
of enhancing Ohio's economic development and job creation by 96191
continuing to internally allocate on a competitive basis 96192
appropriated funding of programs based on demonstrated 96193
performance. Academic units, faculty, and faculty-driven programs 96194
shall be evaluated and rewarded consistent with agreed-upon 96195
performance expectations as called for in the College's 96196
Expectations and Criteria for Performance Assessment. 96197

Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING 96198

The foregoing appropriation items 235536, The Ohio State 96199
University Clinical Teaching; 235537, University of Cincinnati 96200
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 96201

235539, Wright State University Clinical Teaching; 235540, Ohio 96202
University Clinical Teaching; and 235541, Northeastern Ohio 96203
Universities College of Medicine Clinical Teaching, shall be 96204
distributed through the Chancellor of the Board of Regents. 96205
96206

Section 371.50.10. CAPITAL COMPONENT 96207

The foregoing appropriation item 235552, Capital Component, 96208
shall be used by the Chancellor of the Board of Regents to 96209
implement the capital funding policy for state-assisted colleges 96210
and universities established in Am. H.B. 748 of the 121st General 96211
Assembly. Appropriations from this item shall be distributed to 96212
all campuses for which the estimated campus debt service 96213
attributable to new qualifying capital projects is less than the 96214
campus's formula-determined capital component allocation. Campus 96215
allocations shall be determined by subtracting the estimated 96216
campus debt service attributable to new qualifying capital 96217
projects from the campus's formula-determined capital component 96218
allocation. Moneys distributed from this appropriation item shall 96219
be restricted to capital-related purposes. 96220

Any campus for which the estimated campus debt service 96221
attributable to qualifying capital projects is greater than the 96222
campus's formula-determined capital component allocation shall 96223
have the difference subtracted from its State Share of Instruction 96224
allocation in each fiscal year. Appropriation equal to the sum of 96225
all such amounts except that of the Ohio Agricultural Research and 96226
Development Center shall be transferred from appropriation item 96227
235501, State Share of Instruction, to appropriation item 235552, 96228
Capital Component. Appropriation equal to any estimated Ohio 96229
Agricultural Research and Development Center debt service 96230
attributable to qualifying capital projects that is greater than 96231
the Center's formula-determined capital component allocation shall 96232

be transferred from appropriation item 235535, Ohio Agricultural 96233
Research and Development Center, to appropriation item 235552, 96234
Capital Component. 96235

Section 371.50.15. DAYTON AREA GRADUATE STUDIES INSTITUTE 96236

The foregoing appropriation item 235553, Dayton Area Graduate 96237
Studies Institute, shall be used by the Board of Regents to 96238
support the Dayton Area Graduate Studies Institute, an engineering 96239
graduate consortium of three universities in the Dayton area: 96240
Wright State University, the University of Dayton, and the Air 96241
Force Institute of Technology, with the participation of the 96242
University of Cincinnati and The Ohio State University. 96243

Section 371.50.20. LIBRARY DEPOSITORIES 96244

The foregoing appropriation item, 235555, Library 96245
Depositories, shall be distributed to the state's five regional 96246
depository libraries for the cost-effective storage of and access 96247
to lesser-used materials in university library collections. The 96248
depositories shall be administrated by the Chancellor of the Board 96249
of Regents. 96250

Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 96251

The foregoing appropriation item 235556, Ohio Academic 96252
Resources Network, shall be used by the Chancellor of the Board of 96253
Regents to support the operations of the Ohio Academic Resources 96254
Network, a consortium organized under division (U) of section 96255
3333.04 of the Revised Code, which shall include support for 96256
Ohio's colleges and universities in maintaining and enhancing 96257
network connections, using new network technologies to improve 96258
research, education, and economic development programs, and 96259
sharing information technology services. The network shall give 96260
priority to supporting the Third Frontier Network and allocating 96261

bandwidth to programs directly supporting Ohio's economic 96262
development. 96263

Section 371.50.40. LONG-TERM CARE RESEARCH 96264

The foregoing appropriation item 235558, Long-term Care 96265
Research, shall be disbursed to Miami University for long-term 96266
care research. 96267

Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT 96268

Of the foregoing appropriation item 235563, Ohio College 96269
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 96270
by the Chancellor of the Board of Regents to award need-based 96271
financial aid to students enrolled in eligible private nonprofit 96272
institutions of higher education. 96273

Of the foregoing appropriation item 235563, Ohio College 96274
Opportunity Grant, \$29,000,000 in each fiscal year shall be used 96275
by the Chancellor of the Board of Regents to award needs-based 96276
financial aid to students enrolled in eligible proprietary 96277
post-secondary institutions of higher education. 96278

The remainder of the foregoing appropriation item 235563, 96279
Ohio College Opportunity Grant, shall be used by the Chancellor of 96280
the Board of Regents to award needs-based financial aid to 96281
students enrolled in eligible public institutions of higher 96282
education, excluding early college high school and post-secondary 96283
enrollment option participants. 96284

An amount equal to the unexpended, unencumbered portion of 96285
the foregoing appropriation item 235563, Ohio College Opportunity 96286
Grant, at the end of fiscal year 2010 is hereby reappropriated to 96287
the Board of Regents for the same purpose for fiscal year 2011. 96288

On or before August 31, 2009, the Chancellor of the Board of 96289
Regents shall submit award tables to the Controlling Board for the 96290

2009-2010 academic year and allocations of Ohio College 96291
Opportunity Grant awards not already specified in section 3333.122 96292
of the Revised Code. 96293

Notwithstanding section 3333.122 of the Revised Code, no 96294
student shall be eligible to receive an Ohio College Opportunity 96295
Grant for more than ten semesters, fifteen quarters, or the 96296
equivalent of five academic years, less the number of semesters or 96297
quarters in which the student received an Ohio Instructional 96298
Grant. 96299

Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE 96300

The foregoing appropriation 235567, Central State University 96301
Speed to Scale, shall be used to achieve the goals of the Speed to 96302
Scale Plan, which include increasing student enrollment through 96303
freshman recruitment and transferred students, increasing the 96304
proportion of in-state students to 80 per cent of the total 96305
student population, and increasing the student retention rates 96306
between the first and second year of college by two per cent each 96307
year. The goals shall be accomplished by the targeting of student 96308
retention, improved articulation agreements with two-year 96309
campuses, increased use of alternative course options, including 96310
online coursework and Ohio Learning Network resources, College 96311
Tech Prep, Post Secondary Enrollment Options, and other 96312
dual-credit programs, and strategic partnerships with research 96313
institutions to improve the quality of Central State University's 96314
offering of science, technology, engineering, mathematics, and 96315
medical instruction. In fiscal year 2010, the disbursement of 96316
these funds shall be contingent upon Central State University 96317
meeting the annual goals for the student enrollment and retention 96318
rate increases. 96319

The Speed to Scale Task Force shall meet not less than 96320
quarterly to discuss progress of the plan, including performance 96321

on accountability metrics and issues experienced in planned 96322
efforts, and to monitor and support the creation of partnerships 96323
with other state institutions of higher education. The Task Force 96324
shall consist of the president of Central State University or the 96325
president's designee, the president of Sinclair Community College 96326
or the president's designee, the president of Cincinnati State 96327
Technical and Community College or the president's designee, the 96328
president of Cuyahoga Community College or the president's 96329
designee, the president of The Ohio State University or the 96330
president's designee, the president of the University of 96331
Cincinnati or the president's designee, the president of Wright 96332
State University or the president's designee, one representative 96333
from the Board of Regents, one member of the House of 96334
Representatives appointed by the Speaker of the House of 96335
Representatives, one member of the Senate appointed by the 96336
President of the Senate, the Director of Budget and Management or 96337
the director's designee, and a representative of the Governor's 96338
Office appointed by the Governor. 96339

On the thirtieth day of June of each fiscal year, Central 96340
State University and the Speed to Scale Task Force shall jointly 96341
submit to the Governor, the Director of Budget and Management, the 96342
Speaker of the House of Representatives, the President of the 96343
Senate, and the Board of Regents a report describing the status of 96344
their progress on the accountability metrics included in the Speed 96345
to Scale Plan. 96346

Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 96347

The foregoing appropriation item 235572, The Ohio State 96348
University Clinic Support, shall be distributed through the 96349
Chancellor of the Board of Regents to The Ohio State University 96350
for support of dental and veterinary medicine clinics. 96351

Section 371.50.83. BLISS INSTITUTE 96352

The foregoing appropriation item 235579, Bliss Institute, 96353
shall be used to support the Bliss Institute of Applied Politics 96354
at the University of Akron. 96355

Section 371.50.90. HAZARDOUS MATERIALS PROGRAM 96356

The foregoing appropriation item 235596, Hazardous Materials 96357
Program, shall be used by the Chancellor of the Board of Regents 96358
to make awards for the establishment or continued development and 96359
support of hazardous materials education, studies, or programs at 96360
Ohio institutions of higher education. 96361

Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM 96362

The Chancellor of the Board of Regents shall disburse funds 96363
from appropriation item 235599, National Guard Scholarship 96364
Program, at the direction of the Adjutant General. During each 96365
fiscal year, the Chancellor of the Board of Regents, within ten 96366
days of cancellation, may certify to the Director of Budget and 96367
Management the amount of canceled prior-year encumbrances in 96368
appropriation item 235599, National Guard Scholarship Program. 96369
Upon receipt of the certification, the Director of Budget and 96370
Management may transfer cash in an amount up to the amount 96371
certified from the General Revenue Fund to the National Guard 96372
Scholarship Reserve Fund (Fund 5BM0). Upon the request of the 96373
Adjutant General, the Chancellor of the Board of Regents shall 96374
seek Controlling Board approval to authorize additional 96375
expenditures for appropriation item 235623, National Guard 96376
Scholarship Reserve Fund. Upon approval of the Controlling Board, 96377
the additional amounts are hereby appropriated. The Chancellor of 96378
the Board of Regents shall disburse funds from appropriation item 96379
235623, National Guard Scholarship Reserve Fund, at the direction 96380
of the Adjutant General. 96381

Section 371.60.20. PLEDGE OF FEES 96382

Any new pledge of fees, or new agreement for adjustment of 96383
fees, made in the biennium ending June 30, 2011, to secure bonds 96384
or notes of a state-assisted institution of higher education for a 96385
project for which bonds or notes were not outstanding on the 96386
effective date of this section shall be effective only after 96387
approval by the Chancellor of the Board of Regents, unless 96388
approved in a previous biennium. 96389

Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION DEBT 96390
SERVICE 96391

The foregoing appropriation item 235909, Higher Education 96392
General Obligation Debt Service, shall be used to pay all debt 96393
service and related financing costs at the times they are required 96394
to be made for obligations issued during the period from July 1, 96395
2009, to June 30, 2011, under sections 151.01 and 151.04 of the 96396
Revised Code. 96397

Section 371.60.40. SALES AND SERVICES 96398

The Chancellor of the Board of Regents is authorized to 96399
charge and accept payment for the provision of goods and services. 96400
Such charges shall be reasonably related to the cost of producing 96401
the goods and services. No charges may be levied for goods or 96402
services that are produced as part of the routine responsibilities 96403
or duties of the Chancellor. All revenues received by the 96404
Chancellor of the Board of Regents shall be deposited into Fund 96405
4560, and may be used by the Chancellor of the Board of Regents to 96406
pay for the costs of producing the goods and services. 96407
96408

Section 371.60.50. HIGHER EDUCATIONAL FACILITY COMMISSION 96409
ADMINISTRATION 96410

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of the Board of Regents for operating expenses related to the Chancellor of the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management shall transfer up to \$45,000 cash in fiscal year 2010 and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

Section 371.60.60. NURSING LOAN PROGRAM 96421

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$167,580 in each fiscal year may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.

Section 371.60.70. VETERANS PREFERENCES 96428

The Chancellor of the Board of Regents shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans preference laws.

Section 371.60.80. STATE NEED-BASED FINANCIAL AID RECONCILIATION 96435
96436

By the first day of August in each fiscal year, or as soon as possible thereafter, the Chancellor of the Ohio Board of Regents shall certify to the Director of Budget and Management the amount

necessary to pay any outstanding prior year obligations to higher 96440
education institutions for the state's need-based financial aid 96441
programs. The amounts certified are hereby appropriated to 96442
appropriation item 235618, State Need-based Financial Aid 96443
Reconciliation, from revenues received in the State Need-based 96444
Financial Aid Reconciliation Fund (Fund 5Y50). 96445

Section 371.60.90. TRANSFERS TO STATE NEED-BASED FINANCIAL 96446
AID PROGRAMS 96447

In each fiscal year of the biennium, if the Chancellor of the 96448
Board of Regents determines that additional funds are needed to 96449
support the distribution of state need-based financial aid in 96450
accordance with section 3333.122 of the Revised Code, the 96451
Chancellor shall recommend the reallocation of the unexpended, 96452
unencumbered portions of General Revenue Fund appropriation items 96453
in the Board of Regents to appropriation item 235563, Ohio College 96454
Opportunity Grant. If the Director of Budget and Management 96455
determines that such a reallocation is required, the Director may 96456
transfer appropriation in an amount not to exceed those 96457
unexpended, unencumbered General Revenue Fund appropriations in 96458
the Board of Regents as necessary to appropriation item 235563, 96459
Ohio College Opportunity Grant. 96460

If those transferred appropriations are not sufficient to 96461
support the distribution of state need-based financial aid in 96462
accordance with section 3333.122 of the Revised Code in each 96463
fiscal year, the Director of Budget and Management may authorize 96464
expenditures in excess of the amounts appropriated, but not to 96465
exceed \$5,000,000 in each fiscal year from appropriation item 96466
235563, Ohio College Opportunity Grant. Upon approval of the 96467
Director of Budget and Management, the additional amounts are 96468
hereby appropriated. 96469

Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA STATE 96470
FISCAL STABILIZATION FUND APPROPRIATIONS 96471

The Director of Budget and Management may transfer 96472
appropriation between appropriation items 235501, State Share of 96473
Instruction, 235646, SSI - Federal Stimulus - Government Services, 96474
and 235644, State Share of Instruction - Federal Stimulus - 96475
Education, in each fiscal year, upon the written request of the 96476
Chancellor of the Board of Regents, including transferring 96477
appropriation between fiscal year 2010 and fiscal year 2011. The 96478
Director shall report each transfer made under this section to the 96479
Controlling Board at its next regularly scheduled meeting after 96480
the transfer is made. 96481

Section 371.70.10. EFFICIENCY SAVINGS 96482

Each state-assisted institution of higher education, as 96483
defined in section 3345.011 of the Revised Code, shall demonstrate 96484
at least a three per cent savings through internal efficiencies in 96485
each fiscal year. Institutions shall identify savings to the 96486
Chancellor of the Board of Regents, who shall certify the amount 96487
of savings of each institution. 96488

Section 375.10. DRC DEPARTMENT OF REHABILITATION AND 96489
CORRECTION 96490

General Revenue Fund 96491

GRF 501321 Institutional \$ 928,188,147 \$ 903,630,244 96492
Operations

GRF 501403 Prisoner Compensation \$ 8,599,255 \$ 8,599,255 96493

GRF 501405 Halfway House \$ 41,128,699 \$ 42,360,343 96494

GRF 501406 Lease Rental Payments \$ 101,578,100 \$ 98,080,200 96495

GRF 501407 Community \$ 17,000,000 \$ 17,000,000 96496

Nonresidential

Programs

GRF	501408	Community Misdemeanor Programs	\$	9,500,000	\$	9,500,000	96497
GRF	501501	Community Residential Programs - CBCF	\$	58,000,000	\$	58,000,000	96498
GRF	501620	Institutional Operations - Federal Stimulus	\$	0	\$	34,200,000	96499
GRF	502321	Mental Health Services	\$	73,500,000	\$	73,500,000	96500
GRF	503321	Parole and Community Operations	\$	75,785,243	\$	77,326,155	96501
GRF	504321	Administrative Operations	\$	26,388,606	\$	26,388,606	96502
GRF	505321	Institution Medical Services	\$	252,462,498	\$	251,763,268	96503
GRF	506321	Institution Education Services	\$	22,730,539	\$	22,730,539	96504
GRF	507321	Institution Recovery Services	\$	5,025,028	\$	5,025,028	96505
TOTAL GRF		General Revenue Fund	\$	1,619,886,115	\$	1,628,103,638	96506
		General Services Fund Group					96507
1480	501602	Services and Agricultural	\$	105,000,000	\$	105,000,000	96508
2000	501607	Ohio Penal Industries	\$	35,000,000	\$	35,000,000	96509
4830	501605	Property Receipts	\$	255,015	\$	261,315	96510
4B00	501601	Sewer Treatment Services	\$	2,310,188	\$	2,310,188	96511
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	96512
4L40	501604	Transitional Control	\$	1,900,000	\$	1,900,000	96513
4S50	501608	Education Services	\$	2,500,000	\$	2,500,000	96514
5710	501606	Training Academy Receipts	\$	50,000	\$	50,000	96515
5930	501618	Laboratory Services	\$	6,100,000	\$	6,300,000	96516
5AF0	501609	State and Non-Federal	\$	150,000	\$	150,000	96517

		Awards					
5H80	501617	Offender Financial	\$	1,500,000	\$	1,500,000	96518
		Responsibility					
5L60	501611	Information	\$	800,000	\$	800,000	96519
		Technology Services					
TOTAL GSF		General Services Fund	\$	170,165,203	\$	170,571,503	96520
		Group					
		Federal Special Revenue Fund Group					96521
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	96522
3S10	501615	Truth-In-Sentencing	\$	8,251,241	\$	0	96523
		Grants					
TOTAL FED		Federal Special Revenue					96524
		Fund Group	\$	20,449,594	\$	12,198,353	96525
TOTAL ALL BUDGET FUND GROUPS			\$	1,810,500,912	\$	1,810,873,494	96526
		OHIO BUILDING AUTHORITY LEASE PAYMENTS					96527
		The foregoing appropriation item 501406, Lease Rental					96528
		Payments, shall be used to meet all payments during the period					96529
		from July 1, 2009, to June 30, 2011, under the primary leases and					96530
		agreements for those buildings made under Chapter 152. of the					96531
		Revised Code. These appropriations are the source of funds pledged					96532
		for bond service charges or obligations issued pursuant to Chapter					96533
		152. of the Revised Code.					96534
		PRISONER COMPENSATION					96535
		Money from the foregoing appropriation item 501403, Prisoner					96536
		Compensation, shall be transferred on a quarterly basis by					96537
		intrastate transfer voucher to the Services and Agricultural Fund					96538
		(Fund 1480) for the purposes of paying prisoner compensation.					96539
		OSU MEDICAL CHARGES					96540
		Notwithstanding section 341.192 of the Revised Code, at the					96541
		request of the Department of Rehabilitation and Correction, The					96542
		Ohio State University Medical Center, including the James Cancer					96543

Hospital and Solove Research Institute and the Richard M. Ross 96544
Heart Hospital, shall provide necessary care to persons who are 96545
confined in state adult correctional facilities. The provision of 96546
necessary care shall be billed to the Department at a rate not to 96547
exceed the authorized reimbursement rate for the same service 96548
established by the Department of Job and Family Services under the 96549
Medical Assistance Program. 96550

Section 375.20. PILOT PROJECT FOR THE CONTRACTUAL PROVISION 96551
OF INMATE HEALTHCARE 96552

The Department of Rehabilitation and Correction shall 96553
develop, oversee, and evaluate a pilot project for the provision 96554
of comprehensive correctional health care services through private 96555
correctional health care contractors to complement the current 96556
system for the provision of health care services to inmates of 96557
state correctional facilities. Proposals shall be solicited 96558
through a request for proposals. The department shall determine 96559
the method for requesting proposals, the form of the 96560
request-for-proposal, and criteria for the provision of 96561
comprehensive correctional health care services under the pilot 96562
project. Comprehensive correctional health care services are 96563
medical, dental, and mental health care services comparable to 96564
those provided by the Department of Rehabilitation and Correction 96565
to inmates at and outside of state correctional facilities. The 96566
department shall determine the award of contracts based upon 96567
written criteria prepared by the department. 96568

A pilot project for the provision of comprehensive 96569
correctional health care services must include a minimum of 20 per 96570
cent of the current inmate population and be designed to include a 96571
representative sample of the inmate population in order to promote 96572
a realistic comparison of services and costs. The department shall 96573
control inmate participation in the pilot project based on current 96574

standard operating procedures and the need to maintain the 96575
representative sample of the inmate population. The department 96576
shall determine the locations for the pilot project and in making 96577
that determination shall give consideration to the geographic 96578
proximity of medical facilities to promote economies of scale. The 96579
locations shall include a representative sample of current 96580
facilities, the facilities' missions, and medical acuity. The mix 96581
of facilities shall remain consistent throughout the pilot project 96582
in order to promote a realistic comparison of costs and services. 96583

The pilot project shall be developed and implemented by 96584
January 1, 2010, for a period of two years, conditioned upon a 96585
private contractor offering a minimum of 10 per cent savings from 96586
the department's projected costs for comprehensive correctional 96587
health care services during the period of the project. The cost 96588
comparison shall include all on-site and off-site healthcare 96589
costs, including all personnel, benefit, administrative, overhead, 96590
and transportation costs. 96591

Section 377.10. RSC REHABILITATION SERVICES COMMISSION 96592

General Revenue Fund 96593

GRF 415402 Independent Living \$ 360,000 \$ 360,000 96594
Council

GRF 415406 Assistive Technology \$ 38,025 \$ 38,025 96595

GRF 415431 Office for People \$ 180,810 \$ 180,810 96596
with Brain Injury

GRF 415506 Services for People \$ 17,738,043 \$ 17,738,043 96597
with Disabilities

GRF 415508 Services for the Deaf \$ 100,000 \$ 100,000 96598

TOTAL GRF General Revenue Fund \$ 18,416,878 \$ 18,416,878 96599

General Services Fund Group 96600

4670 415609 Business Enterprise \$ 1,393,002 \$ 1,389,851 96601
Operating Expenses

TOTAL GSF General Services					96602
Fund Group	\$	1,393,002	\$	1,389,851	96603
Federal Special Revenue Fund Group					96604
3170 415620 Disability	\$	81,685,226	\$	83,498,461	96605
Determination					
3790 415616 Federal - Vocational	\$	130,057,624	\$	131,132,654	96606
Rehabilitation					
3L10 415601 Social Security	\$	3,000,000	\$	2,700,000	96607
Personal Care					
Assistance					
3L10 415605 Social Security	\$	750,000	\$	750,000	96608
Community Centers for					
the Deaf					
3L10 415608 Social Security	\$	1,752,714	\$	1,884,714	96609
Special					
Programs/Assistance					
3L40 415612 Federal Independent	\$	620,880	\$	620,880	96610
Living Centers or					
Services					
3L40 415615 Federal - Supported	\$	883,214	\$	839,054	96611
Employment					
3L40 415617 Independent	\$	1,951,862	\$	1,953,293	96612
Living/Vocational					
Rehabilitation					
Programs					
TOTAL FED Federal Special					96613
Revenue Fund Group	\$	220,701,520	\$	223,379,056	96614
State Special Revenue Fund Group					96615
4680 415618 Third Party Funding	\$	5,008,974	\$	5,008,974	96616
4L10 415619 Services for	\$	4,067,773	\$	3,994,154	96617
Rehabilitation					
4W50 415606 Program Management	\$	15,620,782	\$	15,767,803	96618

Expenses

TOTAL SSR State Special			96619
Revenue Fund Group	\$ 24,697,529	\$ 24,770,931	96620
TOTAL ALL BUDGET FUND GROUPS	\$ 265,208,929	\$ 267,956,716	96621

INDEPENDENT LIVING COUNCIL 96622

The foregoing appropriation item 415402, Independent Living 96623
Council, shall be used to fund the operations of the State 96624
Independent Living Council and shall be used to support state 96625
independent living centers and independent living services under 96626
Title VII of the Independent Living Services and Centers for 96627
Independent Living of the Rehabilitation Act Amendments of 1992, 96628
106 Stat. 4344, 29 U.S.C. 796d. 96629

ASSISTIVE TECHNOLOGY 96630

The foregoing appropriation item 415406, Assistive 96631
Technology, shall be provided to Assistive Technology of Ohio and 96632
used to provide grants and assistive technology services under the 96633
program for people with disabilities in the State of Ohio. 96634

OFFICE FOR PEOPLE WITH BRAIN INJURY 96635

The foregoing appropriation item 415431, Office for People 96636
with Brain Injury, shall be used to plan and coordinate 96637
head-injury-related services provided by state agencies and other 96638
government or private entities, to assess the needs for such 96639
services, and to set priorities in this area. 96640

VOCATIONAL REHABILITATION SERVICES 96641

The foregoing appropriation item 415506, Services for People 96642
with Disabilities, shall be used as state matching funds to 96643
provide vocational rehabilitation services to eligible consumers. 96644

At the request of the Chancellor of the Board of Regents, the 96645
Director of Budget and Management may transfer any unexpended, 96646
unencumbered appropriation in fiscal year 2010 or fiscal year 2011 96647

from appropriation item 235502, Student Support Services, to 96648
appropriation item 415506, Services for People with Disabilities. 96649
Any appropriation so transferred shall be used by the Ohio 96650
Rehabilitation Services Commission to obtain additional federal 96651
matching funds to serve disabled students. 96652

SERVICES FOR THE DEAF 96653

The foregoing appropriation item 415508, Services for the 96654
Deaf, shall be used to provide grants to community centers for the 96655
deaf. These funds shall not be provided in lieu of Social Security 96656
reimbursement funds. 96657

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 96658

The foregoing appropriation item 415617, Independent 96659
Living/Vocational Rehabilitation Programs, shall be used to 96660
support vocational rehabilitation programs. 96661

SOCIAL SECURITY REIMBURSEMENT FUNDS 96662

Reimbursement funds received from the Social Security 96663
Administration, United States Department of Health and Human 96664
Services, for the costs of providing services and training to 96665
return disability recipients to gainful employment shall be 96666
expended from the Social Security Reimbursement Fund (Fund 3L10), 96667
to the extent funds are available, as follows: 96668

(A) Appropriation item 415601, Social Security Personal Care 96669
Assistance, to provide personal care services in accordance with 96670
section 3304.41 of the Revised Code; 96671

(B) Appropriation item 415605, Social Security Community 96672
Centers for the Deaf, to provide grants to community centers for 96673
the deaf in Ohio for services to individuals with hearing 96674
impairments; and 96675

(C) Appropriation item 415608, Social Security Special 96676
Programs/Assistance, to provide vocational rehabilitation services 96677

to individuals with severe disabilities who are Social Security 96678
 beneficiaries, to enable them to achieve competitive employment. 96679
 This appropriation item shall also be used to pay a portion of 96680
 indirect costs of the Personal Care Assistance Program and the 96681
 Independent Living Programs as mandated by federal OMB Circular 96682
 A-87. 96683

PROGRAM MANAGEMENT EXPENSES 96684

The foregoing appropriation item 415606, Program Management 96685
 Expenses, shall be used to support the administrative functions of 96686
 the commission related to the provision of vocational 96687
 rehabilitation, disability determination services, and ancillary 96688
 programs. 96689

Section 379.10. RCB RESPIRATORY CARE BOARD 96690

General Services Fund Group 96691
 4K90 872609 Operating Expenses \$ 488,142 \$ 488,142 96692
 TOTAL GSF General Services 96693
 Fund Group \$ 488,142 \$ 488,142 96694
 TOTAL ALL BUDGET FUND GROUPS \$ 488,142 \$ 488,142 96695

Section 381.10. RDF REVENUE DISTRIBUTION FUNDS 96697

Volunteer Firefighters' Dependents Fund 96698
 7085 800985 Volunteer Firemen's \$ 300,000 \$ 300,000 96699
 Dependents Fund
 TOTAL 085 Volunteer Firefighters' 96700
 Dependents Fund \$ 300,000 \$ 300,000 96701
 Agency Fund Group 96702
 4P80 001698 Cash Management \$ 3,100,000 \$ 3,100,000 96703
 Improvement Fund
 6080 001699 Investment Earnings \$ 250,000,000 \$ 250,000,000 96704
 7062 110962 Resort Area Excise \$ 1,000,000 \$ 1,000,000 96705
 Tax

7063	110963	Permissive Tax Distribution	\$ 1,849,000,000	\$ 1,849,000,000	96706
7067	110967	School District Income Tax	\$ 350,000,000	\$ 350,000,000	96707
TOTAL AGY	Agency Fund Group		\$ 2,453,100,000	\$ 2,453,100,000	96708
	Holding Account Redistribution				96709
R045	110617	International Fuel Tax Distribution	\$ 50,000,000	\$ 50,000,000	96710
TOTAL 090	Holding Account Redistribution Fund		\$ 50,000,000	\$ 50,000,000	96711
	Revenue Distribution Fund Group				96712
7049	038900	Indigent Drivers Alcohol Treatment	\$ 2,200,000	\$ 2,200,000	96713
7050	762900	International Registration Plan Distribution	\$ 30,000,000	\$ 30,000,000	96714
7051	762901	Auto Registration Distribution	\$ 539,000,000	\$ 539,000,000	96715
7054	110954	Local Government Property Tax Replacement - Utility	\$ 95,125,000	\$ 95,125,000	96716
7060	110960	Gasoline Excise Tax Fund	\$ 375,000,000	\$ 375,000,000	96717
7065	110965	Public Library Fund	\$ 406,100,000	\$ 407,400,000	96718
7066	800966	Undivided Liquor Permits	\$ 13,500,000	\$ 13,500,000	96719
7068	110968	State and Local Government Highway Distribution	\$ 242,500,000	\$ 242,500,000	96720
7069	110969	Local Government Fund	\$ 673,700,000	\$ 676,000,000	96721
7081	110981	Local Government Property Tax Replacement-Business	\$ 366,800,000	\$ 378,000,000	96722

7082 110982	Horse Racing Tax	\$ 130,000	\$ 130,000	96723
7083 700900	Ohio Fairs Fund	\$ 2,325,000	\$ 2,325,000	96724
TOTAL RDF Revenue Distribution				96725
Fund Group		\$ 2,746,380,000	\$ 2,761,180,000	96726
TOTAL ALL BUDGET FUND GROUPS		\$ 5,249,780,000	\$ 5,264,580,000	96727

ADDITIONAL APPROPRIATIONS 96728

Appropriation items in this section shall be used for the 96729
purpose of administering and distributing the designated revenue 96730
distribution funds according to the Revised Code. If it is 96731
determined that additional appropriations are necessary for this 96732
purpose, such amounts are hereby appropriated. 96733

GENERAL REVENUE FUND TRANSFERS 96734

Notwithstanding any provision of law to the contrary, in 96735
fiscal year 2010 and fiscal year 2011, the Director of Budget and 96736
Management may transfer from the General Revenue Fund to the Local 96737
Government Tangible Property Tax Replacement Fund (Fund 7081) in 96738
the Revenue Distribution Fund Group, those amounts necessary to 96739
reimburse local taxing units under section 5751.22 of the Revised 96740
Code. Also, in fiscal year 2010 and fiscal year 2011, the Director 96741
of Budget and Management may make temporary transfers from the 96742
General Revenue Fund to ensure sufficient balances in the Local 96743
Government Tangible Property Tax Replacement Fund (Fund 7081) and 96744
to replenish the General Revenue Fund for such transfers. 96745

On July 1 of each fiscal year, or as soon as possible 96747
thereafter, the Director of Budget and Management shall transfer 96748
\$5,000,000 cash from the General Revenue Fund to the Public 96749
Library Fund (Fund 7065). 96750

On July 1, 2010, or as soon as possible thereafter, the 96751
Director of Budget and Management shall transfer \$11,200,000 cash 96752
from the General Revenue Fund to the Local Government Property Tax 96753

Replacement-Business Fund (Fund 7081).				96754
Section 383.10. SAN BOARD OF SANITARIAN REGISTRATION				96755
General Services Fund Group				96756
4K90 893609 Operating Expenses	\$	130,000	\$ 130,000	96757
TOTAL GSF General Services				96758
Fund Group	\$	130,000	\$ 130,000	96759
TOTAL ALL BUDGET FUND GROUPS	\$	130,000	\$ 130,000	96760
Section 384.10. OSB OHIO STATE SCHOOL FOR THE BLIND				96762
General Revenue Fund				96763
GRF 226100 Personal Services	\$	7,326,155	\$ 7,326,155	96764
GRF 226200 Maintenance	\$	688,363	\$ 688,363	96765
GRF 226300 Equipment	\$	72,783	\$ 72,783	96766
TOTAL GRF General Revenue Fund	\$	8,087,301	\$ 8,087,301	96767
General Services Fund Group				96768
4H80 226602 Education Reform	\$	61,000	\$ 61,000	96769
Grants				
TOTAL GSF General Services				96770
Fund Group	\$	61,000	\$ 61,000	96771
Federal Special Revenue Fund Group				96772
3100 226626 Coordinating Unit	\$	2,527,105	\$ 2,527,105	96773
3P50 226643 Medicaid Professional	\$	50,000	\$ 50,000	96774
Services				
Reimbursement				
TOTAL FED Federal Special				96775
Revenue Fund Group	\$	2,577,105	\$ 2,577,105	96776
State Special Revenue Fund Group				96777
4M50 226601 Work Study and	\$	250,000	\$ 250,000	96778
Technology Investment				
TOTAL SSR State Special Revenue				96779

Fund Group		\$	250,000	\$	250,000	96780
TOTAL ALL BUDGET FUND GROUPS		\$	10,975,406	\$	10,975,406	96781
Section 384.50. OSD OHIO SCHOOL FOR THE DEAF						96783
General Revenue Fund						96784
GRF 221100	Personal Services	\$	8,713,704	\$	8,713,704	96785
GRF 221200	Maintenance	\$	905,035	\$	905,035	96786
GRF 221300	Equipment	\$	78,650	\$	78,650	96787
TOTAL GRF General Revenue Fund		\$	9,697,389	\$	9,697,389	96788
General Services Fund Group						96789
4M10 221602	Education Reform	\$	76,000	\$	76,000	96790
Grants						
TOTAL GSF General Services						96791
Fund Group		\$	76,000	\$	76,000	96792
Federal Special Revenue Fund Group						96793
3110 221625	Coordinating Unit	\$	2,460,135	\$	2,460,135	96794
3AD0 221604	VREAL Ohio	\$	25,000	\$	25,000	96795
3R00 221684	Medicaid Professional	\$	35,000	\$	35,000	96796
Services						
Reimbursement						
3Y10 221686	Early Childhood Grant	\$	300,000	\$	300,000	96797
TOTAL FED Federal Special						96798
Revenue Fund Group		\$	2,820,135	\$	2,820,135	96799
State Special Revenue Fund Group						96800
4M00 221601	Educational Program	\$	190,000	\$	190,000	96801
Expenses						
5H60 221609	Even Start Fees and	\$	250,716	\$	250,716	96802
Gifts						
TOTAL SSR State Special Revenue						96803
Fund Group		\$	440,716	\$	440,716	96804
TOTAL ALL BUDGET FUND GROUPS		\$	13,034,240	\$	13,034,240	96805

Section 385.10. SFC SCHOOL FACILITIES COMMISSION				96807
General Revenue Fund				96808
GRF 230908	Common Schools	\$ 192,559,200	\$ 165,510,500	96809
General Obligation				
Debt Service				
TOTAL GRF	General Revenue Fund	\$ 192,559,200	\$ 165,510,500	96810
State Special Revenue Fund Group				96811
5E30 230644	Operating Expenses	\$ 9,250,000	\$ 9,750,000	96812
TOTAL SSR	State Special Revenue			96813
Fund Group		\$ 9,250,000	\$ 9,750,000	96814
School Building Assistance Fund Group				96815
5S60230602	Community School Loan	\$ 102,000	\$ 102,000	96816
Guarantee				
TOTAL SBA	School Building	\$ 102,000	\$ 102,000	96817
Assistance Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 201,911,200	\$ 175,362,500	96818
 Section 385.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT				96820
SERVICE				96821
The foregoing appropriation item 230908, Common Schools				96822
General Obligation Debt Service, shall be used to pay all debt				96823
service and related financing costs at the times they are required				96824
to be made for obligations issued during the period from July 1,				96825
2009, through June 30, 2011, under sections 151.01 and 151.03 of				96826
the Revised Code.				96827
OPERATING EXPENSES				96828
The foregoing appropriation item 230644, Operating Expenses,				96829
shall be used by the Ohio School Facilities Commission to carry				96830
out its responsibilities under this section and Chapter 3318. of				96831
the Revised Code.				96832

In both fiscal years 2010 and 2011, the Executive Director of the Ohio School Facilities Commission shall certify on a quarterly basis to the Director of Budget and Management the amount of cash from interest earnings to be transferred from the School Building Assistance Fund (Fund 7032), the Public School Building Fund (Fund 7021), and the Educational Facilities Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30). The amount transferred from the School Building Assistance Fund (Fund 7032) may not exceed investment earnings credited to the fund, less any amount required to be paid for federal arbitrage rebate purposes.

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If the Executive Director of the Ohio School Facilities Commission determines that transferring cash from interest earnings is insufficient to support operations and carry out its responsibilities under this section and Chapter 3318. of the Revised Code, the Commission may, with the approval of the Controlling Board, transfer cash not generated from interest from the Public School Building Fund (Fund 7021) and the Educational Trust Fund (Fund N087) to the Ohio School Facilities Commission Fund (Fund 5E30).

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SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

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At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval under section 3318.05 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

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Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL 96864
FACILITIES 96865

Notwithstanding any other provision of law to the contrary, 96866
the Ohio School Facilities Commission may provide assistance under 96867
the Exceptional Needs School Facilities Program established in 96868
section 3318.37 of the Revised Code to any school district, and 96869
not exclusively to a school district in the lowest seventy-five 96870
per cent of adjusted valuation per pupil on the current ranking of 96871
school districts established under section 3318.011 of the Revised 96872
Code, for the purpose of the relocation or replacement of school 96873
facilities required as a result of extreme environmental 96874
contamination. 96875

The school district's portion of a project to replace a 96876
contaminated facility undertaken pursuant to this section shall 96877
not exceed fifty per cent of the cost of the project. This 96878
paragraph does not affect the district's portion of the cost of 96879
subsequent classroom facilities projects the district may 96880
undertake under Chapter 3318. of the Revised Code. 96881

The Ohio School Facilities Commission shall contract with an 96882
independent environmental consultant to conduct a study and to 96883
report to the Commission as to the seriousness of the 96884
environmental contamination, whether the contamination violates 96885
applicable state and federal standards, and whether the facilities 96886
are no longer suitable for use as school facilities. The 96887
Commission then shall make a determination regarding funding for 96888
the relocation or replacement of the school facilities. If the 96889
federal government or other public or private entity provides 96890
funds for restitution of costs incurred by the state or school 96891
district in the relocation or replacement of the school 96892
facilities, the school district shall use such funds in excess of 96893
the school district's share to refund the state for the state's 96894

contribution to the environmental contamination portion of the 96895
project. The school district may apply an amount of such 96896
restitution funds up to an amount equal to the school district's 96897
portion of the project, as defined by the Commission, toward 96898
paying its portion of that project to reduce the amount of bonds 96899
the school district otherwise must issue to receive state 96900
assistance under sections 3318.01 to 3318.20 of the Revised Code. 96901

Section 385.60. CANTON CITY SCHOOL DISTRICT PROJECT 96902

(A) The Ohio School Facilities Commission may commit up to 96903
thirty-five million dollars to the Canton City School District for 96904
construction of a facility described in this section, in lieu of a 96905
high school that would otherwise be authorized under Chapter 3318. 96906
of the Revised Code. The Commission shall not commit funds under 96907
this section unless all of the following conditions are met: 96908

(1) The District has entered into a cooperative agreement 96909
with a state-assisted technical college; 96910

(2) The District has received an irrevocable commitment of 96911
additional funding from nonpublic sources; and 96912

(3) The facility is intended to serve both secondary and 96913
postsecondary instructional purposes. 96914

(B) The Commission shall enter into an agreement with the 96915
District for the construction of the facility authorized under 96916
this section that is separate from and in addition to the 96917
agreement required for the District's participation in the 96918
Classroom Facilities Assistance Program under section 3318.08 of 96919
the Revised Code. Notwithstanding that section and sections 96920
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 96921
agreement shall provide, but not be limited to, the following: 96922

(1) The Commission shall not have any oversight 96923
responsibilities over the construction of the facility. 96924

(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the Commission. 96925
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(3) The Commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code. 96927
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(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section. 96930
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All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section. 96933
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The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code. 96936
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Section 385.70. Notwithstanding section 3318.05 of the Revised Code, for each school district whose project under sections 3318.01 to 3318.20 of the Revised Code was conditionally approved by the Ohio School Facilities Commission in July 2008, that conditional approval shall lapse and the amount reserved and encumbered for the project shall be released on December 31, 2009. 96942
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Section 385.80. Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, and notwithstanding the agreement between the Cincinnati City School District and the Ohio School Facilities Commission under section 3318.08 of the Revised Code, the Commission shall encumber and pay state funds to the District in the amount of \$4,000,000, in addition to the amount prescribed in that agreement, for the purpose of dedicating 96948
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additional state funding toward the acquisition of the School for 96955
the Creative and Performing Arts, as that building is included in 96956
the District's project under section 3318.38 of the Revised Code. 96957
The District shall use the funds paid under this section solely 96958
for that purpose. The School for the Creative and Performing Arts 96959
need not comply with the specifications included in the Ohio 96960
Design Manual adopted by the Commission to implement classroom 96961
facilities projects under Chapter 3318. of the Revised Code. This 96962
section shall not affect any other building included in the 96963
District's project under section 3318.38 of the Revised Code, nor 96964
shall it affect the state's portion of funding for the remainder 96965
of that project. 96966

The Commission shall use funds appropriated to it for 96967
classroom facilities projects to pay the funds required under this 96968
section. The Commission shall encumber the funds required under 96969
this section in accordance with section 3318.11 of the Revised 96970
Code. 96971

Section 385.85. In fiscal years 2010 through 2012, the Ohio 96972
School Facilities Commission may approve one or more projects 96973
under the Exceptional Needs School Facilities Assistance Program 96974
established under that section for any school district that meets 96975
the following conditions: 96976

(A) The district initially applied for the Exceptional Needs 96977
Program in fiscal year 2008. 96978

(B) The district's position on the rankings certified under 96979
section 3318.011 of the Revised Code for fiscal year 2009 is 96980
higher than three hundred sixty. 96981

Section 385.90. (A) As used in this section: 96982

(1) "Basic project cost," "percentile," and "project" have 96983
the same meanings as in section 3318.01 of the Revised Code. 96984

(2) "Equity list" means the school district percentile rankings calculated under section 3318.011 of the Revised Code. 96985
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(3) A school district's "portion of the basic project cost" means the amount calculated under section 3318.032 of the Revised Code. 96987
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(B) Notwithstanding any provision of Chapter 3318. of the Revised Code to the contrary, in the case of a school district that received in fiscal year 2008 elector approval for a bond issue for its portion of the basic project cost of a project under sections 3318.01 to 3318.20 of the Revised Code, based on a preliminary estimated equity list projecting rankings of school districts if amendments to section 3318.011 of the Revised Code enacted by Am. Sub. H.B. 119 of the 127th General Assembly had been effective for projects in that fiscal year, and which district on the alternate equity list for fiscal year 2009 funding required by Section 733.13 of Am. Sub. H.B. 562 of the 127th General Assembly, retroactively applying those amendments, was ranked one percentile higher than on the preliminary estimated equity list, resulting in the district's calculated portion being one per cent higher than the amount projected at the time of the bond issue election, the Ohio School Facilities Commission shall reduce the district's portion to that projected on the preliminary estimated equity list. 96990
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PAYMENT OF DEBT FOR STATEHOUSE RESTORATION 97008

There is hereby appropriated from the Public School Building Fund (Fund 7021) in fiscal year 2010 the amount necessary to pay any outstanding debt obligations issued for the restoration of the Ohio Statehouse that was completed in 1996. 97009
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Section 387.10. SOS SECRETARY OF STATE 97013

General Revenue Fund 97014

GRF	050321	Operating Expenses	\$	2,464,293	\$	2,221,793	97015
GRF	050407	Pollworkers Training	\$	250,197	\$	250,197	97016
TOTAL GRF	General Revenue Fund		\$	2,714,490	\$	2,471,990	97017
General Services Fund Group							97018
4120	050609	Notary Commission	\$	500,000	\$	500,000	97019
4130	050601	Information Systems	\$	75,000	\$	50,000	97020
4140	050602	Citizen Education	\$	55,712	\$	55,712	97021
Fund							
4S80	050610	Board of Voting	\$	7,200	\$	7,200	97022
Machine Examiners							
5FG0	050620	BOE Reimbursement and	\$	100,000	\$	100,000	97023
Education							
5FH0	050621	Statewide Ballot	\$	300,000	\$	300,000	97024
Advertising							
5FJ0	050622	County Voting Machine	\$	500,000	\$	500,000	97025
Revolving Lease/Loan							
Fund							
TOTAL	General Services Fund Group		\$	1,537,912	\$	1,512,912	97026
Federal Special Revenue Fund Group							97027
3AH0	050614	Election	\$	800,000	\$	800,000	97028
Reform/Health and							
Human Services							
3AS0	050616	2005 HAVA Voting	\$	3,000,000	\$	3,000,000	97029
Machines							
TOTAL FED	Federal Special Revenue						97030
Fund Group			\$	3,800,000	\$	3,800,000	97031
State Special Revenue Fund Group							97032
5990	050603	Business Services	\$	14,086,100	\$	14,245,400	97033
Operating Expenses							
5N90	050607	Technology	\$	180,000	\$	180,000	97034
Improvements							
TOTAL SSR	State Special Revenue						97035

Fund Group	\$	14,266,100	\$	14,425,400	97036
Holding Account Redistribution Fund Group					97037
R001 050605 Uniform Commercial	\$	30,000	\$	30,000	97038
Code Refunds					
R002 050606 Corporate/Business	\$	85,000	\$	85,000	97039
Filing Refunds					
TOTAL 090 Holding Account					97040
Redistribution Fund Group	\$	115,000	\$	115,000	97041
TOTAL ALL BUDGET FUND GROUPS	\$	22,433,502	\$	22,325,302	97042

BOARD OF VOTING MACHINE EXAMINERS 97043

The foregoing appropriation item 050610, Board of Voting 97044
Machine Examiners, shall be used to pay for the services and 97045
expenses of the members of the Board of Voting Machine Examiners, 97046
and for other expenses that are authorized to be paid from the 97047
Board of Voting Machine Examiners Fund, which is created in 97048
section 3506.05 of the Revised Code. Moneys not used shall be 97049
returned to the person or entity submitting equipment for 97050
examination. If it is determined that additional appropriations 97051
are necessary, such amounts are hereby appropriated. 97052

CASH TRANSFER TO THE COUNTY VOTING MACHINE REVOLVING 97053
LEASE/LOAN FUND 97054

Not later than the first day of June of each fiscal year, the 97055
Director of Budget and Management shall transfer \$500,000 cash 97056
from the Business Services Fund (Fund 5990) to the County Voting 97057
Machine Revolving Lease/Loan Fund (Fund 5FJ0). 97058

In accordance with the requirements of The Help America Vote 97059
Act Pub. L. No. 107-252, on July 1, 2009, or as soon as possible 97060
thereafter, the Director of Budget and Management shall transfer 97061
\$2,645,076 from the 2005 HAVA Voting Machines Fund (Fund 3AS0) to 97062
the County Voting Machine Revolving Lease/Loan Fund (Fund 5FJ0) 97063
for distribution to the counties, as follows: 97064

<u>County</u>	<u>Amount</u>	
Adams	\$5,985	97065
Allen	\$27,275	97066
Ashland	\$11,781	97067
Ashtabula	\$28,627	97068
Athens	\$15,553	97069
Auglaize	\$9,016	97070
Belmont	\$14,994	97071
Brown	\$7,889	97072
Butler	\$80,577	97073
Carroll	\$6,804	97074
Champaign	\$6,312	97075
Clark	\$22,541	97076
Clermont	\$45,082	97077
Clinton	\$8,566	97078
Columbiana	\$23,217	97079
Coshocton	\$7,686	97080
Crawford	\$10,017	97081
Cuyahoga	\$323,691	97082
Darke	\$12,978	97083
Defiance	\$8,757	97084
Delaware	\$34,083	97085
Erie	\$13,976	97086
Fairfield	\$30,996	97087
Fayette	\$5,861	97088
Franklin	\$265,104	97089
Fulton	\$9,702	97090
Gallia	\$8,001	97091
Geauga	\$21,640	97092
Greene	\$35,595	97093
Guernsey	\$9,135	97094
Hamilton	\$198,362	97095
Hancock	\$16,821	97096

Hardin	\$6,426	97098
Harrison	\$3,906	97099
Henry	\$6,678	97100
Highland	\$9,576	97101
Hocking	\$6,174	97102
Holmes	\$6,048	97103
Huron	\$13,356	97104
Jackson	\$8,127	97105
Jefferson	\$16,821	97106
Knox	\$12,537	97107
Lake	\$54,243	97108
Lawrence	\$18,934	97109
Licking	\$37,737	97110
Logan	\$9,918	97111
Lorain	\$66,591	97112
Lucas	\$101,619	97113
Madison	\$9,693	97114
Mahoning	\$66,024	97115
Marion	\$14,679	97116
Medina	\$40,068	97117
Meigs	\$6,086	97118
Mercer	\$6,441	97119
Miami	\$24,444	97120
Monroe	\$6,312	97121
Montgomery	\$132,741	97122
Morgan	\$3,150	97123
Morrow	\$8,190	97124
Muskingum	\$17,451	97125
Noble	\$6,086	97126
Ottawa	\$9,918	97127
Paulding	\$4,788	97128
Perry	\$7,938	97129
Pickaway	\$10,206	97130

Pike	\$6,678	97131
Portage	\$37,107	97132
Preble	\$10,144	97133
Putnam	\$7,889	97134
Richland	\$30,933	97135
Ross	\$14,742	97136
Sandusky	\$16,230	97137
Scioto	\$15,255	97138
Seneca	\$11,496	97139
Shelby	\$7,889	97140
Stark	\$90,720	97141
Summit	\$107,070	97142
Trumbull	\$48,258	97143
Tuscarawas	\$18,837	97144
Union	\$10,206	97145
Van Wert	\$6,610	97146
Vinton	\$4,508	97147
Warren	\$38,771	97148
Washington	\$12,623	97149
Wayne	\$23,625	97150
Williams	\$9,918	97151
Wood	\$30,681	97152
Wyandot	\$5,355	97153

No county shall receive a distribution under this section 97154
until it has entered into an agreement with the Secretary of State 97155
governing the use of the distribution it is to receive. The 97156
distributions are also subject to Controlling Board approval. 97157

Distributions under this section shall only be used to cover 97158
expenses related to contractual voting equipment maintenance fees, 97159
voting equipment software or firmware license fees, voting 97160
equipment support fees, and the acquisition of replacement or 97161
additional voting equipment incurred during the 2010 calendar 97162
year. 97163

HAVA FUNDS 97164

An amount equal to the unexpended, unencumbered portion of 97165
appropriation item 050616, 2005 HAVA Voting Machines, at the end 97166
of fiscal year 2010 is reappropriated for the same purpose in 97167
fiscal year 2011. 97168

An amount equal to the unexpended, unencumbered portion of 97169
appropriation item 050614, Election Reform/Health and Human 97170
Services, at the end of fiscal year 2010 is reappropriated for the 97171
same purpose in fiscal year 2011. 97172

On July 1, 2009, or as soon as possible thereafter, the 97173
Director of Budget and Management shall transfer from the General 97174
Revenue Fund to the credit of the Election Data Collection Grant 97175
Fund (Fund 3AC0), all investment earnings and amounts equal to the 97176
interest earnings attributable to Fund 3AC0 in each quarter of 97177
fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, 97178
unencumbered portion of appropriation item 050619, Election Data 97179
Collection Grant, at the end of fiscal year 2009 is reappropriated 97180
in fiscal year 2010 for the same purpose. 97181

The Director of Budget and Management shall credit the 97182
ongoing interest earnings from the Election Reform/Health and 97183
Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines 97184
Fund (Fund 3AS0), and the Election Data Collection Grant Fund 97185
(Fund 3AC0) to the respective funds and distribute these earnings 97186
in accordance with the terms of the grant under which the money is 97187
received. 97188

HOLDING ACCOUNT REDISTRIBUTION GROUP 97189

The foregoing appropriation items 050605, Uniform Commercial 97190
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 97191
be used to hold revenues until they are directed to the 97192
appropriate accounts or until they are refunded. If it is 97193
determined that additional appropriations are necessary, such 97194

amounts are hereby appropriated. 97195

CASH TRANSFER TO THE CORPORATE AND UNIFORM COMMERCIAL CODE 97196
FILING FUND 97197

On July 1, 2009, or as soon as possible thereafter, the 97198
Director of Budget and Management shall transfer \$53,915.40 cash 97199
from the Public Utility Territorial Administration Fund (Fund 97200
5590) to the Corporate and Uniform Commercial Code Filing Fund 97201
(Fund 5990). 97202

Section 389.10. SEN THE OHIO SENATE 97203

General Revenue Fund 97204

GRF 020321	Operating Expenses	\$	10,911,095	\$	10,911,095	97205
TOTAL GRF	General Revenue Fund	\$	10,911,095	\$	10,911,095	97206

General Services Fund Group 97207

1020 020602	Senate Reimbursement	\$	852,001	\$	852,001	97208
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	97209
TOTAL GSF	General Services					97210
Fund Group		\$	886,498	\$	886,498	97211
TOTAL ALL BUDGET FUND GROUPS		\$	11,797,593	\$	11,797,593	97212

OPERATING EXPENSES 97213

On July 1, 2009, or as soon as possible thereafter, the Clerk 97214
of the Senate may certify to the Director of Budget and Management 97215
the amount of the unexpended, unencumbered balance of the 97216
foregoing appropriation item 020321, Operating Expenses, at the 97217
end of fiscal year 2009 to be reappropriated to fiscal year 2010. 97218
The amount certified is hereby reappropriated to the same 97219
appropriation item for fiscal year 2010. 97220

On July 1, 2010, or as soon as possible thereafter, the Clerk 97221
of the Senate may certify to the Director of Budget and Management 97222
the amount of the unexpended, unencumbered balance of the 97223
foregoing appropriation item 020321, Operating Expenses, at the 97224

end of fiscal year 2010 to be reappropriated to fiscal year 2011. 97225
The amount certified is hereby reappropriated to the same 97226
appropriation item for fiscal year 2011. 97227

Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND 97228

Debt Service Fund Group 97229

7070155905 Third Frontier \$ 20,948,300 \$ 29,011,600 97230
Research and
Development Bond
Retirement Fund

7072155902 Highway Capital \$ 202,074,000 \$ 203,434,200 97231
Improvement Bond
Retirement Fund

7073155903 Natural Resources Bond \$ 26,334,400 \$ 26,549,400 97232
Retirement Fund

7074155904 Conservation Projects \$ 20,711,100 \$ 25,684,900 97233
Bond Service Fund

7076155906 Coal Research and \$ 9,968,400 \$ 10,947,000 97234
Development Bond
Retirement Fund

7077155907 State Capital \$ 148,331,900 \$ 163,443,500 97235
Improvement Bond
Retirement Fund

7078155908 Common Schools Bond \$ 192,559,200 \$ 165,510,500 97236
Retirement Fund

7079155909 Higher Education Bond \$ 85,317,700 \$ 89,480,300 97237
Retirement Fund

7090155912 Job Ready Site \$ 5,685,400 \$ 10,601,900 97238
Development Bond
Retirement Fund

TOTAL DSF Debt Service Fund Group \$ 711,930,400 \$ 724,663,300 97239

TOTAL ALL BUDGET FUND GROUPS \$ 711,930,400 \$ 724,663,300 97240

ADDITIONAL APPROPRIATIONS				97241
Appropriation items in this section are for the purpose of				97242
paying debt service and financing costs on bonds or notes of the				97243
state issued under the Ohio Constitution and acts of the General				97244
Assembly. If it is determined that additional amounts are				97245
necessary for this purpose, such amounts are hereby appropriated.				97246
Section 393.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				97247
DEVELOPMENT FOUNDATION				97248
General Revenue Fund				97249
5M90 945601 Operating Expenses	\$	450,000	\$ 450,000	97250
TOTAL TMF Tobacco Master Settlement	\$	450,000	\$ 450,000	97251
Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	450,000	\$ 450,000	97252
Section 395.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &				97254
AUDIOLOGY				97255
General Services Fund Group				97256
4K90 886609 Operating Expenses	\$	425,000	\$ 425,000	97257
TOTAL GSF General Services				97258
Fund Group	\$	425,000	\$ 425,000	97259
TOTAL ALL BUDGET FUND GROUPS	\$	425,000	\$ 425,000	97260
Section 397.10. BTA BOARD OF TAX APPEALS				97262
General Revenue Fund				97263
GRF 116321 Operating Expenses	\$	1,642,450	\$ 1,642,450	97264
TOTAL GRF General Revenue Fund	\$	1,642,450	\$ 1,642,450	97265
TOTAL ALL BUDGET FUND GROUPS	\$	1,642,450	\$ 1,642,450	97266
Section 399.10. TAX DEPARTMENT OF TAXATION				97268
General Revenue Fund				97269

GRF 110321	Operating Expenses	\$	81,441,056	\$	81,441,055	97270
GRF 110404	Tobacco Settlement	\$	295,231	\$	295,231	97271
	Enforcement					
GRF 110412	Child Support	\$	19,512	\$	19,512	97272
	Administration					
GRF 110901	Property Tax	\$	569,917,420	\$	577,463,014	97273
	Allocation - Taxation					
TOTAL GRF	General Revenue Fund	\$	651,673,219	\$	659,218,812	97274
	General Services Fund Group					97275
2280 110628	Tax Reform System	\$	13,600,000	\$	13,600,000	97276
	Implementation					
4330 110602	Tape File Account	\$	125,000	\$	125,000	97277
5AP0 110632	Discovery Project	\$	2,000,000	\$	2,000,000	97278
5CZ0 110631	Vendor's License	\$	250,000	\$	250,000	97279
	Application					
5N50 110605	Municipal Income Tax	\$	600,000	\$	600,000	97280
	Administration					
5N60 110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	97281
	Administration					
5V80 110623	Property Tax	\$	12,000,000	\$	12,000,000	97282
	Administration					
5W40 110625	Centralized Tax	\$	200,000	\$	200,000	97283
	Filing and Payment					
5W70 110627	Exempt Facility	\$	60,000	\$	60,000	97284
	Administration					
TOTAL GSF	General Services					97285
Fund Group		\$	28,935,000	\$	28,935,000	97286
	State Special Revenue Fund Group					97287
4350 110607	Local Tax	\$	18,000,000	\$	18,000,000	97288
	Administration					
4360 110608	Motor Vehicle Audit	\$	1,000,000	\$	1,000,000	97289
4370 110606	Income Tax	\$	200,000	\$	200,000	97290

		Contribution				
		Administration				
4380	110609	School District Income	\$ 5,500,000	\$ 5,500,000		97291
		Tax				
4C60	110616	International	\$ 706,855	\$ 706,855		97292
		Registration Plan				
4R60	110610	Tire Tax	\$ 200,000	\$ 200,000		97293
		Administration				
5V70	110622	Motor Fuel Tax	\$ 4,700,000	\$ 4,700,000		97294
		Administration				
6390	110614	Cigarette Tax	\$ 1,900,000	\$ 1,900,000		97295
		Enforcement				
6420	110613	Ohio Political Party	\$ 500,000	\$ 500,000		97296
		Distributions				
6880	110615	Local Excise Tax	\$ 800,000	\$ 800,000		97297
		Administration				
TOTAL SSR State Special Revenue						97298
Fund Group			\$ 33,506,855	\$ 33,506,855		97299
Agency Fund Group						97300
4250	110635	Tax Refunds	\$ 1,546,800,000	\$ 1,546,800,000		97301
7095	110995	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000		97302
TOTAL AGY Agency Fund Group			\$ 1,567,800,000	\$ 1,567,800,000		97303
Holding Account Redistribution Fund Group						97304
R010	110611	Tax Distributions	\$ 50,000	\$ 50,000		97305
R011	110612	Miscellaneous Income	\$ 50,000	\$ 50,000		97306
		Tax Receipts				
TOTAL 090 Holding Account						97307
Redistribution Fund Group			\$ 100,000	\$ 100,000		97308
TOTAL ALL BUDGET FUND GROUPS			\$ 2,282,015,074	\$ 2,289,560,667		97309
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX						97310
EXEMPTION						97311
The foregoing appropriation item 110901, Property Tax						97312

Allocation - Taxation, is hereby appropriated to pay for the 97313
state's costs incurred due to the Homestead Exemption, the 97314
Manufactured Home Property Tax Rollback, and the Property Tax 97315
Rollback. The Tax Commissioner shall distribute these funds 97316
directly to the appropriate local taxing districts, except for 97317
school districts, notwithstanding the provisions in sections 97318
321.24 and 323.156 of the Revised Code, which provide for payment 97319
of the Homestead Exemption, the Manufactured Home Property Tax 97320
Rollback, and Property Tax Rollback by the Tax Commissioner to the 97321
appropriate county treasurer and the subsequent redistribution of 97322
these funds to the appropriate local taxing districts by the 97323
county auditor. 97324

Upon receipt of these amounts, each local taxing district 97325
shall distribute the amount among the proper funds as if it had 97326
been paid as real property taxes. Payments for the costs of 97327
administration shall continue to be paid to the county treasurer 97328
and county auditor as provided for in sections 319.54, 321.26, and 97329
323.156 of the Revised Code. 97330

Any sums, in addition to the amounts specifically 97331
appropriated in appropriation item 110901, Property Tax Allocation 97332
- Taxation, for the Homestead Exemption, the Manufactured Home 97333
Property Tax Rollback, and the Property Tax Rollback payments, 97334
which are determined to be necessary for these purposes, are 97335
hereby appropriated. 97336

MUNICIPAL INCOME TAX 97337

The foregoing appropriation item 110995, Municipal Income 97338
Tax, shall be used to make payments to municipal corporations 97339
under section 5745.05 of the Revised Code. If it is determined 97340
that additional appropriations are necessary to make such 97341
payments, such amounts are hereby appropriated. 97342

TAX REFUNDS 97343

The foregoing appropriation item 110635, Tax Refunds, shall 97344
be used to pay refunds under section 5703.052 of the Revised Code. 97345
If it is determined that additional appropriations are necessary 97346
for this purpose, such amounts are hereby appropriated. 97347

INTERNATIONAL REGISTRATION PLAN AUDIT 97348

The foregoing appropriation item 110616, International 97349
Registration Plan, shall be used under section 5703.12 of the 97350
Revised Code for audits of persons with vehicles registered under 97351
the International Registration Plan. 97352

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 97353

Of the foregoing appropriation item 110607, Local Tax 97354
Administration, the Tax Commissioner may disburse funds, if 97355
available, for the purposes of paying travel expenses incurred by 97356
members of Ohio's delegation to the Streamlined Sales Tax Project, 97357
as appointed under section 5740.02 of the Revised Code. Any travel 97358
expense reimbursement paid for by the Department of Taxation shall 97359
be done in accordance with applicable state laws and guidelines. 97360

CENTRALIZED TAX FILING AND PAYMENT FUND 97361

The Director of Budget and Management, under a plan submitted 97362
by the Tax Commissioner, or as otherwise determined by the 97363
Director of Budget and Management, shall set a schedule to 97364
transfer cash from the General Revenue Fund to the credit of the 97365
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers 97366
of cash shall not exceed \$400,000 in the biennium. 97367

TOBACCO SETTLEMENT ENFORCEMENT 97368

The foregoing appropriation item 110404, Tobacco Settlement 97369
Enforcement, shall be used by the Tax Commissioner to pay costs 97370
incurred in the enforcement of divisions (F) and (G) of section 97371
5743.03 of the Revised Code. 97372

LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS 97373

Notwithstanding section 5751.22(A)(1)(b) of the Revised Code, 97374
payments to local taxing units by May 31, 2011, required by 97375
section 5751.22(C) of the Revised Code shall be in an amount equal 97376
to each of the losses determined under division (D) of section 97377
5751.20 of the Revised Code multiplied by one hundred per cent. 97378

Section 399.20. COMMERCIAL ACTIVITY TAX 97379

(A) Any term used in this section has the same meaning as in 97380
section 5751.01 of the Revised Code. 97381

(B)(1) A person is not required to pay the annual minimum 97382
commercial activity tax due for calendar year 2005 or 2006 under 97383
Chapter 5751. of the Revised Code if the person satisfies all of 97384
the following: 97385

(a) The person was not subject to the tax for those years 97386
because the person did not have nexus with this state or was an 97387
excluded person under division (E)(1) of section 5751.01 of the 97388
Revised Code; 97389

(b) The person erroneously registered for the tax and failed 97390
to cancel the registration before May 10, 2006; 97391

(c) The person canceled its commercial activity tax 97392
registration before February 10, 2007, and was not required to 97393
file the returns and pay the annual minimum tax due February 9, 97394
2007, February 9, 2008, or February 9, 2009. 97395

(2) Notwithstanding division (E) of section 5751.08 of the 97396
Revised Code, if a person satisfying divisions (B)(1)(a), (b), and 97397
(c) of this section paid the tax due for calendar year 2005 or 97398
2006 after being contacted by the Department of Taxation, the 97399
person may request a refund of the amount paid for that year under 97400
that section. 97401

(C) The Tax Commissioner shall cancel the registration of 97402
each such person for which the registration has not yet been 97403

General Services Fund Group					97428	
4E90 090603	Securities Lending	\$	4,200,000	\$	4,200,000	97429
	Income					
5770 090605	Investment Pool	\$	550,000	\$	550,000	97430
	Reimbursement					97431
5C50 090602	County Treasurer	\$	150,000	\$	150,000	97432
	Education					
6050 090609	Treasurer of State	\$	185,000	\$	185,000	97433
	Administrative Fund					97434
TOTAL GSF General Services						97435
Fund Group		\$	5,085,000	\$	5,085,000	97436
Agency Fund Group						97437
4250 090635	Tax Refunds	\$	31,000,000	\$	31,000,000	97438
TOTAL Agency Fund Group		\$	31,000,000	\$	31,000,000	97439
TOTAL ALL BUDGET FUND GROUPS		\$	66,131,057	\$	66,085,557	97440

Section 403.20. OFFICE OF THE SINKING FUND 97442

The foregoing appropriation item 090401, Office of the 97443
Sinking Fund, shall be used for costs incurred by or on behalf of 97444
the Commissioners of the Sinking Fund and the Ohio Public 97445
Facilities Commission with respect to State of Ohio general 97446
obligation bonds or notes, and the Treasurer of State with respect 97447
to State of Ohio general obligation and special obligation bonds 97448
or notes, including, but not limited to, printing, advertising, 97449
delivery, rating fees and the procurement of ratings, professional 97450
publications, membership in professional organizations, and other 97451
services referred to in division (D) of section 151.01 of the 97452
Revised Code. The General Revenue Fund shall be reimbursed for 97453
such costs relating to the issuance and administration of Highway 97454
Capital Improvement bonds or notes authorized under Ohio 97455
Constitution, Article VIII, Section 2m and Chapter 151. of the 97456
Revised Code. That reimbursement shall be made from appropriation 97457

item 155902, Highway Capital Improvement Bond Retirement Fund, by 97458
intrastate transfer voucher pursuant to a certification by the 97459
Office of the Sinking Fund of the actual amounts used. The amounts 97460
necessary to make such a reimbursement are hereby appropriated 97461
from the Highway Capital Improvement Bond Retirement Fund created 97462
in section 151.06 of the Revised Code. 97463

POLICE AND FIRE DEATH BENEFIT FUND 97464

The foregoing appropriation item 090575, Police and Fire 97465
Death Benefits, shall be disbursed quarterly by the Treasurer of 97466
State at the beginning of each quarter of each fiscal year to the 97467
Board of Trustees of the Ohio Police and Fire Pension Fund. The 97468
Treasurer of State shall certify such amounts quarterly to the 97469
Director of Budget and Management. By the twentieth day of June of 97470
each fiscal year, the Board of Trustees of the Ohio Police and 97471
Fire Pension Fund shall certify to the Treasurer of State the 97472
amount disbursed in the current fiscal year to make the payments 97473
required by section 742.63 of the Revised Code and shall return to 97474
the Treasurer of State moneys received from this appropriation 97475
item but not disbursed. 97476

TAX REFUNDS 97477

The foregoing appropriation item 090635, Tax Refunds, shall 97478
be used to pay refunds under section 5703.052 of the Revised Code. 97479
If the Director of Budget and Management determines that 97480
additional amounts are necessary for this purpose, such amounts 97481
are hereby appropriated. 97482

Section 405.10. TTA OHIO TUITION TRUST 97483

State Special Revenue Fund Group 97484

5P30 095602 Variable Savings \$ 6,175,707 \$ 6,156,515 97485
Plans

6450 095601 Guaranteed Savings \$ 842,959 \$ 862,150 97486

Plan

TOTAL SSR State Special Revenue				97487
Fund Group	\$	7,018,666	\$ 7,018,665	97488
TOTAL ALL BUDGET FUND GROUPS	\$	7,018,666	\$ 7,018,665	97489

FUND ABOLITION 97490

On July 1, 2009, or as soon as possible thereafter, the 97491
 Director of Budget and Management shall transfer the cash balance 97492
 in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings 97493
 Fund (Fund 5P30). The Director shall cancel any existing 97494
 encumbrances against appropriation item 095603, Index Savings 97495
 Plan, and re-establish them against appropriation item 095602, 97496
 Variable Savings Plans. The re-established encumbrance amounts are 97497
 hereby appropriated. Upon completion of these transfers, Fund 5AM0 97498
 is hereby abolished. 97499

On July 1, 2009, or as soon as possible thereafter, the 97500
 Director of Budget and Management shall transfer the cash balance 97501
 in the Banking Products Fund (Fund 5DC0) to the Variable College 97502
 Savings Fund (Fund 5P30). The Director shall cancel any existing 97503
 encumbrances against appropriation item 095604, Banking Products, 97504
 and re-establish them against appropriation item 095602, Variable 97505
 Savings Plans. The re-established encumbrance amounts are hereby 97506
 appropriated. Upon completion of these transfers, Fund 5DC0 is 97507
 hereby abolished. 97508

Section 407.10. VTO VETERANS' ORGANIZATIONS 97509

General Revenue Fund 97510

VAP AMERICAN EX-PRISONERS OF WAR 97511

GRF 743501	State Support	\$	27,533	\$ 27,533	97512
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VAN ARMY AND NAVY UNION, USA, INC. 97513

GRF 746501	State Support	\$	60,513	\$ 60,513	97514
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VKW KOREAN WAR VETERANS 97515

GRF 747501	State Support	\$	54,398	\$ 54,398	97516
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		VJW JEWISH WAR VETERANS				97517
GRF	748501	State Support	\$	32,687	\$	32,687 97518
		VCW CATHOLIC WAR VETERANS				97519
GRF	749501	State Support	\$	63,789	\$	63,789 97520
		VPH MILITARY ORDER OF THE PURPLE HEART				97521
GRF	750501	State Support	\$	62,015	\$	62,015 97522
		VVV VIETNAM VETERANS OF AMERICA				97523
GRF	751501	State Support	\$	204,549	\$	204,549 97524
		VAL AMERICAN LEGION OF OHIO				97525
GRF	752501	State Support	\$	332,561	\$	332,561 97526
		VII AMVETS				97527
GRF	753501	State Support	\$	316,711	\$	316,711 97528
		VAV DISABLED AMERICAN VETERANS				97529
GRF	754501	State Support	\$	237,939	\$	237,939 97530
		VMC MARINE CORPS LEAGUE				97531
GRF	756501	State Support	\$	127,569	\$	127,569 97532
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION				97533
GRF	757501	State Support	\$	6,541	\$	6,541 97534
		VFW VETERANS OF FOREIGN WARS				97535
GRF	758501	State Support	\$	271,277	\$	271,277 97536
TOTAL GRF		General Revenue Fund	\$	1,798,082	\$	1,798,082 97537
TOTAL ALL BUDGET FUND GROUPS			\$	1,798,082	\$	1,798,082 97538
		RELEASE OF FUNDS				97539
		The Director of Budget and Management may release the				97540
		foregoing appropriation items 743501, 746501, 747501, 748501,				97541
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				97542
		and 758501, State Support.				97543
		Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES				97544
		General Revenue Fund				97545
GRF	900100	Personal Services	\$	25,219,282	\$	25,219,282 97546
GRF	900200	Maintenance	\$	4,427,264	\$	4,427,264 97547

GRF	900402	Hall of Fame	\$	118,750	\$	118,750	97548
GRF	900403	Veteran Record Conversion	\$	40,631	\$	40,631	97549
GRF	900408	Department of Veterans Services	\$	2,283,100	\$	2,283,100	97550
TOTAL GRF	General Revenue Fund		\$	32,089,027	\$	32,089,027	97551
General Services Fund Group							97552
4840	900603	Veterans Home Services	\$	770,000	\$	850,000	97553
TOTAL GSF	General Services Fund Group		\$	770,000	\$	850,000	97554
Federal Special Revenue Fund Group							97555
3680	900614	Veterans Training	\$	745,892	\$	745,892	97556
3740	900606	Troops to Teachers	\$	100,000	\$	100,000	97557
3BX0	900609	Medicare Services	\$	2,000,000	\$	2,200,000	97558
3L20	900601	Veterans Home Operations - Federal	\$	16,979,245	\$	17,454,046	97559
TOTAL FED	Federal Special Revenue Fund Group		\$	19,825,137	\$	20,499,938	97560
State Special Revenue Fund Group							97562
4E20	900602	Veterans Home Operating	\$	9,314,438	\$	9,780,751	97563
6040	900604	Veterans Home Improvement	\$	1,541,020	\$	1,700,000	97564
TOTAL SSR	State Special Revenue Fund Group		\$	10,855,458	\$	11,480,751	97565
TOTAL ALL BUDGET FUND GROUPS			\$	63,539,622	\$	64,919,716	97567
Section 411.10. DVM STATE VETERINARY MEDICAL BOARD							97569
General Services Fund Group							97570
4K90	888609	Operating Expenses	\$	319,407	\$	319,407	97571
TOTAL GSF	General Services						97572

Fund Group			\$	319,407	\$	319,407	97573
TOTAL ALL BUDGET FUND GROUPS			\$	319,407	\$	319,407	97574
Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES							97576
General Revenue Fund							97577
GRF	470401	RECLAIM Ohio	\$	201,695,971	\$	192,963,840	97578
GRF	470412	Lease Rental Payments	\$	23,460,900	\$	26,043,900	97579
GRF	470510	Youth Services	\$	18,558,587	\$	18,558,587	97580
GRF	470640	RECLAIM - Federal	\$	3,767,869	\$	0	97581
Stimulus							
GRF	472321	Parole Operations	\$	13,400,020	\$	13,400,020	97582
GRF	477321	Administrative	\$	14,754,419	\$	14,754,419	97583
Operations							
TOTAL GRF General Revenue Fund			\$	275,637,766	\$	265,720,766	97584
General Services Fund Group							97585
1750	470613	Education	\$	11,000,000	\$	11,000,000	97586
Reimbursement							
4790	470609	Employee Food Service	\$	200,000	\$	150,000	97587
4A20	470602	Child Support	\$	450,000	\$	450,000	97588
4G60	470605	General Operational	\$	250,000	\$	250,000	97589
Funds							
5BN0	470629	E-Rate Program	\$	35,000	\$	35,000	97590
TOTAL GSF General Services							97591
Fund Group			\$	11,935,000	\$	11,885,000	97592
Federal Special Revenue Fund Group							97593
3210	470601	Education	\$	6,531,076	\$	5,455,413	97594
3210	470603	Juvenile Justice	\$	300,000	\$	300,000	97595
Prevention							
3210	470606	Nutrition	\$	2,750,000	\$	2,750,000	97596
3210	470610	Rehabilitation	\$	36,000	\$	36,000	97597
Programs							
3210	470614	Title IV-E	\$	6,000,000	\$	6,000,000	97598

		Reimbursements					
3BH0	470630	Federal Juvenile Programs FFY 06	\$	50,000	\$	0	97599
3BT0	470634	Federal Juvenile Programs	\$	50,000	\$	0	97600
3BY0	470635	Federal Juvenile Programs FFY 07	\$	334,000	\$	335,000	97601
3BZ0	470636	Federal Juvenile Programs FFY 08	\$	653,350	\$	570,700	97602
3CP0	470638	Federal Juvenile Programs FFY 09	\$	500,000	\$	500,000	97603
3CR0	470639	Federal Juvenile Programs FFY 10	\$	0	\$	500,000	97604
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,935,300	\$	2,361,000	97605
3Z80	470625	Federal Juvenile Programs FFY 04	\$	2,000	\$	0	97606
3Z90	470626	Federal Juvenile Programs FFY 05	\$	2,000	\$	0	97607
TOTAL FED		Federal Special Revenue					97608
Fund Group			\$	19,143,726	\$	18,808,113	97609
State Special Revenue		Fund Group					97610
1470	470612	Vocational Education	\$	2,166,296	\$	2,788,906	97611
5BH0	470628	Partnerships for Success	\$	1,500,000	\$	1,500,000	97612
TOTAL SSR		State Special Revenue					97613
Fund Group			\$	3,666,296	\$	4,288,906	97614
TOTAL ALL BUDGET		FUND GROUPS	\$	310,382,788	\$	300,702,785	97615
		OHIO BUILDING AUTHORITY LEASE PAYMENTS					97616
		The foregoing appropriation item 470412, Lease Rental					97617
		Payments, shall be used to meet all payments to the Ohio Building					97618

Authority for the period from July 1, 2009, to June 30, 2011, 97619
under the leases and agreements for facilities made under Chapter 97620
152. of the Revised Code. This appropriation is the source of 97621
funds pledged for bond service charges on related obligations 97622
issued pursuant to Chapter 152. of the Revised Code. 97623

EDUCATION REIMBURSEMENT 97624

The foregoing appropriation item 470613, Education 97625
Reimbursement, shall be used to fund the operating expenses of 97626
providing educational services to youth supervised by the 97627
Department of Youth Services. Operating expenses include, but are 97628
not limited to, teachers' salaries, maintenance costs, and 97629
educational equipment. This appropriation item may be used for 97630
capital expenses related to the education program. 97631

EMPLOYEE FOOD SERVICE AND EQUIPMENT 97632

Notwithstanding section 125.14 of the Revised Code, the 97633
foregoing appropriation item 470609, Employee Food Service, may be 97634
used to purchase any food operational items with funds received 97635
into the fund from reimbursements for state surplus property. 97636

Section 503.10. PERSONAL SERVICE EXPENSES 97637

Unless otherwise prohibited by law, any appropriation from 97638
which personal service expenses are paid shall bear the employer's 97639
share of public employees' retirement, workers' compensation, 97640
disabled workers' relief, and all group insurance programs; the 97641
costs of centralized accounting, centralized payroll processing, 97642
and related personnel reports and services; the cost of the Office 97643
of Collective Bargaining; the cost of the Employee Assistance 97644
Program; the cost of the affirmative action and equal employment 97645
opportunity programs administered by the Department of 97646
Administrative Services; the costs of interagency information 97647
management infrastructure; and the cost of administering the state 97648

employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Local Government, may be exempted from the requirements of this section.

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation in this act or any other act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, or for payments under lease agreements relating to, or debt service on, bonds, notes, or other obligations of the state. Notwithstanding any other statute to the contrary, this authorization includes appropriations from funds into which proceeds of direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for, or represents, capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and is not intended to waive or compromise any defense or right available to the state in any suit against it.

Section 503.30. CAPITAL PROJECT SETTLEMENTS

This section specifies an additional and supplemental 97679
procedure to provide for payments of judgments and settlements if 97680
the Director of Budget and Management determines, pursuant to 97681
division (C)(4) of section 2743.19 of the Revised Code, that 97682
sufficient unencumbered moneys do not exist in the fund to support 97683
a particular appropriation to pay the amount of a final judgment 97684
rendered against the state or a state agency, including the 97685
settlement of a claim approved by a court, in an action upon and 97686
arising out of a contractual obligation for the construction or 97687
improvement of a capital facility if the costs under the contract 97688
were payable in whole or in part from a state capital projects 97689
appropriation. In such a case, the Director may either proceed 97690
pursuant to division (C)(4) of section 2743.19 of the Revised Code 97691
or apply to the Controlling Board to increase an appropriation or 97692
create an appropriation out of any unencumbered moneys in the 97693
state treasury to the credit of the capital projects fund from 97694
which the initial state appropriation was made. The amount of an 97695
increase in appropriation or new appropriation approved by the 97696
Controlling Board is hereby appropriated from the applicable 97697
capital projects fund and made available for the payment of the 97698
judgment or settlement. 97699

If the Director does not make the application authorized by 97700
this section or the Controlling Board disapproves the application, 97701
and the Director does not make application under division (C)(4) 97702
of section 2743.19 of the Revised Code, the Director shall for the 97703
purpose of making that payment make a request to the General 97704
Assembly as provided for in division (C)(5) of that section. 97705

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 97706

In order to provide funds for the reissuance of voided 97707
warrants under section 126.37 of the Revised Code, there is hereby 97708
appropriated, out of moneys in the state treasury from the fund 97709

credited as provided in section 126.37 of the Revised Code, that 97710
amount sufficient to pay such warrants when approved by the Office 97711
of Budget and Management. 97712

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 97713
BALANCES OF OPERATING APPROPRIATIONS 97714

(A) An unexpended balance of an operating appropriation or 97715
reappropriation that a state agency lawfully encumbered prior to 97716
the close of a fiscal year is hereby reappropriated on the first 97717
day of July of the following fiscal year from the fund from which 97718
it was originally appropriated or reappropriated for the following 97719
period and shall remain available only for the purpose of 97720
discharging the encumbrance: 97721

(1) For an encumbrance for personal services, maintenance, 97722
equipment, or items for resale, other than an encumbrance for an 97723
item of special order manufacture not available on term contract 97724
or in the open market or for reclamation of land or oil and gas 97725
wells, for a period of not more than five months from the end of 97726
the fiscal year; 97727

(2) For an encumbrance for an item of special order 97728
manufacture not available on term contract or in the open market, 97729
for a period of not more than five months from the end of the 97730
fiscal year or, with the written approval of the Director of 97731
Budget and Management, for a period of not more than twelve months 97732
from the end of the fiscal year; 97733

(3) For an encumbrance for reclamation of land or oil and gas 97734
wells, for a period ending when the encumbered appropriation is 97735
expended or for a period of two years, whichever is less; 97736

(4) For an encumbrance for any other expense, for such period 97737
as the Director approves, provided such period does not exceed two 97738
years. 97739

(B) Any operating appropriations for which unexpended 97740
balances are reappropriated beyond a five-month period from the 97741
end of the fiscal year by division (A)(2) of this section shall be 97742
reported to the Controlling Board by the Director of Budget and 97743
Management by the thirty-first day of December of each year. The 97744
report on each such item shall include the item, the cost of the 97745
item, and the name of the vendor. The report shall be updated on a 97746
quarterly basis for encumbrances remaining open. 97747

(C) Upon the expiration of the reappropriation period set out 97748
in division (A) of this section, a reappropriation made by this 97749
section lapses, and the Director of Budget and Management shall 97750
cancel the encumbrance of the unexpended reappropriation not later 97751
than the end of the weekend following the expiration of the 97752
reappropriation period. 97753

(D) Notwithstanding division(C) of this section, with the 97754
approval of the Director of Budget and Management, an unexpended 97755
balance of an encumbrance that was reappropriated on the first day 97756
of July by this section for a period specified in division (A)(3) 97757
or (4) of this section and that remains encumbered at the close of 97758
the fiscal biennium is hereby reappropriated on the first day of 97759
July of the following fiscal biennium from the fund from which it 97760
was originally appropriated or reappropriated for the applicable 97761
period specified in division (A)(3) or (4) of this section and 97762
shall remain available only for the purpose of discharging the 97763
encumbrance. 97764

(E) The Director of Budget and Management may correct 97765
accounting errors committed by the staff of the Office of Budget 97766
and Management, such as re-establishing encumbrances or 97767
appropriations cancelled in error, during the cancellation of 97768
operating encumbrances in November and of nonoperating 97769
encumbrances in December. 97770

(F) If the Controlling Board approved a purchase, that 97771

approval remains in effect so long as the appropriation used to 97772
make that purchase remains encumbered. 97773

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 97774
RE-ESTABLISHMENT OF ENCUMBRANCES 97775

Any cash transferred by the Director of Budget and Management 97776
under section 126.15 of the Revised Code is hereby appropriated. 97777
Any amounts necessary to re-establish appropriations or 97778
encumbrances under section 126.15 of the Revised Code are hereby 97779
appropriated. 97780

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 97781

There are hereby appropriated out of any moneys in the state 97782
treasury to the credit of the General Revenue Fund, which are not 97783
otherwise appropriated, funds sufficient to make any payment 97784
required by division (B)(2) of section 5747.03 of the Revised 97785
Code. 97786

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES 97787
APPROVED BY THE CONTROLLING BOARD 97788

Any money that the Controlling Board approves for expenditure 97789
or any increase in appropriation that the Controlling Board 97790
approves under sections 127.14, 131.35, and 131.39 of the Revised 97791
Code or any other provision of law is hereby appropriated for the 97792
period ending June 30, 2011. 97793

Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S 97794
RESIDENCE 97795

If the Governor's Residence Fund (Fund 4H20) receives payment 97796
for use of the residence pursuant to section 107.40 of the Revised 97797
Code, the amounts so received are hereby appropriated to 97798
appropriation item 100604, Governor's Residence Gift. 97799

Section 503.95. The Director of Transportation shall permit 97800
the construction of a curb cut on State Route 91, near Vine 97801
Street, in Lake County. 97802

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 97803

Unless the agency and nuclear electric utility mutually agree 97804
to a higher amount by contract, the maximum amounts that may be 97805
assessed against nuclear electric utilities under division (B)(2) 97806
of section 4937.05 of the Revised Code and deposited into the 97807
specified funds are as follows: 97808

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	97809 97810
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	97811
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	97812
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,413,889	\$ 1,415,945	97813

Section 506.20. Upon the written request of the Director of 97814
Public Safety, the Director of Budget and Management may make 97815
periodic transfers of cash totaling \$16,220,000 in each fiscal 97816
year from the Highway Operating Fund (Fund 7002) to the State 97817
Highway Safety Fund (Fund 7036). 97818

Section 509.10. (A) There is hereby created the Budget 97819
Planning and Management Commission, consisting of six members. The 97820
Speaker of the House of Representatives shall appoint three 97821
members of the House of Representatives, not more than two of whom 97822

shall be members of the same political party, and the President of 97823
the Senate shall appoint three members of the Senate, not more 97824
than two of whom shall be members of the same political party. The 97825
initial appointments shall be made not later than ninety days 97826
after the effective date of this section. Vacancies shall be 97827
filled in the manner provided for original appointments. 97828

(B) The commission shall complete a study and make 97829
recommendations that are designed to provide relief to the state 97830
during the current difficult fiscal and economic period. In 97831
developing the recommendations, the commission shall do all of the 97832
following: 97833

(1) Develop a strategy for managing one-time revenues 97834
received and appropriated by the state without raising taxes when 97835
those revenues are no longer available in fiscal year 2011; 97836

(2) Determine whether to recommend establishing a statutory 97837
spending limit for one-time revenues at a level equal to a 97838
specific percentage of state spending. 97839

(C) The commission shall appoint two of its members to serve 97840
as co-chairpersons for the commission. One co-chairperson shall be 97841
a member of the majority party of the House of Representatives, 97842
and one co-chairperson shall be a member of the majority party of 97843
the Senate. Commission meetings shall take place at the call of 97844
the co-chairpersons of the commission. The commission shall 97845
conduct meetings during the period of July 1, 2009, through June 97846
30, 2010. 97847

(D) Not later than June 30, 2010, the commission shall submit 97848
a written report of its recommendations to the Speaker of the 97849
House of Representatives, the President of the Senate, and the 97850
Governor. The commission ceases to exist upon submission of its 97851
report. 97852

(E) The Legislative Service Commission shall provide 97853
technical, professional, and clerical support necessary for the 97854
Budget Planning and Management Commission to perform its duties. 97855

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 97856
INTEREST EARNED 97857

Notwithstanding any provision of law to the contrary, the 97858
Director of Budget and Management, through June 30, 2011, may 97859
transfer interest earned by any state fund to the General Revenue 97860
Fund. This section does not apply to funds whose source of revenue 97861
is restricted or protected by the Ohio Constitution, federal tax 97862
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 97863
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 97864

Section 512.30. GRF TRANSFER TO THE OAKS PROJECT 97865
IMPLEMENTATION FUND 97866

On July 1 of each fiscal year, or as soon as possible 97867
thereafter, the Director of Budget and Management shall transfer 97868
an amount not to exceed \$2,100,000 cash from the General Revenue 97869
Fund to the OAKS Project Implementation Fund (Fund 5N40). 97870

Section 512.40. TRANSFERS FROM THE BUDGET STABILIZATION FUND 97871
Notwithstanding any provision of law to the contrary, the 97872
Director of Budget and Management, in either year of the biennium, 97873
may transfer cash from the Budget Stabilization Fund to the 97874
General Revenue Fund in order to balance General Revenue Fund 97875
revenues with General Revenue Fund expenditures. Ten days before 97876
any such transfer, the Director shall notify the Governor, the 97877
Speaker of the House of Representatives, the President of the 97878
Senate, and the Minority Leaders of the House of Representatives 97879
and the Senate of the date and amount of the transfer and the cash 97880
balance remaining in the Budget Stabilization Fund. 97881

Section 512.50. TRANSFERS FROM EDUCATION FACILITIES TRUST AND 97882
PUBLIC SCHOOL BUILDING FUNDS TO GRF 97883

Notwithstanding any provision of law to the contrary, the 97884
Director of Budget and Management shall transfer a total of 97885
\$250,000,000 cash in either fiscal year 2010 or fiscal year 2011 97886
from the Education Facilities Trust Fund (Fund N087) and the 97887
Public School Building Fund (Fund 7021), which are used by the 97888
School Facilities Commission, to the General Revenue Fund. Not 97889
later than June 30, 2013, \$250,000,000 cash shall be deposited 97890
into a fund of the Commission, for the purpose of constructing or 97891
renovating school facilities pursuant to Chapter 3318. of the 97892
Revised Code. 97893

Section 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND 97894
FROM NON-GRF FUNDS 97895

Notwithstanding any provision of law to the contrary, during 97896
fiscal years 2010 and 2011, the Director of Budget and Management 97897
may transfer cash from non-General Revenue Funds that are not 97898
constitutionally restricted to the General Revenue Fund in order 97899
to ensure that available General Revenue Fund receipts and 97900
balances are sufficient to support General Revenue Fund 97901
appropriations in each fiscal year. 97902

Before September 1 of each fiscal year, the Director of 97903
Budget and Management shall prepare quarterly estimates 97904
identifying funds in the state treasury from which cash transfers 97905
are to be made and the anticipated amount of these cash transfers. 97906
Beginning with the quarter ending September 30, 2009, and on a 97907
quarterly basis thereafter, the Director of Budget and Management 97908
shall prepare a summary comparing the estimated and actual amounts 97909
of these cash transfers by fund. This quarterly summary shall be 97910
included in the report required under section 126.05 of the 97911

Revised Code. 97912

Section 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 97913
INTRA-STATE FUND 97914

On July 1, 2009, or as soon as possible thereafter, the 97915
Director of Budget and Management shall transfer \$400,900 cash 97916
from the General Revenue Fund to the Public Audit Expense 97917
Intra-State Fund (Fund 1090). The amounts transferred are hereby 97918
appropriated to help pay for expenses incurred in the Auditor of 97919
State's role relating to fiscal caution, fiscal watch, and fiscal 97920
emergency activities as defined in Chapter 3316. of the Revised 97921
Code and for performance audits for school districts in fiscal 97922
distress. 97923

Section 515.20. On the effective date of this section, the 97924
duties, responsibilities, and functions of the Ohio Board of 97925
Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of 97926
the Revised Code and its assets and liabilities under those 97927
sections are transferred to the State Veterinary Medical Licensing 97928
Board. The State Veterinary Medical Licensing Board assumes the 97929
obligations and authority of the Ohio Board of Regents with regard 97930
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised 97931
Code. No right, privilege, or remedy, and no duty, liability, or 97932
obligation, accrued by the Ohio Board of Regents under sections 97933
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is 97934
impaired or lost by reason of the transfer and shall be 97935
recognized, administered, performed, or enforced by the State 97936
Veterinary Medical Licensing Board. 97937

Business commenced but not completed by the Ohio Board of 97938
Regents with regard to sections 4741.41, 4741.44, 4741.45, and 97939
4741.46 of the Revised Code shall be completed by the State 97940
Veterinary Medical Licensing Board in the same manner, and with 97941

the same effect, as if completed by the Ohio Board of Regents. 97942

All determinations of the Ohio Board of Regents that are made 97943
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 97944
Revised Code continue in effect as determinations of the State 97945
Veterinary Medical Licensing Board until modified or rescinded by 97946
the State Veterinary Medical Licensing Board. 97947

Whenever the Ohio Board of Regents is referred to in statute, 97948
contract, or other instrument for the purposes of sections 97949
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 97950
reference is deemed to refer to the State Veterinary Medical 97951
Licensing Board. 97952

No pending action or proceeding being prosecuted or defended 97953
in court or before any agency by the Ohio Board of Regents for the 97954
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 97955
Revised Code is affected by the transfer and shall be prosecuted 97956
or defended in the name of the State Veterinary Medical Licensing 97957
Board. Upon application to the court or agency, the State 97958
Veterinary Medical Licensing Board shall be substituted as a 97959
party. 97960

Section 515.30. On the effective date of this section, the 97961
Division of Soil and Water Conservation in the Department of 97962
Natural Resources is renamed the Division of Soil and Water 97963
Resources. The Division of Soil and Water Conservation's 97964
functions, and its assets and liabilities, are transferred to the 97965
Division of Soil and Water Resources. The Division of Soil and 97966
Water Resources is successor to, assumes the obligations and 97967
authority of, and otherwise continues the Division of Soil and 97968
Water Conservation. No right, privilege, or remedy, and no duty, 97969
liability, or obligation, accrued under the Division of Soil and 97970
Water Conservation is impaired or lost by reason of the renaming 97971
and shall be recognized, administered, performed, or enforced by 97972

the Division of Soil and Water Resources. 97973

Business commenced but not completed by the Division of Soil 97974
and Water Conservation or by the Chief of the Division of Soil and 97975
Water Conservation shall be completed by the Division of Soil and 97976
Water Resources or the Chief of the Division of Soil and Water 97977
Resources in the same manner, and with the same effect, as if 97978
completed by the Division of Soil and Water Conservation or the 97979
Chief of the Division of Soil and Water Conservation. 97980

All of the Division of Soil and Water Conservation's rules, 97981
orders, and determinations continue in effect as rules, orders, 97982
and determinations of the Division of Soil and Water Resources 97983
until modified or rescinded by the Division of Soil and Water 97984
Resources. 97985

Subject to the layoff provisions of sections 124.321 to 97986
124.382 of the Revised Code, all employees of the Division of Soil 97987
and Water Conservation continue with the Division of Soil and 97988
Water Resources and retain their positions and all benefits 97989
accruing thereto. 97990

The Director of Budget and Management shall determine the 97991
amount of unexpended balances in the appropriation accounts that 97992
pertain to the Division of Soil and Water Conservation and shall 97993
recommend to the Controlling Board their transfer to the 97994
appropriation accounts that pertain to the Division of Soil and 97995
Water Resources. The Chief of the Division of Soil and Water 97996
Conservation shall provide full and timely information to the 97997
Controlling Board to facilitate the transfer. 97998

Whenever the Division of Soil and Water Conservation or the 97999
Chief of the Division of Soil and Water Conservation is referred 98000
to in a statute, contract, or other instrument, the reference is 98001
deemed to refer to the Division of Soil and Water Resources or to 98002
the Chief of the Division of Soil and Water Resources, whichever 98003

is appropriate in context. 98004

No pending action or proceeding being prosecuted or defended 98005
in court or before an agency by the Division of Soil and Water 98006
Conservation or the Chief of the Division of Soil and Water 98007
Conservation is affected by the renaming and shall be prosecuted 98008
or defended in the name of the Division of Soil and Water 98009
Resources or the Chief of the Division of Soil and Water 98010
Resources, whichever is appropriate. Upon application to the court 98011
or agency, the Division of Soil and Water Resources or the Chief 98012
of the Division of Soil and Water Resources shall be substituted. 98013

Section 515.40. On the effective date of this section, the 98014
Division of Water in the Department of Natural Resources is 98015
abolished and its functions, and its assets and liabilities, are 98016
transferred to the Division of Soil and Water Resources and the 98017
Division of Parks and Recreation, as applicable, in the Department 98018
of Natural Resources. The Division of Soil and Water Resources and 98019
the Division of Parks and Recreation, as applicable, are 98020
successors to, assume the obligations and authority of, and 98021
otherwise continue the Division of Water. No right, privilege, or 98022
remedy, and no duty, liability, or obligation, accrued under the 98023
Division of Water is impaired or lost by reason of the abolishment 98024
and shall be recognized, administered, performed, or enforced by 98025
the Division of Soil and Water Resources or the Division of Parks 98026
and Recreation, whichever is applicable. 98027

Business commenced but not completed by the Division of Water 98028
or by the Chief of the Division of Water shall be completed by the 98029
Division of Soil and Water Resources or the Chief of the Division 98030
of Soil and Water Resources or by the Division of Parks and 98031
Recreation or the Chief of the Division of Parks and Recreation, 98032
whichever is applicable, in the same manner, and with the same 98033
effect, as if completed by the Division of Water or the Chief of 98034

the Division of Water. 98035

All of the Division of Water's rules, orders, and 98036
determinations continue in effect as rules, orders, and 98037
determinations of the Division of Soil and Water Resources or the 98038
Division of Parks and Recreation, whichever is applicable, until 98039
modified or rescinded by the Division of Soil and Water Resources 98040
or the Division of Parks and Recreation, as applicable. If 98041
necessary to ensure the integrity of the numbering of the 98042
Administrative Code, the Director of the Legislative Service 98043
Commission shall renumber the Division of Water's rules to reflect 98044
their transfer to the Division of Soil and Water Resources or to 98045
the Division of Parks and Recreation, as applicable. 98046

Subject to the layoff provisions of sections 124.321 to 98047
124.382 of the Revised Code, all employees of the Division of 98048
Water are transferred to the Division of Soil and Water Resources 98049
or to the Division of Parks and Recreation, as applicable, and 98050
retain their positions and all benefits accruing thereto. 98051

The Director of Budget and Management shall determine the 98052
amount of unexpended balances in the appropriation accounts that 98053
pertain to the Division of Water and shall recommend to the 98054
Controlling Board their transfer to the appropriation accounts 98055
that pertain to the Division of Soil and Water Resources or the 98056
Division of Parks and Recreation, as applicable. The Chief of the 98057
Division of Water shall provide full and timely information to the 98058
Controlling Board to facilitate the transfer. 98059

Whenever the Division of Water or the Chief of the Division 98060
of Water is referred to in a statute, contract, or other 98061
instrument, the reference is deemed to refer to the Division of 98062
Soil and Water Resources or to the Chief of the Division of Soil 98063
and Water Resources or to the Division of Parks and Recreation or 98064
to the Chief of the Division of Parks and Recreation, whichever is 98065
appropriate in context. 98066

No pending action or proceeding being prosecuted or defended 98067
in court or before an agency by the Division of Water or the Chief 98068
of the Division of Water is affected by the abolishment and shall 98069
be prosecuted or defended in the name of the Division of Soil and 98070
Water Resources or the Chief of the Division of Soil and Water 98071
Resources or of the Division of Parks and Recreation or the Chief 98072
of the Division of Parks and Recreation, whichever is appropriate. 98073
Upon application to the court or agency, the Division of Soil and 98074
Water Resources or the Chief of the Division of Soil and Water 98075
Resources or the Division of Parks and Recreation or the Chief of 98076
the Division of Parks and Recreation, whichever is applicable, 98077
shall be substituted. 98078

Section 515.50. On the effective date of this section, the 98079
Division of Real Estate and Land Management in the Department of 98080
Natural Resources is abolished and its functions, and its assets 98081
and liabilities, are transferred to the Director of Natural 98082
Resources, to the Division of Engineering, and to the Division of 98083
Parks and Recreation, as applicable, in the Department of Natural 98084
Resources. The Director of Natural Resources, the Division of 98085
Engineering, and the Division of Parks and Recreation are 98086
successors to, assume the obligations and authority of, and 98087
otherwise continue the Division of Real Estate and Land 98088
Management. No right, privilege, or remedy, and no duty, 98089
liability, or obligation, accrued under the Division of Real 98090
Estate and Land Management is impaired or lost by reason of the 98091
abolishment and shall be recognized, administered, performed, or 98092
enforced by the Director of Natural Resources, the Division of 98093
Engineering, and the Division of Parks and Recreation, whichever 98094
is applicable. 98095

Business commenced but not completed by the Division of Real 98096
Estate and Land Management or by the Chief of the Division of Real 98097
Estate and Land Management shall be completed by the Director of 98098

Natural Resources, by the Division of Engineering or the Chief 98099
Engineer, or by the Division of Parks and Recreation or the Chief 98100
of the Division of Parks and Recreation, whichever is applicable, 98101
in the same manner, and with the same effect, as if completed by 98102
the Division of Real Estate and Land Management or the Chief of 98103
the Division of Real Estate and Land Management. 98104

All of the Division of Real Estate and Land Management's 98105
rules, orders, and determinations continue in effect as rules, 98106
orders, and determinations of the Director of Natural Resources, 98107
the Division of Engineering, or the Division of Parks and 98108
Recreation, whichever is applicable, until modified or rescinded 98109
by the Director of Natural Resources, the Division of Engineering, 98110
or the Division of Parks and Recreation, as applicable. If 98111
necessary to ensure the integrity of the numbering of the 98112
Administrative Code, the Director of the Legislative Service 98113
Commission shall renumber the Division of Real Estate and Land 98114
Management's rules to reflect their transfer to the Director of 98115
Natural Resources, to the Division of Engineering, or to the 98116
Division of Parks and Recreation, as applicable. 98117

Subject to the layoff provisions of sections 124.321 to 98118
124.382 of the Revised Code, all employees of the Division of Real 98119
Estate and Land Management are transferred to the office of the 98120
Director of Natural Resources, the Division of Engineering, or the 98121
Division of Parks and Recreation, as applicable, and retain their 98122
positions and all benefits accruing thereto. 98123

The Director of Budget and Management shall determine the 98124
amount of unexpended balances in the appropriation accounts that 98125
pertain to the Division of Real Estate and Land Management and 98126
shall recommend to the Controlling Board their transfer to the 98127
appropriation accounts that pertain to the Director of Natural 98128
Resources, the Division of Engineering, or the Division of Parks 98129
and Recreation, as applicable. The Chief of the Division of Real 98130

Estate and Land Management shall provide full and timely 98131
information to the Controlling Board to facilitate the transfer. 98132

Whenever the Division of Real Estate and Land Management or 98133
the Chief of the Division of Real Estate and Land Management is 98134
referred to in a statute, contract, or other instrument, the 98135
reference is deemed to refer to the Director of Natural Resources, 98136
to the Division of Engineering or the Chief Engineer, or to the 98137
Division of Parks and Recreation or the Chief of the Division of 98138
Parks and Recreation, whichever is appropriate in context. 98139

No pending action or proceeding being prosecuted or defended 98140
in court or before an agency by the Division of Real Estate and 98141
Land Management or the Chief of the Division of Real Estate and 98142
Land Management is affected by the abolishment and shall be 98143
prosecuted or defended in the name of the Department of Natural 98144
Resources or the Director of Natural Resources, of the Division of 98145
Engineering or the Chief Engineer, or of the Division of Parks and 98146
Recreation or the Chief of the Division of Parks and Recreation, 98147
whichever is appropriate. Upon application to the court or agency, 98148
the Department of Natural Resources or the Director of Natural 98149
Resources, the Division of Engineering or the Chief Engineer, or 98150
the Division of Parks and Recreation or the Chief of the Division 98151
of Parks and Recreation, whichever is applicable, shall be 98152
substituted. 98153

Section 515.60. (A) On the effective date of this section, 98154
the functions, duties, and responsibilities of the Department of 98155
Agriculture under sections 3717.01 to 3717.33 and 3717.48 of the 98156
Revised Code, as those sections existed prior to their amendment 98157
by this act, are transferred to the Department of Health. The 98158
Department of Health assumes the obligations and authority of the 98159
Department of Agriculture under those sections as amended by this 98160
act. No right, privilege, or remedy and no duty, liability, or 98161

obligation accrued under those sections prior to their amendment 98162
by this act is impaired or lost by the transfer and shall be 98163
recognized, administered, performed, or enforced by the Department 98164
of Health. 98165

(B) Business that has been commenced but not completed prior 98166
to the effective date of this section by the Department of 98167
Agriculture or the Director of Agriculture pursuant to sections 98168
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 98169
sections existed prior to their amendment by this act, shall be 98170
completed by the Department of Health or the Director of Health in 98171
the same manner, and with the same effect, as if completed by the 98172
Department of Agriculture or the Director of Agriculture. 98173

(C) All of the rules adopted by the Director of Agriculture 98174
under sections 3717.05 and 3717.33 of the Revised Code and all of 98175
the orders and determinations of the Director issued or made under 98176
sections 3717.01 to 3717.33 and 3717.48 of the Revised Code, as 98177
all of those sections existed prior to their amendment by this 98178
act, continue in effect as rules, orders, and determinations of 98179
the Director of Health until modified or rescinded by the Director 98180
of Health. 98181

(D) All joint letters of opinion that have been issued by the 98182
Director of Agriculture and the Director of Health in accordance 98183
with section 3717.041 of the Revised Code, as that section existed 98184
prior to its amendment by this act, continue in effect as letters 98185
of opinion of the Director of Health until modified or rescinded 98186
by the Director of Health. 98187

(E) Subject to the layoff provisions of sections 124.321 to 98188
124.382 of the Revised Code, all employees of the Department of 98189
Agriculture that are employed prior to the effective date of this 98190
section to administer and enforce sections 3717.01 to 3717.33 and 98191
3717.48 of the Revised Code, as those sections existed prior to 98192

their amendment by this act, continue with the Department of 98193
Health and retain their positions and all benefits accruing 98194
thereto. 98195

(F) The Director of Budget and Management shall determine the 98196
amount of unexpended balances in the appropriation accounts that 98197
pertain to the Department of Agriculture pursuant to sections 98198
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 98199
sections existed prior to their amendment by this act, and shall 98200
recommend to the Controlling Board their transfer to the General 98201
Revenue Fund. The Director of Agriculture shall provide full and 98202
timely information to the Controlling Board to facilitate the 98203
transfer. 98204

(G) Whenever the Department of Agriculture or the Director of 98205
Agriculture is referred to in a contract or other instrument, the 98206
reference is deemed to refer to the Department of Health or to the 98207
Director of Health, whichever is appropriate in context. 98208

(H) No pending action or proceeding being prosecuted or 98209
defended in court or before an agency by the Department of 98210
Agriculture or the Director of Agriculture pursuant to sections 98211
3717.01 to 3717.33 and 3717.48 of the Revised Code, as those 98212
sections existed prior to their amendment by this act, is affected 98213
by the transfer of authority to administer and enforce those 98214
sections, as amended by this act, by the Department of Health or 98215
the Director of Health and shall be prosecuted or defended in the 98216
name of the Department of Health or the Director of Health, 98217
whichever is appropriate. Upon application to the court or agency, 98218
the Department of Health or the Director of Health shall be 98219
substituted. 98220

(I) Any appointed member of the Retail Food Safety Advisory 98221
Council created in section 3717.021 of the Revised Code who is 98222
serving on the Council on the effective date of this section shall 98223
remain in office for the remainder of the member's term unless the 98224

member resigns or is removed from office in accordance with that 98225
section. Subsequent appointments to the Council shall be made in 98226
accordance with section 3717.021 of the Revised Code as amended by 98227
this act. 98228

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 98229

Certain appropriations are in this act for the purpose of 98230
paying debt service and financing costs on general obligation 98231
bonds or notes of the state issued pursuant to the Ohio 98232
Constitution and acts of the General Assembly. If it is determined 98233
that additional appropriations are necessary for this purpose, 98234
such amounts are hereby appropriated. 98235

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 98236
STATE 98237

Certain appropriations are in this act for the purpose of 98238
making lease rental payments pursuant to leases and agreements 98239
relating to bonds or notes issued by the Ohio Building Authority 98240
or the Treasurer of State or, previously, by the Ohio Public 98241
Facilities Commission, pursuant to the Ohio Constitution and acts 98242
of the General Assembly. If it is determined that additional 98243
appropriations are necessary for this purpose, such amounts are 98244
hereby appropriated. 98245

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 98246
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 98247

The Office of Budget and Management shall process payments 98248
from general obligation and lease rental payment appropriation 98249
items during the period from July 1, 2009, to June 30, 2011, 98250
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 98251
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and 98252
Chapters 151. and 154. of the Revised Code. Payments shall be made 98253

upon certification by the Treasurer of State, Office of the 98254
Sinking Fund, of the dates and the amounts due on those dates. 98255

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 98256
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 98257

The Office of Budget and Management shall process payments 98258
from lease rental payment appropriation items during the period 98259
from July 1, 2009, to June 30, 2011, pursuant to the lease 98260
agreements entered into relating to bonds or notes issued under 98261
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 98262
the Revised Code. Payments shall be made upon certification by the 98263
Ohio Building Authority of the dates and the amounts due on those 98264
dates. 98265

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 98266

There is hereby appropriated, from those funds designated by 98267
or pursuant to the applicable proceedings authorizing the issuance 98268
of state obligations, amounts computed at the time to represent 98269
the portion of investment income to be rebated or amounts in lieu 98270
of or in addition to any rebate amount to be paid to the federal 98271
government in order to maintain the exclusion from gross income 98272
for federal income tax purposes of interest on those state 98273
obligations under section 148(f) of the Internal Revenue Code. 98274

Rebate payments shall be approved and vouchered by the Office 98275
of Budget and Management. 98276

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 98277

Whenever the Director of Budget and Management determines 98278
that an appropriation made to a state agency from a fund of the 98279
state is insufficient to provide for the recovery of statewide 98280
indirect costs under section 126.12 of the Revised Code, the 98281
amount required for such purpose is hereby appropriated from the 98282

available receipts of such fund. 98283

Section 521.30. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 98284
INDIRECT COST ALLOCATION PLAN 98285

The total transfers made from the General Revenue Fund by the 98286
Director of Budget and Management under this section shall not 98287
exceed the amounts transferred into the General Revenue Fund under 98288
section 126.12 of the Revised Code. 98289

The director of an agency may certify to the Director of 98290
Budget and Management the amount of expenses not allowed to be 98291
included in the Statewide Indirect Cost Allocation Plan under 98292
federal regulations, from any fund included in the Statewide 98293
Indirect Cost Allocation Plan, prepared as required by section 98294
126.12 of the Revised Code. 98295

Upon determining that no alternative source of funding is 98296
available to pay for such expenses, the Director of Budget and 98297
Management may transfer from the General Revenue Fund into the 98298
fund for which the certification is made, up to the amount of the 98299
certification. The director of the agency receiving such funds 98300
shall include, as part of the next budget submission prepared 98301
under section 126.02 of the Revised Code, a request for funding 98302
for such activities from an alternative source such that further 98303
federal disallowances would not be required. 98304

Section 521.40. FISCAL YEAR 2009 GENERAL REVENUE FUND ENDING 98305
BALANCE 98306

Notwithstanding divisions (B) and (C) of section 131.44 of 98307
the Revised Code, all fiscal year 2009 surplus revenue in excess 98308
of the amount required under division (A)(3) of section 131.44 of 98309
the Revised Code shall remain in the General Revenue Fund. 98310

Section 521.45. GRF SPENDING REDUCTIONS 98311

To implement the Executive Order 2009-70S, the Director of Budget and Management shall reduce state agency General Revenue Fund account categories 510, 520, and 530 expenditures by a minimum of \$100,000,000 per fiscal year while preserving critical services of the state.

Section 521.50. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 98317

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 521.60. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 98325

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 521.70. FISCAL STABILIZATION AND RECOVERY 98332

(A) To ensure the level of accountability and transparency required by federal law, the Director of Budget and Management may issue guidelines to any agency applying for federal money made available to this state for fiscal stabilization and recovery purposes, and may prescribe the process by which agencies are to comply with any reporting requirements established by the federal government.

(B) Notwithstanding any provision of law to the contrary,

federal money received by or on behalf of this state for fiscal 98341
stabilization in support of elementary, secondary, and higher 98342
education, public safety, and any other government service shall 98343
be deposited into the state treasury to the credit of the General 98344
Revenue Fund. The federal money shall not be used as a match for 98345
the state's share of Medicaid. 98346

(C) Federal money received by or on behalf of the state for 98347
fiscal stabilization and recovery purposes in fiscal years 2010 98348
and 2011 shall not be used for purposes of the computation of debt 98349
service under division (D) of Section 17 of Article VIII, Ohio 98350
Constitution, and division (E) of section 126.16 of the Revised 98351
Code. 98352

Section 521.80. OVERSIGHT OF FEDERAL STIMULUS FUNDS 98353

The Office of Internal Audit within the Office of Budget and 98354
Management shall monitor and measure the effectiveness of funds 98355
allocated to the state as part of the federal American Recovery 98356
and Reinvestment Act of 2009. As part of its duties under this 98357
section, the Office of Internal Audit shall investigate how funds 98358
are allocated to each state agency and how the agency spends the 98359
funds. The Office of Internal Audit shall submit a report of its 98360
findings to the President of the Senate, Minority Leader of the 98361
Senate, Speaker of the House of Representatives, Minority Leader 98362
of the House of Representatives, and the Chairs of the committees 98363
in the Senate and House of Representatives handling finance and 98364
appropriations. The report shall be submitted every six months at 98365
the following intervals: 98366

(1) For the six-month period ending December 31, 2009, not 98367
later than February 1, 2010; 98368

(2) For the six-month period ending June 30, 2010, not later 98369
than August 1, 2010; 98370

(3) For the six-month period ending December 31, 2010, not later than February 1, 2011; 98371
98372

(4) For the six-month period ending June 30, 2011, not later than August 1, 2011. 98373
98374

Section 523.10. ADVANCED ENERGY RESEARCH AND DEVELOPMENT 98375

(A) All items set forth in this division are hereby 98376
appropriated, for fiscal years 2011 and 2012, the biennium ending 98377
on June 30, 2012, out of any moneys in the state treasury to the 98378
credit of the Advanced Energy Research and Development Taxable 98379
Fund (Fund 7004) derived from the proceeds of obligations 98380
heretofore authorized under section 166.11 of the Revised Code: 98381

AIR AIR QUALITY DEVELOPMENT AUTHORITY 98382

C89800 Advanced Energy Research and Development \$ 9,000,000 98383
Taxable

TOTAL Advanced Energy Research and Development \$ 9,000,000 98384
Taxable Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 9,000,000 98385

(B) All items set forth in this division are hereby 98386
appropriated, for fiscal years 2011 and 2012, the biennium ending 98387
on June 30, 2012, out of any moneys in the state treasury to the 98388
credit of the Advanced Energy Research and Development Fund (Fund 98389
7005) derived from the proceeds of obligations heretofore 98390
authorized under section 166.11 of the Revised Code: 98391

AIR AIR QUALITY DEVELOPMENT AUTHORITY 98392

C89801 Advanced Energy Research and Development \$ 19,000,000 98393
TOTAL Advanced Energy Research and Development \$ 19,000,000 98394
Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 19,000,000 98395

(C) The appropriation items C89800, Advanced Energy Research 98396
and Development Taxable, and C89801, Advanced Energy Research and 98397
Development, shall be used for advanced energy projects as 98398

provided in sections 3706.25 to 3706.30 of the Revised Code. 98399

(D) Expenditures from appropriations contained in this 98400
section may be accounted for as though made in the main capital 98401
appropriations act for the fiscal year 2011-2012 biennium enacted 98402
by the 128th General Assembly. The Air Quality Development 98403
Authority shall not expend any of the appropriations made in this 98404
section until after July 1, 2010. 98405

Section 601.10. That Sections 205.10, 309.10, 317.10, 321.10, 98406
325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General 98407
Assembly be amended to read as follows: 98408

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 98409

State Highway Safety Fund Group 98410

4W40 762321 Operating Expense - \$ 85,145,103 \$ 89,005,103 98411
BMV

4W40 762410 Registrations \$ 31,753,145 \$ 32,480,610 98412
Supplement

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000 98413
Contributions

7036 761321 Operating Expense - \$ 8,819,954 \$ 8,828,661 98414
Information and
Education

7036 761401 Lease Rental Payments \$ 13,337,000 \$ 11,836,200 98415

7036 764033 Minor Capital \$ 1,250,000 \$ 1,250,000 98416
Projects

7036 764321 Operating Expense - \$ 269,887,828 \$ 269,975,259 98417
Highway Patrol

7036 764605 Motor Carrier \$ 3,340,468 \$ 3,340,468 98418
Enforcement Expenses

8300 761603 Salvage and Exchange \$ 20,800 \$ 21,632 98419
- Administration

8310	761610	Information and Education - Federal	\$	468,982	\$	468,982	98420
8310	764610	Patrol - Federal	\$	2,455,484	\$	2,455,484	98421
8310	764659	Transportation Enforcement - Federal	\$	6,132,592	\$	6,132,592	98422
8310	765610	EMS - Federal	\$	582,007	\$	582,007	98423
8310	767610	Liquor Enforcement - Federal	\$	514,184	\$	514,184	98424
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	98425
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	98426
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	98427
8350	762616	Financial Responsibility Compliance	\$	6,063,600	\$	6,063,600	98428
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	98429
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000	98430
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	98431
83F0	764657	Law Enforcement Automated Data System	\$	10,984,978	\$	9,053,266	98432
83G0	764633	OMVI Enforcement/Education	\$	650,000	\$	650,000	98433
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	98434
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562	98435
83N0	761611	Elementary School Seat Belt Program	\$	390,000	\$	405,600	98436
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912	98437

83R0	762639	Local Immobilization Reimbursement	\$	750,000	\$	750,000	98438
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	98439
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283	98440
8400	764617	Security and Investigations	\$	6,317,530	\$	6,432,686	98441
8400	764626	State Fairgrounds Police Force	\$	830,769	\$	849,883	98442
8400	769632	Homeland Security - Operating	\$	1,552,049	\$	1,614,131	98443
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	98444
8440	761613	Seat Belt Education Program	\$	400,000	\$	400,000	98445
8460	761625	Motorcycle Safety Education	\$	3,324,987	\$	3,538,903	98446
8490	762627	Automated Title Processing Board	\$	19,240,839	\$	19,240,839	98447
TOTAL	HSF	State Highway Safety Fund Group	\$	520,633,559	\$	522,404,799	98448
General Services Fund Group							98449
4P60	768601	Justice Program Services	\$	1,070,962	\$	1,109,004	98450
4S30	766661	Hilltop Utility Reimbursement	\$	520,000	\$	540,800	98451
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	98452
5Y10	764695	Highway Patrol Continuing Professional Training	\$	280,820	\$	280,820	98453
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	98454

TOTAL GSF General Services Fund Group	\$	6,086,782	\$	6,145,624	98455
Federal Special Revenue Fund Group					98456
3290 763645 Federal Mitigation Program	\$	10,801,636	\$	11,233,702	98457
3370 763609 Federal Disaster Relief	\$	27,707,636	\$	27,707,636	98458
3390 763647 Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023	98459
3AY0 768606 Federal Justice Grants	\$	1,020,000	\$	745,000	98460
3CB0 768691 Federal Justice Grants - FFY06	\$	920,000	\$	795,000	98461
3CC0 768609 Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000	98462
3DE0 768612 Federal Stimulus - Justice Assistance Grants	\$	36,146,492	\$	1,902,447	98463
<u>3DH0 768613 Federal Stimulus - Justice Programs</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u>	98464
3L50 768604 Justice Program	\$	12,056,300	\$	12,056,300	98465
3N50 763644 U.S. Department of Energy Agreement	\$	31,358	\$	31,672	98466
TOTAL FED Federal Special Revenue Fund Group	\$	174,165,357	\$	139,758,780	98467
		<u>178,569,954</u>		<u>139,958,780</u>	
State Special Revenue Fund Group					98468
4V30 763662 EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743	98469
5390 762614 Motor Vehicle Dealers Board	\$	200,000	\$	200,000	98470
5B90 766632 Private Investigator	\$	1,341,478	\$	1,395,137	98471

		and Security Guard Provider					
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	98472
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	98473
5CM0	767691	Federal Investigative Seizure	\$	642,175	\$	642,175	98474
5DS0	769630	Homeland Security	\$	517,350	\$	538,044	98475
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	1,600,000	\$	2,750,000	98476
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	98477
6220	767615	Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	98478
6570	763652	Utility Radiological Safety	\$	1,413,889	\$	1,415,945	98479
6810	763653	SARA Title III HAZMAT Planning	\$	254,794	\$	262,438	98480
8500	767628	Investigative Unit Salvage	\$	100,000	\$	100,000	98481
TOTAL	SSR	State Special Revenue	\$	13,241,517	\$	14,678,004	98482
Fund Group							
Liquor Control Fund Group							98483
7043	767321	Liquor Enforcement - Operating	\$	12,007,894	\$	11,897,178	98484
TOTAL	LCF	Liquor Control Fund Group	\$	12,007,894	\$	11,897,178	98485
Agency Fund Group							98486
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	98487
TOTAL	AGY	Agency Fund Group	\$	1,500,000	\$	1,500,000	98488
Holding Account Redistribution Fund Group							98489

R024 762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	98490
	Vehicle Receipts					
R052 762623	Security Deposits	\$	350,000	\$	350,000	98491
TOTAL 090 Holding Account		\$	2,235,000	\$	2,235,000	98492
Redistribution Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	729,870,109	\$	698,619,383	98493
			<u>734,274,706</u>		<u>698,819,383</u>	

MOTOR VEHICLE REGISTRATION 98494

The Registrar of Motor Vehicles may deposit revenues to meet 98495
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 98496
4W40) established in section 4501.25 of the Revised Code, obtained 98497
under sections 4503.02 and 4504.02 of the Revised Code, less all 98498
other available cash. Revenue deposited pursuant to this paragraph 98499
shall support, in part, appropriations for operating expenses and 98500
defray the cost of manufacturing and distributing license plates 98501
and license plate stickers and enforcing the law relative to the 98502
operation and registration of motor vehicles. Notwithstanding 98503
section 4501.03 of the Revised Code, the revenues shall be paid 98504
into Fund 4W40 before any revenues obtained pursuant to sections 98505
4503.02 and 4504.02 of the Revised Code are paid into any other 98506
fund. The deposit of revenues to meet the aforementioned cash 98507
needs shall be in approximately equal amounts on a monthly basis 98508
or as otherwise determined by the Director of Budget and 98509
Management pursuant to a plan submitted by the Registrar of Motor 98510
Vehicles. 98511

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 98512

Notwithstanding any provision of law to the contrary, on July 98513
1, 2009, or as soon as possible thereafter, the Director of Budget 98514
and Management may transfer, from the Bureau of Motor Vehicles 98515
Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the 98516
Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the 98517
EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 98518

to the Investigations Fund (Fund 5FL0). 98519

Notwithstanding any provision to the contrary, the Director 98520
of Budget and Management may make additional cash transfers in 98521
fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund 98522
(Fund 4W40) to any of the following five funds if the Director of 98523
Public Safety determines that the cash balance is insufficient in 98524
those funds and requests the Director to make the transfer: the 98525
Justice Program Services Fund (Fund 4P60), the EMA Service and 98526
Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 98527
5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and 98528
Emergency Medical Services Fund (Fund 83M0). 98529

CAPITAL PROJECTS 98530

The Registrar of Motor Vehicles may transfer cash from the 98531
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 98532
Highway Safety Fund (Fund 7036) to meet its obligations for 98533
capital projects CIR-047, Department of Public Safety Office 98534
Building and CIR-049, Warehouse Facility. 98535

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 98536

The foregoing appropriation item 761401, Lease Rental 98537
Payments, shall be used for payments to the Ohio Building 98538
Authority for the period July 1, 2009, to June 30, 2011, under the 98539
primary leases and agreements for public safety related buildings 98540
financed by obligations issued under Chapter 152. of the Revised 98541
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 98542
Building Authority may, with approval of the Director of Budget 98543
and Management, lease capital facilities to the Department of 98544
Public Safety. 98545

HILLTOP TRANSFER 98546

The Director of Public Safety shall determine, per an 98547
agreement with the Director of Transportation, the share of each 98548
debt service payment made out of appropriation item 761401, Lease 98549

Rental Payments, that relates to the Department of 98550
Transportation's portion of the Hilltop Building Project, and 98551
shall certify to the Director of Budget and Management the amounts 98552
of this share. The Director of Budget and Management shall 98553
transfer the amounts of such shares from the Highway Operating 98554
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 98555

CASH TRANSFERS OF SEAT BELT FINE REVENUES 98556

Notwithstanding any provision of law to the contrary, the 98557
Controlling Board, upon request of the Director of Public Safety, 98558
may approve the transfer of cash between the following four funds 98559
that receive fine revenues from enforcement of the mandatory seat 98560
belt law: the Trauma and Emergency Medical Services Fund (Fund 98561
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma 98562
and Emergency Medical Services Grants Fund (Fund 83P0), and the 98563
Seat Belt Education Fund (Fund 8440). 98564

STATE DISASTER RELIEF 98565

The State Disaster Relief Fund (Fund 5330) may accept 98566
transfers of cash and appropriations from Controlling Board 98567
appropriation items for Ohio Emergency Management Agency disaster 98568
response costs and disaster program management costs, and may also 98569
be used for the following purposes: 98570

(A) To accept transfers of cash and appropriations from 98571
Controlling Board appropriation items for Ohio Emergency 98572
Management Agency public assistance and mitigation program match 98573
costs to reimburse eligible local governments and private 98574
nonprofit organizations for costs related to disasters; 98575

(B) To accept and transfer cash to reimburse the costs 98576
associated with Emergency Management Assistance Compact (EMAC) 98577
deployments; 98578

(C) To accept disaster related reimbursement from federal, 98579
state, and local governments. The Director of Budget and 98580

Management may transfer cash from reimbursements received by this 98581
fund to other funds of the state from which transfers were 98582
originally approved by the Controlling Board. 98583

(D) To accept transfers of cash and appropriations from 98584
Controlling Board appropriation items to fund the State Disaster 98585
Relief Program, for disasters that have been declared by the 98586
Governor, and the State Individual Assistance Program for 98587
disasters that have been declared by the Governor and the federal 98588
Small Business Administration. The Ohio Emergency Management 98589
Agency shall publish and make available application packets 98590
outlining procedures for the State Disaster Relief Program and the 98591
State Individual Assistance Program. 98592

JUSTICE ASSISTANCE GRANT FUND 98593

The federal payments made to the state for the Byrne Justice 98594
Assistance Grants Program under Title II of Division A of the 98595
American Recovery and Reinvestment Act of 2009 shall be deposited 98596
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 98597
which is hereby created in the state treasury. All investment 98598
earnings of the fund shall be credited to the fund. 98599

JUSTICE ASSISTANCE GRANTS 98600

The foregoing appropriation ~~item~~ items 768612, Federal 98601
Stimulus - Justice Assistance Grants, and 768613, Federal Stimulus 98602
- Justice Programs, shall be used to support activities to prevent 98603
and control crime and to improve the criminal justice system. 98604

98605

FAMILY VIOLENCE PREVENTION FUND 98606

Notwithstanding any provision of law to the contrary, in each 98607
of fiscal years 2010 and 2011, the first \$750,000 received to the 98608
credit of the Family Violence Prevention Fund (Fund 5BK0) in each 98609
of those fiscal years shall be appropriated to appropriation item 98610
768689, Family Violence Shelter Programs, and the next \$400,000 98611

received to the credit of Fund 5BK0 in each of those fiscal years 98612
shall be appropriated to appropriation item 768687, Criminal 98613
Justice Services - Operating. Any moneys received to the credit of 98614
Fund 5BK0 in excess of the aforementioned appropriated amounts in 98615
each fiscal year shall, upon the approval of the Controlling 98616
Board, be used to provide grants to family violence shelters in 98617
Ohio. 98618

SARA TITLE III HAZMAT PLANNING 98619

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 98620
entitled to receive grant funds from the Emergency Response 98621
Commission to implement the Emergency Management Agency's 98622
responsibilities under Chapter 3750. of the Revised Code. 98623

COLLECTIVE BARGAINING INCREASES 98624

Notwithstanding division (D) of section 127.14 and division 98625
(B) of section 131.35 of the Revised Code, except for the General 98626
Revenue Fund, the Controlling Board may, upon the request of 98627
either the Director of Budget and Management, or the Department of 98628
Public Safety with the approval of the Director of Budget and 98629
Management, increase appropriations for any fund, as necessary for 98630
the Department of Public Safety, to assist in paying the costs of 98631
increases in employee compensation that have occurred pursuant to 98632
collective bargaining agreements under Chapter 4117. of the 98633
Revised Code and, for exempt employees, under section 124.152 of 98634
the Revised Code. 98635

CASH BALANCE FUND REVIEW 98636

Not later than the first day of April in each fiscal year of 98637
the biennium, the Director of Budget and Management shall review 98638
the cash balances for each fund, except the State Highway Safety 98639
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 98640
4W40), in the State Highway Safety Fund Group, and shall recommend 98641
to the Controlling Board an amount to be transferred to the credit 98642

of Fund 7036 or Fund 4W40, as appropriate. 98643

Sec. 309.10. The federal payments made to the state for the 98644
Weatherization Assistance Program and the State Energy Grant 98645
Program under Title IV of Division A of the American Recovery and 98646
Reinvestment Act of 2009, and for the Homelessness Prevention Fund 98647
under Title XII of Division A of the American Recovery and 98648
Reinvestment Act of 2009, shall be deposited to the credit of the 98649
Federal Special Revenue Fund (Fund 3080). 98650

The federal payments made to the state for the Energy Star 98651
Rebate Program under the American Recovery and Reinvestment Act of 98652
2009 shall be deposited to the credit of the Energy Star Rebate 98653
Program Fund (Fund 3DA0), which is hereby created in the state 98654
treasury. 98655

The federal payments made to the state for the Energy 98656
Efficiency and Conservation Block Grants Program under Title IV of 98657
Division A of the American Recovery and Reinvestment Act of 2009 98658
shall be deposited to the credit of the Energy Efficiency and 98659
Conservation Block Grants Fund (Fund 3DB0), which is hereby 98660
created in the state treasury. 98661

The federal payments made to the state for the Community 98662
Development Block Grant program under Title XII of Division A of 98663
the American Recovery and Reinvestment Act of 2009 shall be 98664
deposited to the credit of the Community Development Block Grant 98665
Fund (Fund 3K80). 98666

The federal payments made to the state for community services 98667
block grants under Title XII of Division A of the American 98668
Recovery and Reinvestment Act of 2009 shall be deposited to the 98669
credit of the Community Services Block Grant Fund (Fund 3L00). 98670

98671

The federal payments made to the state for the Home 98672

Investment Partnerships Program under Title XII of Division A of 98673
the American Recovery and Reinvestment Act of 2009 shall be 98674
deposited to the credit of the HOME Program Fund (Fund 3V10). 98675

The items in this division are appropriated as designated out 98676
of any moneys in the state treasury to the credit of their 98677
respective funds that are not otherwise appropriated. 98678

Appropriations

DEV DEPARTMENT OF DEVELOPMENT

98679

Federal Special Revenue Fund Group 98680

3080 195603 Housing and Urban \$ 0 \$ 26,205,724 98681
Development

3080 195605 Federal Projects \$ 0 \$ 266,781,409 98682

3080 195618 Energy Federal Grants \$ 0 \$ 96,083,000 98683

3DA0 195632 Federal Stimulus - \$ 0 \$ 11,000,000 98684
Energy Star Rebate
Program

3DB0 195642 Federal Stimulus - \$ 0 \$ 21,000,000 98685
Energy Efficiency and
Conservation Block
Grants

3K80 195613 Community Development \$ 0 \$ 12,957,527 98686
Block Grant

3L00 195612 Community Services \$ 0 \$ 38,979,000 98687
Block Grant

3V10 195601 HOME Program \$ 0 \$ 83,484,547 98688

TOTAL FED Federal Special Revenue \$ 0 \$ 556,491,207 98689
Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 556,491,207 98690

The foregoing appropriation item 195605, Federal Projects, 98691
shall be used to carry out the Home Weatherization Assistance 98692
Program, subject to any requirements of the American Recovery and 98693
Reinvestment Act of 2009 that apply to the money appropriated. 98694

The foregoing appropriation items 195603, Housing and Urban Development, 195618, Energy Federal Grants, 195613, Community Development Block Grant, 195612, Community Services Block Grant, 195601, HOME Program, 195632, Federal Stimulus - Energy Star Rebate Program, and 195642, Federal Stimulus - Energy Efficiency and Conservation Block Grants, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

~~Sec. 317.10. (A) The federal payments made to the state for the Immunization Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Preventive Health Block Grant Fund (Fund 3870).~~

~~(B)~~ The federal payments made to the state for the Special Supplemental Nutrition Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Women, Infants, and Children Fund (Fund 3890).

~~(C)~~(B) The federal payments made to the state for the IDEA - Infants and Children Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the General Operations Fund (Fund 3920).

~~(D)~~(C) The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated.

Appropriations

DOH DEPARTMENT OF HEALTH 98720
Federal Special Revenue Fund Group 98721
3890 440604 Women, Infants, and \$ 0 \$ 2,000,000 98722
Children

3920 440618	Federal Public Health Programs	\$	0	\$	14,410,000	98723
TOTAL FED Federal Special Revenue Fund Group						
		\$	0	\$	16,410,000	98724
TOTAL ALL BUDGET FUND GROUPS						
		\$	0	\$	16,410,000	98725

The foregoing appropriation items 440604, Women, Infants, and Children, and 440618, Federal Public Health Programs, shall be used in accordance with the requirements of the American Recovery and Reinvestment Act of 2009 that apply to the money appropriated.

Sec. 321.10. The federal payments made to the state for the Vocational Rehabilitation Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Consolidated Federal Fund (Fund 3790).

The federal payments made to the state for the Independent Living Program under Title VIII of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Independent Living/Vocational Rehabilitation Fund (Fund 3L40).

The items in this section are appropriated as designated out of any moneys in the state treasury to the credit of their respective funds that are not otherwise appropriated.

Appropriations

RSC REHABILITATION SERVICES COMMISSION						98744
Federal Special Revenue Fund Group						
3790 415616	Federal - Vocational Rehabilitation	\$	0	\$	21,590,000	98746
3L40 415612	Federal Independent Living Centers or Services	\$	0	\$	509,000 <u>509,170</u>	98747

3L40 415617	Independent	\$	0	\$	1,392,958	98748
	Living/Vocational					
	Rehabilitation					
	Programs					
<u>4680 415618</u>	<u>Third Party Funding</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>245,816</u>	98749
TOTAL FED	Federal Special Revenue	\$	0	\$	23,491,958	98750
Fund Group					<u>23,737,944</u>	
TOTAL ALL BUDGET FUND GROUPS		\$	0	\$	23,491,958	98751
					<u>23,737,944</u>	

The foregoing appropriation items 415616, Federal - 98752
Vocational Rehabilitation, 415612, Federal Independent Living 98753
Centers or Services, and 415617, Independent Living/Vocational 98754
Rehabilitation Programs, shall be used in accordance with the 98755
requirements of the American Recovery and Reinvestment Act of 2009 98756
that apply to the money appropriated. 98757

Sec. 325.20. Expenditures from appropriations made in 98758
~~Sections 325.05 and~~ Section 325.10 shall be accounted for as 98759
though made in Am. Sub. H.B. 67 of the 127th General Assembly. 98760
However, law contained in the relevant operating appropriations 98761
act that is generally applicable to the appropriations made in 98762
that act also is generally applicable to the appropriations made 98763
in ~~Sections 325.05 and~~ Section 325.10 of ~~this act~~ Am. Sub. H.B. 2 98764
of the 128th General Assembly. 98765

Sec. 327.10. The unexpended, unencumbered portions of the 98766
appropriation items made in Sections 303.10, 305.10, 307.10, 98767
309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~ 98768
and 325.10 of Am. Sub. H.B. 2 of the 128th General Assembly at the 98769
end of fiscal year 2009 are hereby reappropriated for the same 98770
purposes for fiscal year 2010. 98771

Section 601.11. That existing Sections 205.10, 309.10, 98772

317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General Assembly are hereby repealed. 98773
98774

Section 610.10. That Sections 103.80.80, 103.80.90, 98775
301.20.50, and 301.30.30 of H.B. 496 of the 127th General Assembly 98776
be amended to read as follows: 98777

Reappropriations

Sec. 103.80.80.	OSB SCHOOL FOR THE BLIND			98778
C22606	Glass Windows/East Wall of Natatorium	\$	63,726	98779
C22607	Renovation of Science Laboratory Greenhouse	\$	58,850	98780
C22608	Renovating Recreation Area	\$	213,900	98781
C22609	New Classrooms for Secondary MH Program	\$	996,164	98782
C22610	Renovation of Student Health Service Area	\$	144,375	98783
C22611	Replacement of Cottage Windows	\$	208,725	98784
C22612	Residential Renovations	\$	7,043 41,649	98785
C22613	Food Preparation Area Air Conditioning	\$	67,250	98786
C22614	New School Lighting	\$	184,500	98787
C22616	Renovation and Repairs	\$	890,000	98788
C22617	Elevator Replacement	\$	110,000	98789
	Total Ohio School for the Blind	\$	2,944,533	98790
			<u>2,979,139</u>	

RESIDENTIAL RENOVATIONS 98791

The amount reappropriated for the foregoing appropriation 98792
item C22612, Residential Renovations, is the unencumbered and 98793
unallotted balance as of June 30, 2008, in appropriation item 98794
C22612, Residential Renovations, plus \$34,606. 98795

Reappropriations

Sec. 103.80.90. OSD SCHOOL FOR THE DEAF 98796

C22103	Dormitory Renovations	\$	2,833	98797
C22104	Boilers, Blowers, and Controls for the School Complex	\$	47,360	98798
C22105	Central Warehouse	\$	676,624	98799
C22106	Storage Barn	\$	330,850 <u>384,279</u>	98800
C22107	Renovation and Repairs	\$	1,000,000	98801
Total Ohio School for the Deaf		\$	2,057,667 <u>2,111,096</u>	98802
TOTAL Administrative Building Fund		\$	101,617,431 <u>101,705,466</u>	98803

STORAGE BARN 98804

The amount reappropriated for the foregoing appropriation 98805
item C22106, Storage Barn, is the unencumbered and unallotted 98806
balance as of June 30, 2008, in appropriation item C22106, Storage 98807
Barn, plus \$53,429. 98808

Reappropriations

Sec. 301.20.50. CLS CLEVELAND STATE UNIVERSITY 98809

C26000	Basic Renovations	\$	5,169,538	98810
C26002	17th - 18th Street Block	\$	93,418	98811
C26003	Instructional and Data Processing Equipment	\$	1,324,280	98812
C26004	Asbestos Abatement	\$	410,414	98813
C26007	Land Acquisitions	\$	9,264	98814
C26008	Geographic Information Systems	\$	46,335	98815
C26009	Landscaping/Sidewalks/Stairs	\$	15,742	98816
C26011	College of Education Building	\$	26,612,728	98817
C26012	Electrical System Upgrades - Phase 2	\$	9,550	98818
C26013	Fire Alarm System Upgrade	\$	37,450	98819
C26014	Property Acquisition	\$	1,120,237	98820
C26016	Student Services	\$	10,017	98821

C26022	Campus Fire Alarm Upgrade	\$	355,145	98822
C26024	Rhodes Tower Data Center Relocation	\$	22,055	98823
C26025	University Annex-Vacate and Demolition	\$	49,390	98824
C26027	Cleveland Playhouse	\$	60,822	98825
C26031	Main Classroom Stair Tower & Entry	\$	18,582	98826
C26033	Physical Education Building Pool Painting and Light Fixture Replacement	\$	2,901	98827
C26034	Neighborhood Centers Renovations	\$	500,000	98828
C26035	Cleveland Institute of Art	\$	2,000,000	98829
C26036	Bakers Building Renovations	\$	1,328,583	98830
C26038	Cleveland State University Windtower Generator Project	\$	400,000	98831
C26039	Kenston Wind Turbine Project in Geauga	\$	300,000	98832
C26041	Anthropology Department Renovation/Relocation	\$	400,000	98833
C26042	Chester Building Annex Demolition	\$	921,583	98834
C26043	Law Building Roof Replacement	\$	213,937	98835
C26044	Sensor Systems Engineering	\$	15,958,820	98836
<u>C26057</u>	<u>Western Reserve Historical Society</u>	<u>\$</u>	<u>3,500,000</u>	98837
Total Cleveland State University		\$	57,390,791	98838
			<u>60,890,791</u>	

NEIGHBORHOOD CENTERS RENOVATIONS 98839

Of the foregoing appropriation item C26034, Neighborhood 98840
Centers Renovations, \$250,000 shall be used for renovations to the 98841
Friendly Inn Settlement House and \$250,000 shall be used for 98842
renovations to the Merrick House. 98843

Reappropriations

Sec. 301.30.30. WSU WRIGHT STATE UNIVERSITY 98844

C27500	Basic Renovations	\$	4,543,368	98845
C27501	Basic Renovations - Lake	\$	86,157	98846
C27504	Library Access Consolidation System	\$	5,551,183	98847

C27505	Information Technology Center	\$	23,860	98848
C27506	Specialized Communication	\$	7,798	98849
C27508	Environmental Technology Consortium	\$	6,298	98850
C27511	Electrical Infrastructure - Phase 1	\$	80,151	98851
C27513	Science Lab Renovations - Planning	\$	9,484,384	98852
C27514	Lake Campus University Center	\$	2,007,909	98853
C27517	Video Analysis Content Extraction	\$	56,641	98854
C27523	Advanced Data Manager	\$	186,309	98855
C27526	Lake Campus Rehabilitation	\$	478,906	98856
C27527	Advanced Technology Intelligence Center	\$	2,500,000	98857
C27529	Consolidated Community Project — Greene	\$	750,000	98858
C27531	Glenn Helen Preserve Eco Art Classroom	\$	15,000	98859
<u>C27538</u>	<u>Camp Clifton Improvements</u>	<u>\$</u>	<u>90,000</u>	98860
<u>C27541</u>	<u>WSU STEM School</u>	<u>\$</u>	<u>750,000</u>	98861
Total Wright State University		\$	<u>25,777,964</u>	98862
			<u>25,867,964</u>	

Section 610.11. That existing Sections 103.80.80, 103.80.90, 301.20.50, and 301.30.30 of H.B. 496 of the 127th General Assembly are hereby repealed. 98864
98865
98866

Section 610.12. That Section 301.60.50 of H.B. 496 of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of the 127th General Assembly, be amended to read as follows: 98867
98868
98869

Reappropriations

Sec. 301.60.50.	STC STARK TECHNICAL COLLEGE			98870
C38900	Basic Renovations	\$	374,496	98871
C38901	Instructional and Data Processing Equipment	\$	22,356	98872
C38903	Timken Regional Campus Technology Project	\$	219,659	98873
C38912	Health and Science Building	\$	4,814,648	98874

Total Stark Technical College	\$	5,431,159	98875
TOTAL Higher Education Improvement Fund	\$	828,556,976	98876
		<u>832,056,976</u>	

Section 610.13. That existing Section 301.60.50 of H.B. 496 98878
of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of 98879
the 127th General Assembly is hereby repealed. 98880

Section 610.14. That Section 201.30 of H.B. 496 of the 127th 98881
General Assembly, as amended by Am. Sub. H.B. 562 of the 127th 98882
General Assembly, be amended to read as follows: 98883

Sec. 201.30. All items set forth in this section are hereby 98884
appropriated out of any moneys in the state treasury to the credit 98885
of the Cultural and Sports Facilities Building Fund (Fund 7030) 98886
that are not otherwise appropriated: 98887

Reappropriations

AFC CULTURAL FACILITIES COMMISSION			98888
C37102	Center of Science and Industry - Toledo	\$ 12,268	98889
C37114	Woodward Opera House Renovation	\$ 1,150,000	98890
C37118	Statewide Site Repairs	\$ 100,100	98891
C37124	Waco Museum & Aviation Learning Center	\$ 500,000	98892
C37131	Bramley Historic House	\$ 75,000	98893
C37132	Beck Center for the Cultural Arts	\$ 100,000	98894
C37133	Delaware County Cultural Arts Center	\$ 40,000	98895
C37137	West Side Arts Consortium	\$ 138,000	98896
C37138	Ice Arena Development	\$ 5,500,000	98897
C37139	Stan Hywet Hall & Gardens	\$ 1,000,000	98898
C37141	Spring Hill Historic Home	\$ 125,000	98899
C37143	Lorain Palace Civic Theatre	\$ 200,000	98900
C37144	Great Lakes Historical Society	\$ 150,000	98901
C37153	Historic Sites and Museums	\$ 980,319	98902
C37155	Buffington Island State Memorial	\$ 33,475	98903

C37182	Lorain County Historical Society	\$	300,000	98904
C37184	Marion Palace Theatre	\$	1,575,000	98905
C37185	McConnellsville Opera House	\$	75,000	98906
C37186	Secrest Auditorium	\$	75,000	98907
C37187	Renaissance Theatre	\$	700,000	98908
C37188	Trumpet in the Land	\$	100,000	98909
C37189	Mid-Ohio Valley Players	\$	80,000	98910
C37190	The Anchorage	\$	50,000	98911
C37193	Galion Historic Big Four Depot Restoration	\$	170,000	98912
C37195	Lake County Historical Society	\$	250,000	98913
C37196	Hancock Historical Society	\$	75,000	98914
C37197	Riversouth Development	\$	1,000,000	98915
C37198	Ft. Piqua Hotel	\$	200,000	98916
C37199	Marina District Amphitheatre and Related Development	\$	2,000,000	98917
C371A1	Lima Historic Athletic Field	\$	100,000	98918
C371A3	Voice Of America Museum	\$	275,000	98919
C371A5	Clark County Community Arts Expansion Project	\$	500,000	98920
C371A6	Westcott House Historic Site	\$	75,000	98921
C371A8	Miami Township Community Amphitheatre	\$	50,000	98922
C371A9	Western Reserve Historical Society	\$	2,500,000	98923
C371B0	Cleveland Steamship Mather Museum	\$	100,000	98924
C371B5	Arts Castle	\$	100,000	98925
C371B6	Cincinnati Art and Technical Academy	\$	325,000	98926
C371B7	Ohio Glass Museum	\$	250,000	98927
C371B9	Ariel Theatre	\$	100,000	98928
C371C2	Ensemble Theatre	\$	450,000	98929
C371C4	Art Academy of Cincinnati	\$	100,000	98930
C371C5	Riverbend Pavilion Improvements	\$	250,000	98931
C371C7	Music Hall: Over-The-Rhine	\$	750,000	98932
C371C8	John Bloomfield Home Restoration	\$	720	98933

C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	98934
C371D1	Art Deco Markay Theatre	\$	200,000	98935
C371D4	Broad Street Historical Renovation	\$	300,000	98936
C371D5	Amherst Historical Society	\$	35,000	98937
C371D6	COSI - Toledo	\$	980,000	98938
C371D7	Ohio Theatre - Toledo	\$	100,000	98939
C371E2	Aurora Outdoor Sports Complex	\$	50,000	98940
C371E3	Preble County Historical Society	\$	100,000	98941
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	98942
C371F0	Richard Howe House	\$	100,000	98943
C371F2	Packard Music Hall Renovation Project	\$	575,000	98944
C371F3	Holland Theatre	\$	100,000	98945
C371F6	Marietta Colony Theatre	\$	335,000	98946
C371G7	Huntington Park	\$	7,000,000	98947
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	98948
C371H0	Marina District Amphitheatre	\$	2,900,000	98949
C371H1	Cincinnati Museum Center	\$	2,000,000	98950
C371H2	National Underground Railroad Freedom Center	\$	2,000,000	98951
C371H4	Pro Football Hall of Fame	\$	1,650,000	98952
C371H5	Heritage Center - Dayton	\$	1,300,000	98953
C371H6	Western Reserve Historical Society	\$	1,000,000	98954
C371H7	COSI Columbus	\$	1,000,000	98955
C371H8	Columbus Museum of Art	\$	1,000,000	98956
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	98957
C371I1	Akron Art Museum	\$	1,000,000	98958
C371I2	Sauder Village	\$	830,000	98959
C371I3	Horvitz Center for the Arts	\$	750,000	98960
C371I4	Ensemble Theatre	\$	750,000	98961
C371I5	Voice of America Museum	\$	750,000	98962
C371I6	Cleveland Steamship Mather	\$	600,000	98963
C371I7	Cuyahoga County Soldier and Sailor	\$	500,000	98964

	Monument			
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	98965
C371I9	Art Academy of Cincinnati	\$	500,000	98966
C371J0	Great Lakes Historical Society	\$	500,000	98967
C371J3	Davis Shai Historical Facility	\$	300,000	98968
C371J4	Massillon Museum	\$	275,000	98969
C371J5	The Mandel Center	\$	250,000	98970
C371J6	Peggy R McConnell Arts Center	\$	250,000	98971
C371J7	Columbus College of Art and Design	\$	250,000	98972
C371J9	Stambaugh Hall Improvements	\$	250,000	98973
C371K0	Youngstown Symphony Orchestra	\$	250,000	98974
C371K1	Wood County Historical Center/Museum	\$	220,000	98975
C371K3	Cincinnati Ballet	\$	200,000	98976
C371K4	City of Avon Stadium Complex	\$	200,000	98977
C371K5	Renaissance Performing Arts Center	\$	200,000	98978
C371K6	Oxford Arts Center	\$	174,000	98979
C371K7	Wayne County Historical Society	\$	170,000	98980
C371K8	Maumee Valley Historical Society	\$	150,000	98981
C371K9	Trumbull County Historical Society	\$	150,000	98982
C371L0	First Lunar Flight Project	\$	25,000	98983
C371L1	Holmes County Historical Society Improvements	\$	140,000	98984
C371L2	Westerville Parks & Recreation Firefighters Memorial/First Responder Park	\$	125,000	98985
C371L3	Ukrainian Museum	\$	100,000	98986
C371L4	Gordon Square Arts District	\$	100,000	98987
C371L5	Moreland Theatre Renovation	\$	100,000	98988
C371L6	Karamu House	\$	100,000	98989
C371L7	Symmes Township Historical Society	\$	100,000	98990
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	98991
C371L9	Gallia County Historical Genealogical	\$	100,000	98992

	Society			
C371M1	The Octagon House	\$	100,000	98993
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	98994
C371M3	County Line Historical Society-Wayne/Holmes	\$	100,000	98995
C371M4	Paul Brown Museum	\$	75,000	98996
C371M5	The Works Ohio Center for History, Art and Technology	\$	75,000	98997
C371M8	Hale Farm and Village	\$	50,000	98998
C371M9	Howe House Historic Site	\$	50,000	98999
C371N0	Beavercreek Community Theatre	\$	50,000	99000
C371N1	Jamestown Opera House	\$	50,000	99001
C371N2	Johnny Appleseed Museum	\$	50,000	99002
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	99003
C371N4	Woodward Opera House Renovations	\$	50,000	99004
C371N5	Little Brown Jug Facility Improvements	\$	50,000	99005
C371N6	Applecreek Historical Society	\$	50,000	99006
C371N7	Wyandot Historic Courthouse	\$	50,000	99007
C371N8	Galion Historical Big 4 Depot	\$	30,000	99008
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	99009
C371O1	Arts West Performing Arts Center	\$	25,000	99010
C371O2	Chester Academy Historical Site	\$	25,000	99011
C371O3	Portland Civil War Museum and Historical Displays	\$	25,000	99012
C371O4	Morgan County Opera House	\$	25,000	99013
C371O5	Crawford Antique Museum	\$	9,000	99014
C371O6	Monroe City Historical Society Building Repair	\$	5,000	99015
C371O7	Wright Dunbar Historical Facility	\$	250,000	99016
C371O8	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	99017
C371P1	WACO Aircraft Museum	\$	30,000	99018

C371P2	Bradford Railroad Museum	\$	30,000	99019
C371P3	Cincinnati Ballet Facility	\$	415,000	99020
C371P5	Fort Recovery Renovations	\$	100,000	99021
C371P6	Music Hall Garage	\$	1,000,000	99022
C371P7	Hip Klotz Memorial	\$	150,000	99023
C371P8	AB Graham Center	\$	40,000	99024
Total Cultural Facilities Commission		\$	64,803,882	99025
			<u>61,303,882</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	64,803,882	99026
			<u>61,303,882</u>	

Section 610.15. That existing Section 201.30 of H.B. 496 of the 127th General Assembly, as amended by Am. Sub. H.B. 562 of the 127th General Assembly is hereby repealed.

Section 610.16. That Section 301.20.80 of H.B. 496 of the 127th General Assembly, as amended by Am. Sub. H.B. 562 of the 127th General Assembly, be amended to read as follows:

Reappropriations

Sec. 301.20.80. OSU OHIO STATE UNIVERSITY				99034
C31500	Basic Renovations	\$	34,349,496	99035
C31501	Basic Renovations - Regional Campuses	\$	6,506,516	99036
C31502	Brown Hall Annex Replacement	\$	6,213	99037
C31505	Basic Renovations - ATI	\$	129,714	99038
C31506	Supplemental Renovations - OARDC	\$	3,319,202	99039
C31507	Supplemental Renovations - Regional	\$	191,955	99040
C31508	Dreese Lab Addition	\$	5,953	99041
C31510	Bioscience/Parks Hall Addition	\$	12,584	99042
C31512	Greenhouse Modernization	\$	40,982	99043
C31515	Life Sciences Research Building	\$	218,170	99044
C31520	Food Science & Technology Building	\$	92,786	99045
C31522	Heart & Lung Institute	\$	32,437	99046

C31523	Superconducting Radiation	\$	65,094	99047
C31524	Brain Tumor Research Center	\$	6,001	99048
C31525	Engineering Center Net Shape Manufacturing	\$	20,730	99049
C31526	Membrane Protein Typology	\$	8,835	99050
C31527	Instructional and Data Processing Equipment	\$	6,014,848	99051
C31528	Fine Particle Technologies	\$	116,770	99052
C31529	Advanced Plasma Engineering	\$	22,690	99053
C31530	Plasma Ramparts	\$	1,150	99054
C31531	IN-SITU AL-BE Composites	\$	1,733	99055
C31532	Jay Cooke Residence - Roof and Windows	\$	86,668	99056
C31535	Asbestos Abatement	\$	5,325	99057
C31536	Materials Network	\$	91,983	99058
C31537	Bio-Technology Consortium	\$	42,378	99059
C31538	Analytical Electron Microscope	\$	375,000	99060
C31539	High Temp Alloys & Alluminoids	\$	220,000	99061
C31541	Supplemental Renovations - ATI	\$	33,969	99062
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	99063
C31543	McPherson Lab Rehabilitation	\$	37,243	99064
C31544	Heart and Lung Institute	\$	101,808	99065
C31546	ADA Modifications - ATI	\$	41,936	99066
C31547	ADA Modifications - Lima	\$	358	99067
C31548	ADA Modifications - Mansfield	\$	15,253	99068
C31550	Titanium Alloys	\$	54,912	99069
C31552	Advanced Manufacturing	\$	38,579	99070
C31553	Manufacturing Processes/Materials	\$	62,574	99071
C31554	Terhertz Studies	\$	35,294	99072
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	99073
C31557	Pomerene Lighting/Wiring	\$	249,584	99074
C31558	NMR Consortium	\$	75,116	99075
C31559	Versatile Film Facility	\$	62,872	99076

C31560	OCARNET	\$	5,916	99077
C31561	Bioprocessing Research	\$	1,905	99078
C31562	Localized Corrosion Research	\$	6,128	99079
C31563	ATM Testbed	\$	3,633	99080
C31564	Physical Sciences Building	\$	79,383	99081
C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	99082
C31568	Sisson Hall Replacement	\$	5,537	99083
C31570	Machinery Acoustics	\$	3,804	99084
C31571	Sensors and Measurements	\$	15,115	99085
C31572	Polymer Magnets	\$	1,099	99086
C31574	Al Alloy Corrosion	\$	14,292	99087
C31578	Page Hall Planning	\$	7,210	99088
C31579	Botany & Zoology Building Planning	\$	209,467	99089
C31581	Robinson Laboratory Planning	\$	36,765	99090
C31582	Don Scott Field Replacement Barns	\$	1,495,619	99091
C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	99092
C31584	Horticultural Operations Center - ATI	\$	1,475,400	99093
C31585	OARDC Feed Mill	\$	5,050,968	99094
C31587	Biological Sciences Cooling Tower	\$	6,930	99095
C31589	Mount Hall HVAC Modifications	\$	40,982	99096
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	99097
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	99098
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	99099
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	99100
C31597	Animal & Plant Biology Level 3	\$	8,133,780	99101
C31598	Main Library Rehabilitation	\$	56,456,214	99102
C31599	Psychology Building	\$	57,722	99103
C315A0	Thorne Hall and Gowley Hall Renovations	\$	598,043	99104

	- Phase 3			
C315A2	Nanosecond Infrared Measurement	\$	2,588	99105
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	99106
C315A5	X-Ray Powder Diffractometer	\$	558	99107
C315A6	Deconvolution Microscope	\$	1,101	99108
C315B2	Denney Hall Renovation - Phase I	\$	18,495	99109
C315B3	Ion Mass Spectrometry	\$	6,594	99110
C315B5	Role of Molecular Interfaces	\$	17,773	99111
C315B8	New Millimeter Spectrometer	\$	24,996	99112
C315C2	1224 Kinnear Road - Bale	\$	11,105	99113
C315C3	Non-Silicon Micromachining	\$	73,991	99114
C315C4	High Performance Computing	\$	2,910	99115
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	99116
C315D0	OARDC Boiler Replacement	\$	656,442	99117
C315D2	Supercomputer Center Expansion	\$	1,600,414	99118
C315D5	Information Literacy	\$	24,824	99119
C315D6	Online Business Major	\$	6,618	99120
C315D8	Renovation of Graves Hall	\$	68,196	99121
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	99122
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	99123
C315E2	Dual Beam Characterization	\$	150,000	99124
C315E6	Environmental Technology Consortium	\$	11,297	99125
C315E7	Campbell, University, and Evans Hall	\$	45,877	99126
C315E8	Laboratory Animal Facility	\$	83,481	99127
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	99128
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	99129
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	99130
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	99131

C315F5	OSU Extension Office/Agriculture Business Enhancement Center	\$	300,000	99132
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	99133
C315F8	Nanotechnology Molecular Assembly	\$	437,296	99134
C315F9	Networking and Communication	\$	478,761	99135
C315G0	Planetary Gear	\$	125,000	99136
C315G1	X-Ray Fluorescence <u>Fluorescence</u> Spectrometer	\$	2,283	99137
C315G2	Precision Navigation	\$	85,000	99138
C315G3	Welding & Metal Working	\$	200,000	99139
C315G5	Inductively Coupled Plasma Etching	\$	126,492	99140
C315G6	Accelerated Metals	\$	1,020,331	99141
C315G7	Mathematical Biosciences Institute	\$	9,819	99142
C315G9	Mershon Auditorium HVAC System Improvements	\$	3,379	99143
C315H0	Molecular Microdevices	\$	2,066	99144
C315H1	Research Center HVAC System Improvements	\$	38,052	99145
C315H2	Infrared Absorption Measurements	\$	3,423	99146
C315H3	Dark Fiber	\$	2,532,628	99147
C315H4	Shared Data Backup System	\$	96,876	99148
C315H6	Third Frontier Network Testbed	\$	202,763	99149
C315H7	Distributed Learning Workshop	\$	2,500	99150
C315H8	Accelerated Maturation of Materials	\$	42,279	99151
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	99152
C315J0	Hydrogen Production and Storage	\$	217	99153
C315J1	Ohio Organic Semiconductor	\$	226,422	99154
C315J4	Comprehensive Cancer - Chiller Replacement	\$	19,187	99155
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	99156
C315J7	Low Cost Nanocomposite Foams	\$	101,705	99157
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	99158
C315J9	McCracken Power Plant Spill Control	\$	120,251	99159
C315K0	Glacial Assessment	\$	22,764	99160

C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	99161
C315K3	Parks Hall Chiller Replacement	\$	134,678	99162
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	99163
C315K5	Computational Nanotechnology	\$	500,000	99164
C315K6	Townshend Hall - Roof Replacement	\$	328,772	99165
C315K8	Veterinary Hospital Roof Replacement Phase II	\$	174,815	99166
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	99167
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	99168
C315L1	Ohio Commons For Digital Education	\$	14,594	99169
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	99170
C315L3	NonCredit Job Education & Training	\$	14,201	99171
C315L4	Campus South Dorms Renovation/Improvements	\$	3,767	99172
C315L5	Bricker Hall Roof Replacement	\$	23,608	99173
C315L8	Cooperative Control Testbed	\$	3,000	99174
C315M0	Neuroscience Center Core	\$	576	99175
C315M2	Campus Grounds-Exterior Lighting - Phase VIII	\$	31,523	99176
C315M3	930 Kinnear Road Renovations	\$	181,402	99177
C315M4	Waterman Lab & Don Scott Field	\$	23,528	99178
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	99179
C315M6	Coe Corrosion Coop	\$	56,781	99180
C315M7	OSU Cancer Program Expansion	\$	2,000,000	99181
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	99182
C315M9	Warner Library and Student Center	\$	1,618,275	99183
C315N0	Hopewell Hall Science Suite	\$	508,408	99184
C315N1	Atomic Force Microscopy	\$	180,000	99185
C315N2	Interactive Applications	\$	344,865	99186
C315N3	Platform Lab	\$	76,685	99187
C315N4	Integrated Biomass to Electricity	\$	392,680	99188
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	99189

C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	99190
C315P1	Specialized Planetary Gears	\$	40,920	99191
C315P2	OSU Agricultural Building	\$	295,409	99192
C315P3	Automated AFM System	\$	618	99193
C315P4	Integrated Wireless Communication	\$	3,454	99194
C315P5	Newton Hall-Roof Replacement	\$	140,646	99195
C315P6	Chirped-Pulse Amplifier	\$	258,732	99196
C315P7	Central Classroom Building Renovation	\$	55,686	99197
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	99198
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	99199
C315Q1	Aeronautical and Astronautical Research Lab-Roof Replacement	\$	676,482	99200
C315Q2	Superconductivity Technology Center	\$	324,136	99201
C315Q3	Periodic Materials Assemblies	\$	60,239	99202
C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	99203
C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	99204
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	99205
C315Q7	Photonic Force Microscope	\$	4,887	99206
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	99207
C315R0	Hughes Hall Renovation	\$	1,500,000	99208
C315R1	COMPH Academic Center	\$	5,000,000	99209
C315R2	Murray Hall Renovation	\$	1,000,000	99210
C315R3	New Student Life Building	\$	1,000,000	99211
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	99212
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	99213
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	99214
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	99215
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	99216

C315R9	Camp Clifton Improvements	\$	90,000	99217
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	99218
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	99219
C315S2	Postle Hall Partial Window Replacement	\$	630,000	99220
C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	99221
C315S4	Utility Upgrade/East Campus Area	\$	45,969	99222
Total Ohio State University		\$	199,648,786	99223
			<u>199,558,786</u>	
OSU EXTENSION OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER				99224
The foregoing appropriation item C315F5, OSU Extension				99225
Office/Agriculture Business Enhancement Center, shall be used for				99226
building renovations to the Center.				99227
Section 610.17. That existing Section 301.20.80 of H.B. 496				99228
of the 127th General Assembly, as amended by Am. Sub. H.B. 562 of				99229
the 127th General Assembly, is hereby repealed.				99230
Section 610.20. That Section 11 of Am. Sub. H.B. 554 of the				99231
127th General Assembly be amended to read as follows:				99232
Sec. 11. (A) All items set forth in this division are hereby				99233
appropriated out of any moneys in the state treasury, for the				99234
biennium ending on June 30, 2010, to the credit of the Advanced				99235
Energy Research and Development Taxable Fund (Fund 7004) that are				99236
not otherwise appropriated:				99237
AIR AIR QUALITY DEVELOPMENT AUTHORITY				99238
C89800	Advanced Energy R&D <u>Research and</u>	\$	9,000,000	99239
<u>Development</u> Taxable			<u>18,000,000</u>	
Total Air Quality Development Authority		\$	9,000,000	99240
			<u>18,000,000</u>	
TOTAL Advanced Energy Research and Development		\$	9,000,000	99241
Taxable Fund			<u>18,000,000</u>	

99242

(B) All items set forth in this division are hereby 99243
appropriated out of any moneys in the state treasury, for the 99244
biennium ending on June 30, 2010, to the credit of the Advanced 99245
Energy Research and Development Fund (Fund 7005) that are not 99246
otherwise appropriated: 99247

AIR AIR QUALITY DEVELOPMENT AUTHORITY 99248

C89801 Advanced Energy R&D Research and \$ ~~19,000,000~~ 99249
Development 38,000,000

Total Air Quality Development Authority \$ ~~19,000,000~~ 99250
38,000,000

TOTAL Advanced Energy Research and Development \$ ~~19,000,000~~ 99251
Fund 38,000,000

99252

(C) The foregoing appropriation items C89800, Advanced Energy 99253
~~R&D~~ Research and Development Taxable, and C89801, Advanced Energy 99254
~~R&D~~ Research and Development, shall be used for advanced energy 99255
projects in the manner provided in sections 3706.25 to 3706.30 of 99256
the Revised Code. The Executive Director of the Air Quality 99257
Development Authority may certify to the Director of Budget and 99258
Management that a need exists to appropriate investment earnings 99259
of funds 7004 and 7005 to be so used. If the Director of Budget 99260
and Management, pursuant to sections 3706.25 to 3706.30 of the 99261
Revised Code, determines that investment earnings are available to 99262
support additional appropriations, such amounts are hereby 99263
appropriated. 99264

(D) Upon the request of the Executive Director of the Air 99265
Quality Development Authority, the Director of Budget and 99266
Management may transfer cash between funds 7004 and 7005. Amounts 99267
transferred are hereby appropriated. 99268

(E) Expenditures from appropriations contained in this 99269
section may be accounted as though made in the main capital 99270

appropriations act of the FY 2009-FY 2010 biennium of the 127th 99271
General Assembly. The appropriations made in this section are 99272
subject to all provisions of the FY 2009-FY 2010 biennial capital 99273
appropriations act of the 127th General Assembly that are 99274
generally applicable to such appropriations. 99275

Section 610.21. That existing Section 11 of Am. Sub. H.B. 554 99276
of the 127th General Assembly is hereby repealed. 99277

Section 610.30. That Sections 233.30.50, 233.33.30, 99278
233.40.30, and 235.10 of Am. Sub. H.B. 562 of the 127th General 99279
Assembly be amended to read as follows: 99280

Appropriations

Sec. 233.33.30. WSU WRIGHT STATE UNIVERSITY			99281
C27500	Basic Renovations	\$ 3,759,018	99282
C27501	Basic Renovations - Lake	\$ 132,481	99283
C27513	Science Laboratory Renovations	\$ 8,521,508	99284
C27526	Lake Campus Rehabilitation and Addition	\$ 461,750	99285
C27527	Advanced Technical Intelligence Center (ATIC)	\$ 2,500,000	99286
C27533	Auditorium/Classroom Upgrades	\$ 1,084,769	99287
C27534	Student Academic Success Center Renovation	\$ 250,000	99288
C27535	Air Force Advanced Manufacturing Facility	\$ 1,500,000	99289
C27536	Nursing Institute Facility	\$ 500,000	99290
C27537	Calamityville Lab Facilities (WPAFB)	\$ 3,000,000	99291
<u>C27540</u>	<u>WSU Data Ohio</u>	<u>\$ 500,000</u>	99292
Total Wright State University			\$ 21,709,526 99293

Appropriations

Sec. 233.30.50. CLS CLEVELAND STATE UNIVERSITY			99295
C26000	Basic Renovations	\$ 6,431,121	99296

<u>C26027</u>	<u>Cleveland Playhouse</u>	\$	<u>150,000</u>	99297
C26035	Cleveland Institute of Art	\$	500,000	99298
C26048	Rhodes Tower Renovation	\$	4,030,166	99299
C26049	Basic Science Building HVAC and Electrical Upgrade	\$	1,125,000	99300
C26050	Law Building Renovation	\$	3,500,000	99301
C26051	Cleveland Hearing and Speech Center	\$	125,000	99302
C26052	University Hospitals Ireland Cancer Center	\$	3,000,000	99303
C26053	Playhouse Square Center	\$	350,000	99304
<u>C26057</u>	<u>Western Reserve Historical Society</u>	\$	<u>300,000</u>	99305
Total Cleveland State University		\$	<u>19,061,287</u>	99306
			<u>19,511,287</u>	

Appropriations

Sec. 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE				99308
C38400	Basic Renovations	\$	1,691,834	99309
C38411	Columbus Hall Renovation	\$	5,470,913	99310
C38412	Painters Apprenticeship Council	\$	500,000	99311
C38413	Jewish Community Center NE Initiative	\$	575,000	99312
C38414	Somali Community Center	\$	100,000	99313
<u>C38415</u>	<u>Building E</u>	\$	<u>1,200,000</u>	99314
Total Columbus State Community College		\$	<u>8,337,747</u>	99315
			<u>9,537,747</u>	

Sec. 235.10. The items set forth in this section are hereby 99317
appropriated out of any moneys in the state treasury to the credit 99318
of the Parks and Recreation Improvement Fund (Fund 7035) that are 99319
not otherwise appropriated. 99320

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES				99321
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$	5,150,000	99322

C725A9	Park Boating Facilities - Shawnee Marina	\$	1,000,000	99323
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$	250,000	99324
C725E2	Local Parks Projects	\$	26,227,333	99325
C725E6	Project Planning	\$	500,000	99326
C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$	1,000,000	99327
C725M5	Middle Bass Island State Park - Marina	\$	4,000,000	99328
C725N0	Handicapped Accessibility - Statewide	\$	100,000	99329
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$	150,000	99330
C725N6	Statewide Wastewater/Water Systems Upgrade	\$	3,000,000	99331
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$	1,000,000	99332
Total Department of Natural Resources		\$	42,377,333	99333
TOTAL Parks and Recreation Improvement Fund		\$	42,377,333	99334

FEDERAL REIMBURSEMENT 99335

All reimbursements received from the federal government for 99336
any expenditures made pursuant to this section shall be deposited 99337
in the state treasury to the credit of the Parks and Recreation 99338
Improvement Fund (Fund 7035). 99339

LOCAL PARKS PROJECTS 99340

Of the foregoing appropriation item C725E2, Local Parks 99341
Projects, an amount equal to two per cent of the projects listed 99342
may be used by the Department of Natural Resources for the 99343
administration of local projects, \$3,050,000 shall be used for the 99344
Scioto Mile Development, \$2,000,000 shall be used for the 99345
Riverfront Park, \$2,000,000 shall be used for the Goodyear Park, 99346
\$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall 99347
be used for the Little Miami Trail extension - Hamilton County 99348
Park District, \$675,000 shall be used for the Anthony Wayne Youth 99349

Foundation Recreation area, \$100,000 shall be used for the Euclid	99350
Beach Pier, \$500,000 shall be used for the Euclid Marina	99351
Breakwater Project, \$500,000 shall be used for the Columbus Crew	99352
Facility - Hilliard, \$500,000 shall be used for the Franklin Park	99353
Conservatory, \$500,000 shall be used for the Colerain Township	99354
Park, \$500,000 shall be used for the Green Township Legacy Place	99355
Park, \$475,000 shall be used for the Dublin Emerald Fields Special	99356
Needs Playground, \$450,000 shall be used for the Sippo Lake Park	99357
improvements, \$400,000 shall be used for the Mentor Beach Park or	99358
Mentor Lagoons Marina, \$400,000 shall be used for the Harrison	99359
Park - Wick District - Smoky, \$400,000 shall be used for the Wayne	99360
County Rails to Trails Project, \$350,000 shall be used by Franklin	99361
County Metro Parks for the Whittier Peninsula Park, \$350,000 shall	99362
be used for the Perry Township Park, \$733,333 shall be used for	99363
the East Bank of the Flats, \$175,000 shall be used for the New	99364
Richmond Park, \$300,000 shall be used for the Beaver creek Wildlife	99365
Education Center, \$300,000 shall be used for the Versailles Park	99366
Project, \$300,000 shall be used for the Madison Township Park,	99367
\$284,000 shall be used for the Bike and Pedestrian Path -	99368
SugarTree Corridor, \$275,000 shall be used for the Montville	99369
Township Park Project, \$250,000 shall be used for the Grand Lake	99370
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for	99371
the West Chester Beckett Park Improvements, \$250,000 shall be used	99372
for the City of Strongsville Family Aquatic Center, \$250,000 shall	99373
be used for the Reis Park improvements, \$250,000 shall be used for	99374
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used	99375
for the Circleville Community Park Project, \$250,000 shall be used	99376
for the Fremont Area Foundation Park athletic facilities, \$250,000	99377
shall be used for the Alliance Park, \$250,000 shall be used for	99378
the Audubon Ohio Nature Center, \$200,000 shall be used for the	99379
Maple Heights Pool/Park improvements, \$200,000 shall be used for	99380
the Lancaster Community Parks revitalization, \$200,000 shall be	99381
used for the Grandview Yard Public Park, \$200,000 shall be used	99382

for the Wyoming City Regional Park, \$200,000 shall be used for the 99383
Chagrin River Lakefront Park, \$200,000 shall be used for the 99384
Aullwood Audubon Center, \$400,000 shall be used for the Austin 99385
Pike Project - land acquisition, \$200,000 shall be used for the 99386
Mary Virginia Crites Hammum Community Park, \$500,000 shall be used 99387
for the Canton Water Facilities Park Project, \$150,000 shall be 99388
used for the Lima Historic Athletic Field, \$150,000 shall be used 99389
for the Myers Memorial Bandshell, \$150,000 shall be used for the 99390
City of Logan Park/Pool improvements, \$150,000 shall be used for 99391
the Houston Fisher Memorial Park improvements, \$150,000 shall be 99392
used for the Indian Lake State Park Campground Electrical 99393
Improvements, \$150,000 shall be used for the Avon Lake Veterans 99394
Park improvements, \$125,000 shall be used for the York Township 99395
Park land acquisition, \$124,500 shall be used for the Salt Fork 99396
Concession Stand, \$100,000 shall be used for the Monroe Veterans' 99397
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway, 99398
\$100,000 shall be used for the Mayfield Heights Park Facility 99399
improvement, \$100,000 shall be used for the Auburn Township 99400
Community Park, \$100,000 shall be used for the Kidron Community 99401
Park Improvements, \$100,000 shall be used for the Lucas County 99402
Marina, \$100,000 shall be used for the Youngstown City Park, 99403
\$100,000 shall be used for the Salisbury Township Park 99404
improvements/land acquisition, \$100,000 shall be used for the 99405
Community Built Playground, \$100,000 shall be used for the Burkes 99406
Point Park, \$100,000 shall be used for the Barberton Newton Park, 99407
\$100,000 shall be used for the Crown Point Conservation Easement, 99408
\$100,000 shall be used for the Mudbrook Trail and Greenway 99409
Project, \$100,000 shall be used for the Waddell Park in the City 99410
of Niles, \$100,000 shall be used for the Moonville Rail Trail 99411
Project, \$100,000 shall be used for the Springboro Park 99412
improvements, \$75,000 shall be used for the Ault Park 99413
improvements, \$75,000 shall be used for the Willard Soccer and 99414
Football Park Project, \$75,000 shall be used for the Austintown 99415

Nature Rooms, \$75,000 shall be used for the Meigs Local Enrichment 99416
Project Multi-Purpose Complex, \$75,000 shall be used for the 99417
Miracle League facility - Muskingum County, \$70,000 shall be used 99418
for the City of Nelsonville ~~Park/land acquisition to acquire land,~~ 99419
make park improvements, or purchase park-related equipment, 99420
\$65,000 shall be used for the Village of Jacksonville Park 99421
improvements, \$58,500 shall be used by the Greene County Parks and 99422
Recreation Department to provide recreational opportunities, 99423
\$50,000 shall be used for the Ohio Wildlife Center, \$50,000 shall 99424
be used for the Kelley's Island Park Restroom PHASE II, \$50,000 99425
shall be used for the Little League Challenger Field - Cambridge, 99426
\$50,000 shall be used for the Avon Isle Park improvements, \$50,000 99427
shall be used for the Monroe Township, Clermont County Fair Oak 99428
Park, \$46,000 shall be used for the Huntington Township Park 99429
Projects, \$35,000 shall be used for the Village of Buchtel Park 99430
improvements, \$35,000 shall be used for the Village of Syracuse 99431
Park improvements, \$30,000 shall be used for the Village of Albany 99432
Park improvements, \$30,000 shall be used for the Village of 99433
Aberdeen Boat Dock, \$30,000 shall be used for the Village of 99434
Hamler Parks improvement, \$25,000 shall be used for the Coshocton 99435
Children's Park, \$25,000 shall be used for the Alt Park 99436
improvements, \$25,000 shall be used for the Cambridge Handicapped 99437
Playground, \$25,000 shall be used for the Murray City Community 99438
Parks improvement, \$25,000 shall be used for the Marblehead 99439
Lighthouse State Park - Replica Life Boat Station, \$25,000 shall 99440
be used for the Village of Attica Park Maintenance, \$20,000 shall 99441
be used for the Village of Stockport Park improvements, \$15,000 99442
shall be used for the Village of Salineville Baseball Field, 99443
\$15,000 shall be used for the City of Parma Heights Greenbriar 99444
Commons Park Walking Trail, \$10,000 shall be used for the Village 99445
of Albany Bike Paths, \$10,000 shall be used for the Salem Park 99446
Board, \$10,000 shall be used for the Village of Pomeroy Mini Park 99447
improvements, \$10,000 shall be used for the Skyvue Outdoor 99448

Classroom, and \$6,000 shall be used for the Wadsworth Skate Park. 99449
99450
99451
99452

Section 610.31. That existing Sections 233.30.50, 233.33.30, 99453
233.40.30, and 235.10 of Am. Sub. H.B. 562 of the 127th General 99454
Assembly are hereby repealed. 99455

Section 610.40. That Section 231.20.30 of Am. Sub. H.B. 562 99456
of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of 99457
the 127th General Assembly, be amended to read as follows: 99458

Appropriations

Sec. 231.20.30. DMR DEPARTMENT OF MENTAL RETARDATION AND 99459
DEVELOPMENTAL DISABILITIES 99460

STATEWIDE AND CENTRAL OFFICE PROJECTS 99461

C59004	Community Assistance Projects	\$	13,551,537	99462
C59022	Razing of Buildings	\$	200,000	99463
C59024	Telecommunications	\$	400,000	99464
C59029	Generator Replacement	\$	1,000,000	99465
C59034	Statewide Developmental Centers	\$	4,294,237	99466
C59050	Emergency Improvements	\$	500,000	99467
C59051	Energy Conservation	\$	500,000	99468
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	99469
C59054	Recreation Unlimited Life Center <u>Ashley</u>	\$	150,000	99470
	<u>Campus Support Company</u> - Delaware			
C59055	Camp McKinley Improvements	\$	30,000	99471
C59056	The Hope Learning Center	\$	250,000	99472
	Total Statewide and Central Office Projects	\$	21,150,774	99473
	TOTAL Department of Mental Retardation and	\$	21,150,774	99474
	Developmental Disabilities			
	TOTAL Mental Health Facilities Improvement Fund	\$	127,630,774	99475

COMMUNITY ASSISTANCE PROJECTS 99476

The foregoing appropriation item C59004, Community Assistance 99477
Projects, may be used to provide community assistance funds for 99478
the development, purchase, construction, or renovation of 99479
facilities for day programs or residential programs that provide 99480
services to persons eligible for services from the Department of 99481
Mental Retardation and Developmental Disabilities or county boards 99482
of mental retardation and developmental disabilities. Any funds 99483
provided to nonprofit agencies for the construction or renovation 99484
of facilities for persons eligible for services from the 99485
Department of Mental Retardation and Developmental Disabilities 99486
and county boards of mental retardation and developmental 99487
disabilities shall be governed by the prevailing wage provisions 99488
in section 176.05 of the Revised Code. 99489

Of the foregoing appropriation item C59004, Community 99490
Assistance Projects, \$250,000 shall be used for North Olmsted 99491
Welcome House. Notwithstanding any provision of law to the 99492
contrary, North Olmsted Welcome House is not subject to the 99493
requirements of Chapter 153. of the Revised Code. 99494

Section 610.41. That existing Section 231.20.30 of Am. Sub. 99495
H.B. 562 of the 127th General Assembly, as amended by Am. Sub. 99496
H.B. 420 of the 127th General Assembly, is hereby repealed. 99497

Section 610.50. That Sections 227.10 and 233.50.80 of Am. 99498
Sub. H.B. 562 of the 127th General Assembly, as amended by Am. 99499
Sub. H.B. 420 of the 127th General Assembly, be amended to read as 99500
follows: 99501

Sec. 227.10. The items set forth in this section are hereby 99502
appropriated out of any moneys in the state treasury to the credit 99503
of the Cultural and Sports Facilities Building Fund (Fund 7030) 99504
that are not otherwise appropriated. 99505

		Appropriations	
AFC CULTURAL FACILITIES COMMISSION			99506
C37118	Statewide Site Repairs	\$ 650,000	99507
C37120	Cincinnati Museum Center	\$ 2,500,000	99508
C37122	Akron Art Museum	\$ 700,000	99509
C37123	Youngstown Symphony Orchestra	\$ 675,000	99510
C37127	Cedar Bog	\$ 50,000	99511
C37139	Stan Hywet Hall & Gardens	\$ 1,050,000	99512
C37140	McKinley Museum Improvements	\$ 200,000	99513
C37142	Midland Theatre Improvements	\$ 300,000	99514
C37148	Hayes Presidential Center	\$ 150,000	99515
C37152	Zoar Village Building Restoration	\$ 90,000	99516
C37153	Basic Renovations and Emergency Repairs	\$ 850,000	99517
C37158	Rankin House Restoration and Development	\$ 242,000	99518
C37163	Harding Home and Tomb	\$ 340,000	99519
C37165	Ohio Historical Center Rehabilitation	\$ 514,000	99520
C37187	Renaissance Theatre	\$ 900,000	99521
C37188	Trumpet in the Land Facility	\$ 150,000	99522
C371A3	Voice of America Museum Facility	\$ 500,000	99523
C371A9	Western Reserve Historical Society	\$ 300,000	99524
C371C7	Music Hall Facility	\$ 1,100,000	99525
C371E5	Pro Football Hall of Fame	\$ 500,000	99526
C371F6	Colony Theater	\$ 250,000	99527
C371G4	Collections Storage Facility and Learning Center	\$ 1,240,000	99528
C371G6	Lockington Locks Stabilization	\$ 462,000	99529
C371H2	National Underground Railroad Freedom Center	\$ 850,000	99530
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$ 1,000,000	99531
C371H7	COSI - Columbus	\$ 500,000	99532
C371H8	Columbus Museum of Art	\$ 1,500,000	99533
C371J3	Davis-Shai Historical Facility	\$ 725,000	99534

C371J4	Massillon Museum Improvements	\$	150,000	99535
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	99536
C371J9	Stambaugh Auditorium	\$	675,000	99537
C371K3	Cincinnati Ballet	\$	250,000	99538
C371L3	Ukrainian Museum	\$	50,000	99539
C371L4	Gordon Square Arts District	\$	1,800,000	99540
C371M8	Hale Farm and Village	\$	200,000	99541
C371O9	Historic Site-Signage - Phase II	\$	50,000	99542
C371P4	Cleveland Playhouse	\$	150,000	99543
C371P9	Civil War Site Improvements	\$	475,000	99544
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	99545
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	99546
C371Q2	Ballpark Village project	\$	2,000,000	99547
C371Q5	Cincinnati Zoo	\$	1,500,000	99548
C371Q6	Cincinnati Art Museum	\$	1,500,000	99549
C371R0	King Arts Complex	\$	861,000	99550
C371R3	Loudonville Opera House	\$	600,000	99551
C371R4	Eagles Palace Theater	\$	410,000	99552
C371R6	Historic McCook House	\$	500,000	99553
C371R7	Jeffrey Mansion in Bexley	\$	475,000	99554
C371R8	Columbus Zoo and Aquarium	\$	500,000	99555
C371S0	Towpath Trail	\$	500,000	99556
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	99557
C371S2	Arts in Stark Cultural Center	\$	150,000	99558
C371S3	Ohio Genealogical Society	\$	350,000	99559
C371S5	The Fine Arts Association	\$	300,000	99560
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	99561
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	99562
C371S9	Portsmouth Mural	\$	250,000	99563 99564
C371T2	Bucyrus Little Theater Restoration	\$	250,000	99565

Project				
C371T3	Boonshoft Museum of Discovery	\$	250,000	99566
C371T5	Cliffton Cultural Arts Center	\$	250,000	99567
C371T6	Baltimore Theatre	\$	50,000	99568
C371T7	Rock Mill Park Improvements	\$	150,000	99569
C371T9	Cozad-Bates House Historic Project	\$	100,000	99570
C371U3	Lake Erie Nature & Science Center	\$	200,000	99571
C371U4	Great Lakes Science Center	\$	300,000	99572
C371U5	Cleveland Zoological Society	\$	150,000	99573
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	99574
C371V0	Chesterhill Union Hall Theatre	\$	25,000	99575
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	99576
C371V2	Hallsville Historical Society	\$	100,000	99577
C371V3	Fayette County Historical Society	\$	150,000	99578
C371V4	Covedale Theatre	\$	100,000	99579
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	99580
C371V6	Madeira Historical Society/Miller House	\$	60,000	99581
C371V7	Sylvania Historic Village restoration	\$	200,000	99582
C371V9	Henry County Historical Society museum	\$	59,000	99583
C371W0	Antwerp Railroad Depot historic building	\$	106,000	99584
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	99585
C371W2	Lorain County Historical Society Horace Starr House	\$	200,000	99586
C371W3	North Ridgeville Historic Community Theater	\$	175,000	99587
C371W4	Redbrick Center for the Arts	\$	200,000	99588
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	99589
C371W6	Preble County Historical Society Amphitheater	\$	250,000	99590
C371W7	BalletTech	\$	200,000	99591

C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	99592
C371W9	Rickenbacker Boyhood Home	\$	139,000	99593
C371X0	Rivers Edge Amphitheater project	\$	100,000	99594
C371X1	Variety Theater	\$	85,000	99595
C371X2	Morgan Township Historical Society	\$	80,000	99596
C371X3	Salem Community Theater	\$	53,000	99597
C371X4	Our House State Memorial	\$	50,000	99598
C371X5	Belle's Opera House Improvements	\$	50,000	99599
C371X6	Warren Veterans memorial	\$	50,000	99600
C371X7	Huntington Playhouse	\$	40,000	99601
C371X8	Cambridge Performing Arts Center	\$	37,500	99602
C371X9	Old Harvey Historic School Restoration	\$	25,000	99603
C371Y0	Dalton Community Historical Society	\$	10,000	99604
C371Y1	Mohawk Veterans' Memorial	\$	15,000	99605
C371Y2	Cleveland Museum of Natural History	\$	150,000	99606
C371Y3	Fire Museum	\$	83,334	99607
C371Y4	New Town Indian Artifact Museum	\$	300,000	99608
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	99609
C371Y6	Historic League Park Restoration	\$	150,000	99610
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	99611
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	99612
C371Z1	Great Lakes Historical Museum	\$	200,000	99613
C371Z3	Port of Lorain Foundation - Lorain Lighthouse Restoration	\$	190,000	99614
Total Cultural Facilities Commission		\$	42,759,834	99615
			<u>42,309,834</u>	
TOTAL Cultural and Sports Facilities Building Fund		\$	42,759,834	99616
			<u>42,309,834</u>	

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 99617
\$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 99618
Center project. 99619

		Appropriations	
Sec. 233.50.80. STC STARK TECHNICAL COLLEGE			99620
C38900	Basic Renovations	\$ 786,333	99621
C38913	Business Technologies Building	\$ 2,034,537	99622
C38914	Corporate and Community Services Facility	\$ 500,000	99623
Total Stark Technical College		\$ 3,320,870	99624
Total Board of Regents and Institutions of Higher Education			99625
		\$ 598,559,802	99626
		<u>600,209,802</u>	
TOTAL Higher Education Improvement Fund		\$ 609,109,802	99627
		<u>610,759,802</u>	
 Section 610.51. That existing Sections 227.10 and 233.50.80 of Am. Sub. H.B. 562 of the 127th General Assembly, as amended by Am. Sub. H.B. 420 of the 127th General Assembly are hereby repealed.			99629 99630 99631 99632
 Section 620.10. That Section 831.06 of Am. Sub. H.B. 530 of the 126th General Assembly be amended to read as follows:			99633 99634
 Sec. 831.06. The amendments by this act of the first paragraph of division (F) of section 5751.01, of division (F)(2)(w) of section 5751.01, of the first paragraph of section 5751.032 <u>5751.53</u> , and of divisions (A)(7) and (A)(8)(c) of section 5751.032 of the Revised Code are nonsubstantive corrections of errors in Chapter 5751. of the Revised Code.			99635 99636 99637 99638 99639 99640
 Section 620.11. That existing Section 831.06 of Am. Sub. H.B. 530 of the 126th General Assembly is hereby repealed.			99641 99642
 Section 630.10. That Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly, as most recently amended by Am. Sub. H.B.			99643 99644

100 of the 127th General Assembly, be amended to read as follows: 99645

Sec. 4. The following agencies shall be retained pursuant to 99646
division (D) of section 101.83 of the Revised Code and shall 99647
expire on December 31, 2010: 99648

REVISED CODE 99649

OR

UNCODIFIED 99650

AGENCY NAME SECTION 99651

Administrator, Interstate Compact on Mental Health 5119.50 99652

Administrator, Interstate Compact on 5103.20 99653

Placement of Children 99654

Advisory Board of Governor's Office of Faith-Based 107.12 99655
and Community Initiatives

Advisory Boards to the EPA for Air Pollution 121.13 99656

Advisory Boards to the EPA for Water Pollution 121.13 99657

Advisory Committee of the State Veterinary Medical 4741.03(D)(3) 99658
Licensing Board

Advisory Committee on Livestock Exhibitions 901.71 99659

Advisory Council on Amusement Ride Safety 1711.51 99660

Advisory Board of Directors for Prison Labor 5145.162 99661

Advisory Council for Each Wild, Scenic, or 1517.18 99662
Recreational River Area

Advisory Councils or Boards for State Departments 107.18 or 99663
121.13

Advisory Group to the Ohio Water Resources Council 1521.19(C) 99664

Alzheimer's Disease Task Force 173.04(F) 99665

AMBER Alert Advisory Committee 5502.521 99666

Apprenticeship Council 4139.02 99667

Armory Board of Control 5911.09 99668

Automated Title Processing Board 4505.09(C)(1) 99669

Banking Commission 1123.01 99670

Board of Directors of the Ohio Health Reinsurance Program	3924.08	99671
Board of Voting Machine Examiners	3506.05(B)	99672
Brain Injury Advisory Committee	3304.231	99673
Capitol Square Review and Advisory Board	105.41	99674
Child Support Guideline Advisory Council	3119.024	99675
Children's Trust Fund Board	3109.15	99676
Citizens Advisory Committee (BMV)	4501.025	99677
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	99678
Clean Ohio Trail Advisory Board	1519.06	99679
Coastal Resources Advisory Council	1506.12	99680
Commission on African-American Males	4112.12	99681
Commission on Hispanic-Latino Affairs	121.31	99682
Commission on Minority Health	3701.78	99683
Committee on Prescriptive Governance	4723.49	99684
Commodity Advisory Commission	926.32	99685
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	99686
Community Oversight Council	3311.77	99687
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	99688
Continuing Education Committee (for Sheriffs)	109.80	99689
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	99690
Council on Alcohol and Drug Addiction Services	3793.09	99691
Council on Unreclaimed Strip Mined Lands	1513.29	99692
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	99693
County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	99694

Credit Union Council	1733.329	99695
Criminal Sentencing Advisory Committee	181.22	99696
Day-Care Advisory Council	5104.08	99697
Dentist Loan Repayment Advisory Board	3702.92	99698
Development Financing Advisory Council	122.40	99699
Education Commission of the States (Interstate Compact for Education)	3301.48	99700
Electrical Safety Inspector Advisory Committee	3783.08	99701
Emergency Response Commission	3750.02	99702
Engineering Experiment Station Advisory Committee	3335.27	99703
Environmental Education Council	3745.21	99704
EPA Advisory Boards or Councils	121.13	99705
Farmland Preservation Advisory Board	901.23	99706
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	99707
Financial Planning & Supervision Commission for School District	3316.05	99708
Forestry Advisory Council	1503.40	99709
Governance Authority for a State University or College	3345.75	99710
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	99711
Governor's Council on People with Disabilities	3303.41	99712
Governor's Residence Advisory Commission	107.40	99713
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	99714
Gubernatorial Transition Committee	107.29	99715
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	99716
Hemophilia Advisory Subcommittee	3701.0210	99717
Housing Trust Fund Advisory Committee	175.25 <u>174.06</u>	99718
Industrial Commission Nominating Council	4121.04	99719
Industrial Technology and Enterprise Advisory	122.29	99720

Council		
Infant Hearing Screening Subcommittee	3701.507	99721
Insurance Agent Education Advisory Council	3905.483	99722
Interagency Council on Hispanic/Latino Affairs	121.32(J)	99723
Interstate Mining Commission (Interstate Mining Compact)	1514.30	99724
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	99725
Joint Council on MR/DD	101.37	99726
Joint Select Committee on Volume Cap	133.021	99727
Labor-Management Government Advisory Council	4121.70	99728
Legal Rights Service Commission	5123.60	99729
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	99730
Maternal and Child Health Council	3701.025	99731
Medically Handicapped Children's Medical Advisory Council	3701.025	99732
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	99733
Military Activation Task Force	5902.15	99734
Milk Sanitation Board	917.03	99735
Mine Subsidence Insurance Governing Board	3929.51	99736
Minority Development Financing Board	122.72	99737
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	99738
Multidisciplinary Council	3746.03	99739
Muskingum River Advisory Council	1501.25	99740
National Museum of Afro-American History and Culture Planning Committee	149.303	99741
Ohio Advisory Council for the Aging	173.03	99742
Ohio Aerospace & Defense Advisory Council	122.98	99743
Ohio Arts Council	3379.02	99744

Ohio Business Gateway Steering Committee	5703.57	99745
Ohio Cemetery Dispute Resolution Commission	4767.05	99746
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	99747
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	99748
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	99749
Ohio Commission on Dispute Resolution and Conflict Management	179.02	99750
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	99751
Ohio Community Service Council	121.40	99752
Ohio Council for Interstate Adult Offender Supervision	5149.22	99753
Ohio Cultural Facilities Commission	3383.02	99754
Ohio Developmental Disabilities Council	5123.35	99755
Ohio Expositions Commission	991.02	99756
Ohio Family and Children First Cabinet Council	121.37	99757
Ohio Geology Advisory Council	1505.11	99758
Ohio Grape Industries Committee	924.51	99759
Ohio Hepatitis C Advisory Commission	3701.92	99760
Ohio Historic Site Preservation Advisory Board	149.301	99761
Ohio Historical Society Board of Trustees	149.30	99762
Ohio Judicial Conference	105.91	99763
Ohio Lake Erie Commission	1506.21	99764
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	99765

Ohio Medical Quality Foundation	3701.89	99766
Ohio Parks and Recreation Council	1541.40	99767
Ohio Peace Officer Training Commission	109.71	99768
Ohio Public Defender Commission	120.01	99769
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	99770
Ohio Quarter Horse Development Commission	3769.086	99771
Ohio Small Government Capital Improvements Commission	164.02	99772
Ohio Soil and Water Conservation Commission	1515.02	99773
Ohio Standardbred Development Commission	3769.085	99774
Ohio Steel Industry Advisory Council	122.97	99775
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	99776
Ohio Thoroughbred Racing Advisory Committee	3769.084	99777
Ohio Tuition Trust Authority	3334.03	99778
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	99779
Ohio Vendors Representative Committee	3304.34	99780
Ohio War Orphans Scholarship Board	5910.02	99781
Ohio Water Advisory Council	1521.031	99782
Ohio Water Resources Council	1521.19	99783
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	99784
Oil and Gas Commission	1509.35	99785
Operating Committee, Agricultural Commodity Marketing Programs	924.07	99786
Organized Crime Investigations Commission	177.01	99787
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81 <u>5111.084</u>	99788

Physician Loan Repayment Advisory Board	3702.81	99789
Power Siting Board	4906.02	99790
Prequalification Review Board	5525.07	99791
Private Water Systems Advisory Council	3701.346	99792
Public Employment Risk Reduction Advisory Commission	4167.02	99793
Public Health Council	3701.33	99794
Public Utilities Commission Nominating Council	4901.021	99795
Public Utility Property Tax Study Committee	5727.85	99796
Radiation Advisory Council	3748.20	99797
Reclamation Commission	1513.05	99798
Recreation and Resources Commission	1501.04	99799
Recycling and Litter Prevention Advisory Council	1502.04	99800
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	99801
Savings & Loans Associations & Savings Banks Board	1181.16	99802
Schools and Ministerial Lands Divestiture Committee	501.041	99803
Second Chance Trust Fund Advisory Committee	2108.17	99804
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	99805
Solid Waste Management Advisory Council	3734.51	99806
State Agency Coordinating Group	1521.19	99807
State Board of Emergency Medical Services Subcommittees	4765.04	99808
State Council of Uniform State Laws	105.21	99809
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	99810
State Criminal Sentencing Commission	181.21	99811
State Fire Commission	3737.81	99812
State Racing Commission	3769.02	99813
State Victims Assistance Advisory Committee	109.91	99814

Student Tuition Recovery Authority	3332.081	99815
Tax Credit Authority	122.17	99816
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	99817
Technical Advisory Council on Oil and Gas	1509.38	99818
Transportation Review Advisory Council	5512.07	99819
Unemployment Compensation Review Commission	4141.06	99820
Unemployment Compensation Advisory Council	4141.08	99821
Utility Radiological Safety Board	4937.02	99822
Vehicle Management Commission	125.833	99823
Veterans Advisory Committee	5902.02(K)	99824
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	99825
Water and Sewer Commission	1525.11(C)	99826
Waterways Safety Council	1547.73	99827
Wildlife Council	1531.03	99828
Workers' Compensation Board of Directors Nominating Committee	4121.123	99829

Section 630.11. That existing Section 4 of Am. Sub. H.B. 516 99830
of the 125th General Assembly, as most recently amended by Am. 99831
Sub. H.B. 100 of the 127th General Assembly, is hereby repealed. 99832

Section 640.10. That Section 153 of Am. Sub. H.B. 117 of the 99833
121st General Assembly, as most recently amended by Am. Sub. H.B. 99834
119 of the 127th General Assembly, be amended to read as follows: 99835

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 99836
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 99837
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 99838
repealed, effective October 16, ~~2009~~ 2011. 99839

(B) Any money remaining in the Legislative Budget Services 99840
Fund on October 16, ~~2009~~ 2011, the date that section 5112.19 of 99841

the Revised Code is repealed by division (A) of this section, 99842
shall be used solely for the purposes stated in then former 99843
section 5112.19 of the Revised Code. When all money in the 99844
Legislative Budget Services Fund has been spent after then former 99845
section 5112.19 of the Revised Code is repealed under division (A) 99846
of this section, the fund shall cease to exist. 99847

Section 640.11. That existing Section 153 of Am. Sub. H.B. 99848
117 of the 121st General Assembly, as most recently amended by Am. 99849
Sub. H.B. 119 of the 127th General Assembly, is hereby repealed. 99850
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Section 640.20. That Sections 120.01, 120.02, and 120.05 of 99852
Am. Sub. H.B. 119 of the 127th General Assembly be amended to read 99853
as follows: 99854

Sec. 120.01. During the period beginning July 1, 2007, and 99855
expiring ~~July 1~~ December 31, 2009, the operation of sections 99856
3718.02, 3718.05, 3718.06, 3718.07, 3718.08, 3718.09, 3718.10, 99857
3718.99, and 6111.441 of the Revised Code is suspended. On ~~July 1~~ 99858
December 31, 2009, sections 3718.02, 3718.05, 3718.06, 3718.07, 99859
3718.08, 3718.09, 3718.10, 3718.99, and 6111.441 of the Revised 99860
Code, in either their present form or as they are later amended, 99861
again become operational. 99862

Sec. 120.02. (A)(1) Effective July 2, 2007, the rules adopted 99863
by the Public Health Council under section 3718.02 of the Revised 99864
Code that took effect on January 1, 2007, are not valid. Not later 99865
than July 2, 2007, the Director of Health shall adopt rules that 99866
are identical to the rules adopted by the Public Health Council 99867
that were in effect prior to January 1, 2007, and were codified in 99868
Chapter 3701-29 of the Administrative Code, except the rules in 99869
that chapter that established requirements for separation 99870

distances from a water table and soil absorption requirements. 99871

At the same time that the Public Health Council adopts the 99872
rules required under division (A)(2) of this section, the Director 99873
shall rescind the rules adopted under this division. 99874

The adoption and rescission of rules under this division are 99875
not subject to section 119.03 of the Revised Code. However, the 99876
Director shall file the adoption and rescission of the rules in 99877
accordance with section 119.04 of the Revised Code. Upon that 99878
filing, the adoption and rescission of the rules take immediate 99879
effect. 99880

(2) Not later than thirty days after the effective date of 99881
this section as enacted by Am. Sub. H.B. 119 of the 127th General 99882
Assembly and notwithstanding any provision of law to the contrary, 99883
the Public Health Council shall rescind rules adopted by the 99884
Council under section 3718.02 of the Revised Code, that took 99885
effect on January 1, 2007. At the same time as those rules are 99886
rescinded, the Council shall adopt rules that are identical to the 99887
rules adopted by the Council that were in effect prior to January 99888
1, 2007, and were codified in Chapter 3701-29 of the 99889
Administrative Code, except the rules in that Chapter that 99890
established requirements for separation distances from a water 99891
table and soil absorption requirements. Instead, a board of health 99892
or the authority having the duties of a board of health shall 99893
adopt standards establishing requirements for separation distances 99894
from a water table and soil absorption requirements based on the 99895
water table and soils in the applicable health district for 99896
purposes of the installation and operation of household sewage 99897
treatment systems and small flow on-site sewage treatment systems 99898
in the applicable health district. 99899

The rescission and adoption of rules under this division are 99900
not subject to section 119.03 of the Revised Code. However, the 99901

Public Health Council shall file the rules in accordance with 99902
section 119.04 of the Revised Code. Upon that filing, the rules 99903
take immediate effect. 99904

(B) A local board of health or the authority having the 99905
duties of a board of health may adopt standards for use in the 99906
health district that are more stringent than the rules adopted 99907
under division (A)(1) or (2) of this section, provided that the 99908
board of health or authority having the duties of a board of 99909
health in adopting such standards considers the economic impact of 99910
those standards on property owners, the state of available 99911
technology, and the nature and economics of the available 99912
alternatives. If a board of health or authority having the duties 99913
of a board of health adopts standards that are more stringent than 99914
the rules adopted under division (A)(1) or (2) of this section, 99915
the board or authority shall send a copy of the standards to the 99916
Department of Health. 99917

(C)(1) A board of health or the authority having the duties 99918
of a board of health shall approve or deny the use of household 99919
sewage treatment systems and small flow on-site sewage treatment 99920
systems in the applicable health district. In approving or denying 99921
a household sewage treatment system or a small flow on-site sewage 99922
treatment system for use in the health district, the board or 99923
authority shall consider the economic impact of the system on 99924
property owners, the state of available technology, and the nature 99925
and economics of the available alternatives, ensure that a system 99926
will not create a public health nuisance, and require a system to 99927
comply with the requirements established in divisions (C)(2) and 99928
(3) of this section. 99929

(2) Notwithstanding any rule adopted by the Director of 99930
Health or the Public Health Council or standard adopted by a board 99931
of health or the authority having the duties of a board of health 99932
governing the installation and operation of sewage treatment 99933

systems, a board of health or the authority having the duties of a 99934
board of health shall ensure that the design and installation of a 99935
soil absorption system prevents public health nuisances. To the 99936
extent determined necessary by a board of health or the authority 99937
having the duties of a board of health, a sewage treatment system 99938
that is installed after the effective date of this section as 99939
enacted by Am. Sub. H.B. 119 of the 127th General Assembly shall 99940
not discharge to a ditch, stream, pond, lake, natural or 99941
artificial waterway, drain tile, other surface water, or the 99942
surface of the ground unless authorized by a national pollutant 99943
discharge elimination system (NPDES) permit issued under Chapter 99944
6111. of the Revised Code and rules adopted under it. In addition, 99945
a sewage treatment system shall not discharge to an abandoned 99946
well, a drainage well, a dry well or cesspool, a sinkhole, or 99947
another connection to ground water. As a condition to the issuance 99948
of a permit to operate a system, a board of health or the 99949
authority having the duties of a board of health shall require a 99950
service contract for any sewage treatment system that is subject 99951
to an NPDES permit to the extent required by the Environmental 99952
Protection Agency. If classified as a class V injection well, a 99953
household sewage treatment system serving a two- or three-family 99954
dwelling or a small flow on-site sewage treatment system shall 99955
comply with 40 C.F.R. 144, as published in the July 1, 2005, Code 99956
of Federal Regulations and with the registration requirements 99957
established in rule 3745-34-13 of the Administrative Code. 99958

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(3) Notwithstanding any rule adopted by the Director of 99960
Health or the Public Health Council or standard adopted by a board 99961
of health or the authority having the duties of a board of health 99962
governing the installation and operation of household sewage 99963
treatment systems, all septic tanks, other disposal component 99964
tanks, dosing tanks, pump vaults, household sewage disposal system 99965
holding tanks and privy vaults, or other applicable sewage 99966

disposal system components manufactured after the effective date 99967
of this section as enacted by Am. Sub. H.B. 119 of the 127th 99968
General Assembly and used in this state shall be watertight and 99969
structurally sound. 99970

(4) For purposes of division (C) of this section, "economic 99971
impact" means all of the following with respect to the approval or 99972
denial of a household sewage treatment system or small flow 99973
on-site sewage treatment system, as applicable: 99974

(a) The cost of a proposed system; 99975

(b) The cost of an alternative system that will not create a 99976
public health nuisance; 99977

(c) A comparison of the costs of repairing a system as 99978
opposed to replacing the system with a new system; 99979

(d) The value of the dwelling or facility, as applicable, 99980
that the system services as indicated in the most recent tax 99981
duplicate. 99982

(D)(1) Notwithstanding any rule adopted by the Director of 99983
Health or the Public Health Council governing the installation and 99984
operation of household sewage treatment systems, a board of health 99985
or the authority having the duties of a board of health may 99986
establish and collect fees for the purposes of this section. 99987

(2) In addition to the fees that are authorized to be 99988
established under division (D)(1) of this section, there is hereby 99989
levied an application fee of twenty-five dollars for a sewage 99990
treatment system installation permit. A board of health or the 99991
authority having the duties of a board of health shall collect the 99992
fee on behalf of the Department of Health and forward the fee to 99993
the Department to be deposited in the state treasury to the credit 99994
of the Sewage Treatment System Innovation Fund, which is hereby 99995
created. Not more than seventy-five per cent of the money in the 99996
Fund shall be used by the Department to administer the sewage 99997

treatment system program, and not less than twenty-five per cent 99998
of the money in the Fund shall be used to establish a grant 99999
program in cooperation with boards of health to fund the 100000
installation and evaluation of new technology pilot projects. In 100001
the selection of the pilot projects, the Director of Health shall 100002
consult with the Sewage Treatment System Technical Advisory 100003
Committee created in section 3718.03 of the Revised Code. 100004

(E) Not later than one year after the installation of a 100005
household sewage treatment system, a board of health or the 100006
authority having the duties of a board of health shall inspect the 100007
system to ensure that it is not a public health nuisance. 100008

(F) The Department of Health may file an injunctive action 100009
against a board of health or the authority having the duties of a 100010
board of health that allows a household sewage treatment system or 100011
small flow on-site sewage treatment system to cause a public 100012
health nuisance, provided that the Department provides reasonable 100013
notice to the board or authority and allows for the opportunity to 100014
abate the nuisance prior to the action. 100015

(G) The Environmental Protection Agency shall not require a 100016
board of health or the authority having the duties of a board of 100017
health to enter into a memorandum of understanding or any other 100018
agreement with the Agency regarding the issuance of NPDES permits 100019
for off-lot sewage treatment systems. Instead, a representative of 100020
a board of health or the authority having the duties of a board of 100021
health may meet with a person who intends to install such a system 100022
to determine the feasibility of the system and refer the person to 100023
the Agency to secure an NPDES permit for the system if needed. The 100024
Environmental Protection Agency, within ninety days or as quickly 100025
as possible after the effective date of this section as enacted by 100026
Am. Sub. H.B. 119 of the 127th General Assembly, shall seek a 100027
revision to the general NPDES permit, issued pursuant to the 100028
federal Water Pollution Control Act as defined in section 6111.01 100029

of the Revised Code, in order not to require a memorandum of 100030
understanding with a board of health or the authority having the 100031
duties of a board of health and that allows a property owner to 100032
seek coverage under the general NPDES permit for purposes of this 100033
division. A board of health or the authority having the duties of 100034
a board of health voluntarily may enter into a memorandum of 100035
understanding with the Environmental Protection Agency to 100036
implement the general NPDES permit. In the interim, the Agency 100037
shall work with boards of health or authorities having the duties 100038
of boards of health and with property owners in order to 100039
facilitate the owners' securing an NPDES permit in counties 100040
without a memorandum of understanding. 100041

(H) Notwithstanding any rule adopted by the Director of 100042
Health or the Public Health Council governing the installation and 100043
operation of household sewage treatment systems, a board of health 100044
or the authority having the duties of a board of health that, 100045
prior to the effective date of this section, has obtained 100046
authority from the Department of Health and the Environmental 100047
Protection Agency to regulate small flow on-site sewage treatment 100048
systems may continue to regulate such systems on and after the 100049
effective date of this section as enacted by Am. Sub. H.B. 119 of 100050
the 127th General Assembly. A board of health or the authority 100051
having the duties of a board of health that has not obtained such 100052
authority may request the authority from the Department of Health 100053
and the Environmental Protection Agency in the manner provided by 100054
law. 100055

(I) Because the rules adopted by the Public Health Council 100056
under section 3718.02 of the Revised Code that were effective on 100057
January 1, 2007, have been rescinded by operation of this section, 100058
the references to those rules in section 3718.021 of the Revised 100059
Code are not operable. Instead, notwithstanding any other 100060
provisions of this section, the Director of Health or the Public 100061

Health Council, as applicable, shall provide for the 100062
implementation of section 3718.021 of the Revised Code in the 100063
rules that are required to be adopted under division (A) of this 100064
section. 100065

(J) The Department of Health in cooperation with a board of 100066
health or the authority having the duties of a board of health 100067
shall assess the familiarity of the board's or authority's staff 100068
with the best practices in the use of sewage treatment systems and 100069
conduct appropriate training to educate the board's or authority's 100070
staff in those best practices and in the use of any new sewage 100071
treatment system technology that is recommended for use by the 100072
Sewage Treatment System Technical Advisory Committee created in 100073
section 3718.03 of the Revised Code. 100074

(K)(1) As used in this section, "household sewage treatment 100075
system," "small flow on-site sewage treatment system," and "sewage 100076
treatment system" have the same meanings as in section 3718.01 of 100077
the Revised Code. 100078

(2) For the purposes of this section, "household sewage 100079
treatment system" is deemed to mean "household sewage disposal 100080
system" as necessary for the operation of this section. 100081

(3) For purposes of this section, a public health nuisance 100082
shall be deemed to exist when an inspection conducted by a board 100083
of health documents odor, color, or other visual manifestations of 100084
raw or poorly treated sewage and either of the following applies: 100085

(a) Water samples exceed five thousand fecal coliform counts 100086
per one hundred milliliters (either MPN or MF) in two or more 100087
samples when five or fewer samples are collected or in more than 100088
twenty per cent of the samples when more than five samples are 100089
taken. 100090

(b) Water samples exceed five hundred seventy-six E. Coli 100091
counts per one hundred milliliters in two or more samples when 100092

five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are taken.

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(L) Neither the Director of Health or the Public Health Council shall adopt rules prior to ~~July 1~~ December 31, 2009, that modify or change the requirements established by this section.

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(M) This section expires on the effective date of the rules that are to be adopted under section 3718.02 of the Revised Code when that section becomes operational on ~~July 1~~ December 31, 2009, pursuant to Section 120.01 of ~~this act~~ Am. Sub. H.B. 119 of the 127th General Assembly.

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Sec. 120.05. Sections 120.03 and 120.04 of Am. Sub. H.B. 119 of the 127th General Assembly take effect on ~~July 1~~ December 31, 2009.

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Section 640.21. That existing Sections 120.01, 120.02, and 120.05 of Am. Sub. H.B. 119 of the 127th General Assembly are hereby repealed.

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Section 690.10. That Section 3 of Am. Sub. H.B. 203 of the 126th General Assembly and Section 325.05 of Am. Sub. H.B. 2 of the 128th General Assembly are hereby repealed.

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Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES

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(A) As used in this section, "appointing authority" has the same meaning as in section 124.01 of the Revised Code, and "exempt employee" has the same meaning as in section 124.152 of the Revised Code.

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(B) Notwithstanding section 124.181 of the Revised Code, both of the following apply:

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(1) In cases where no vacancy exists, an appointing authority may, with the written consent of an exempt employee, assign duties

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of a higher classification to that exempt employee for a period of 100121
time not to exceed two years, and that exempt employee shall 100122
receive compensation at a rate commensurate with the duties of the 100123
higher classification. 100124

(2) If necessary, exempt employees who are assigned to duties 100125
within their agency to maintain operations during the Ohio 100126
Administrative Knowledge System (OAKS) implementation may agree to 100127
a temporary assignment that exceeds the two-year limit. 100128

Section 701.20. FINANCIAL PLANNING AND SUPERVISION 100129
COMMISSIONS 100130

For any Financial Planning and Supervision Commission 100131
established prior to the effective date of the amendment of 100132
section 118.05 of the Revised Code by the Main Operating 100133
Appropriations Act of the 128th General Assembly, four members 100134
constitute a quorum and the affirmative vote of a majority of the 100135
members is necessary for any action taken by vote of the 100136
commission. 100137

Section 701.30. SCIENCE AND TECHNOLOGY COLLABORATION 100138

The Department of Development, the Board of Regents, the Air 100139
Quality Development Authority, the Department of Agriculture, and 100140
the Third Frontier Commission shall collaborate in relation to 100141
appropriation items and programs referred to as Technology-based 100142
Economic Development Programs in this section, and other 100143
technology-related appropriations and programs in the Department 100144
of Development, Air Quality Development Authority, Department of 100145
Agriculture, and the Board of Regents as these agencies may 100146
designate, to ensure implementation of a coherent state science 100147
and technology strategy. 100148

To the extent permitted by law, the Air Quality Development 100149
Authority shall assure that coal research and development 100150

programs, proposals, and projects consider or incorporate 100151
collaborations with Third Frontier Project programs and grantees 100152
and with Technology-based Economic Development Programs and 100153
grantees. 100154

"Technology-based Economic Development Programs" means 100155
appropriation items 195401, Thomas Edison Program; 898402, Coal 100156
Development Office; 898604, Coal Research and Development Fund; 100157
235508, Air Force Institute of Technology; 235510, Ohio 100158
Supercomputer Center; 235535, Ohio Agricultural Research and 100159
Development Center; 235556, Ohio Academic Resources Network; 100160
195435, Biomedical Research and Technology Transfer; 195687, Third 100161
Frontier Research & Development Projects; C23506, Third Frontier 100162
Project; 195692, Research & Development Taxable Bond Projects; 100163
195694, Jobs Fund Bioproducts; 195695, Jobs Fund Biomedical; 100164
Technology Action grants provided in 195615, Facilities 100165
Establishment; and tax credits supporting the Ohio Venture Capital 100166
Authority and Technology Investment Tax Credit programs. 100167

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Technology-based Economic Development Programs shall be 100169
managed and administered in accordance with the following 100170
objectives: (1) to build on existing competitive research 100171
strengths; (2) to encourage new and emerging discoveries and 100172
commercialization of products and ideas that will benefit the Ohio 100173
economy; and (3) to assure improved collaboration among programs 100174
administered by the Third Frontier Commission and with other state 100175
programs that are intended to improve economic growth and job 100176
creation. As directed by the Third Frontier Commission, 100177
Technology-based Economic Development Program managers shall 100178
report to the Commission or the Third Frontier Advisory Board 100179
regarding the contributions of their programs to achieving these 100180
objectives. 100181

Each Technology-based Economic Development Program shall be 100182

reviewed annually by the Third Frontier Commission with respect to 100183
its development of complementary relationships within a combined 100184
state science and technology investment portfolio, and with 100185
respect to its overall contribution to the state's science and 100186
technology strategy, including the adoption of appropriately 100187
consistent criteria for: (1) the scientific and technical merit 100188
and relationship to Ohio's research strengths of activities 100189
supported by the program; (2) the relevance of the program's 100190
activities to commercial opportunities in the private sector; (3) 100191
the private sector's involvement in a process that continually 100192
evaluates commercial opportunities to use the work supported by 100193
the program; and (4) the ability of the program and recipients of 100194
grant funding from the program to engage in activities that are 100195
collaborative, complementary, and efficient in the expenditure of 100196
state funds. Each Technology-based Economic Development Program 100197
shall provide an annual report to the Third Frontier Commission 100198
that discusses existing, planned, or possible collaborations 100199
between programs and between recipients of grant funding related 100200
to technology, development, commercialization, and the support of 100201
Ohio's economic development. The annual review conducted by the 100202
Third Frontier Commission shall be a comprehensive review of the 100203
entire state science and technology program portfolio rather than 100204
a review of individual programs. 100205

Applicants for Third Frontier and Technology-based Economic 100206
Development Programs funding shall identify their requirements for 100207
high-performance computing facilities and services, including both 100208
hardware and software, in all proposals. If an applicant's 100209
requirements exceed approximately \$100,000 for a proposal, the 100210
Ohio Supercomputer Center shall convene a panel of experts. The 100211
panel shall review the proposal to determine whether the 100212
proposal's requirements can be met through Ohio Supercomputer 100213
Center facilities or through other means and report such 100214
information to the Third Frontier Commission. 100215

To ensure that the state receives the maximum benefit from 100216
its investment in the Third Frontier Project and the NextGen 100217
Network, organizations receiving Third Frontier awards and 100218
Technology-based Economic Development Programs awards shall, as 100219
appropriate, be expected to have a connection to the NextGen 100220
Network that enables them and their collaborators to achieve award 100221
objectives through the NextGen Network. 100222

Section 701.40. The General Assembly intends that all funds 100223
appropriated or otherwise made available by the state for fiscal 100224
stabilization or recovery purposes, or by the American Recovery 100225
and Reinvestment Act of 2009, shall be used, to the extent 100226
possible, in accordance with the preferences established in 100227
section 125.09 of the Revised Code to purchase products made and 100228
services performed in the United States and in this state. The 100229
General Assembly further recognizes that a preference for buying 100230
goods and materials that are produced, and services that are 100231
performed, in the United States for projects is important for 100232
maximizing the creation of American jobs and restoring economic 100233
growth and opportunity. 100234

If any person requests or obtains a waiver of the preferences 100235
referred to in the first paragraph of this section, the Director 100236
of Administrative Services shall publish information identifying 100237
the person and the product or service with regard to which the 100238
waiver was requested or obtained. The purpose of publishing this 100239
identifying information is to enhance opportunities for producers, 100240
service providers, and workers to identify and provide products 100241
made and services performed in the United States and this state, 100242
and thereby to maximize the success of the fiscal stabilization 100243
and economic recovery program. The director shall publish the 100244
identifying information on an internet web site maintained by the 100245
Department of Administrative Services. 100246

Section 701.70. The Department of Administrative Services 100247
shall conduct a pilot project involving propane-powered state 100248
vehicles. During the period commencing October 1, 2009, and ending 100249
September 30, 2010, the Department of Administrative Services 100250
shall convert or cause to be converted to a propane fuel system 100251
five per cent of the gasoline-powered passenger cars, sport 100252
utility vehicles, and light-duty pickup trucks owned by the state. 100253
During the period commencing October 1, 2010, and ending December 100254
31, 2010, the Department shall convert or cause to be converted to 100255
a propane fuel system an additional five per cent of the 100256
gasoline-powered motor vehicles described in this section. Only 100257
propane fuel systems that have been approved by the United States 100258
Environmental Protection Agency shall be installed in state 100259
vehicles pursuant to this section. 100260

During the period commencing October 1, 2009, and ending 100261
September 30, 2011, the Department shall keep detailed records of 100262
the propane-powered vehicles, including fuel mileage and 100263
maintenance costs. After September 30, 2011, the Department shall 100264
conduct a study of the pilot project to assess all aspects of the 100265
use by the state of propane-powered vehicles during the pilot 100266
project. The study shall include all relevant findings and 100267
recommendations, if any, regarding future use of propane gas in 100268
state vehicles, and shall be compiled into a final report. 100269

Not later than December 31, 2011, the Department shall submit 100270
copies of the final report to the Governor, the President of the 100271
Senate, the Minority Leader of the Senate, the Speaker of the 100272
House of Representatives, and the Minority Leader of the House of 100273
Representatives. 100274

Section 701.80. The Director of Budget and Management shall 100275
prepare, beginning on October 1, 2009, and on the first day of 100276
each calendar quarter thereafter, a list of all employees paid by 100277

warrant of the Director who work primarily for one state agency 100278
while being paid from appropriations made to another state agency. 100279
The Director shall provide a copy of the list to the President of 100280
the Senate, the Speaker of the House of Representatives, and the 100281
Minority Leaders of the Senate and House of Representatives. 100282

Section 701.90. (A) In adopting the rules required under 100283
division (K) of section 122.85 of the Revised Code, as enacted by 100284
this act, the Director of Development shall file the notice and 100285
text of the proposed rules as required by division (B) of section 100286
119.03 of the Revised Code not later than two hundred five days 100287
after the effective date of this section. 100288

(B) Not later than eighty days after the effective date of 100289
this section, the Director of Development shall adopt initial 100290
rules to effect the same purposes of the rules required under 100291
division (K) of section 122.85 of the Revised Code, as enacted by 100292
this act. The initial rules shall be adopted pursuant to section 100293
111.15 of the Revised Code, but division (D) of that section does 100294
not apply to the adoption of the initial rules. The initial rules 100295
shall be effective until the final rules adopted pursuant to 100296
division (A) of this section and Chapter 119. of the Revised Code 100297
take effect. 100298

Section 701.95. The several appointing authorities shall make 100299
initial appointments to the Small Business Regulatory Review Board 100300
under section 121.257 of the Revised Code, as enacted by this act, 100301
for terms commencing on January 1, 2010. 100302

Section 709.10. (A) There is hereby created in the Department 100303
of Agriculture the Ohio Beekeepers Task Force consisting of the 100304
following members: 100305

(1) Two members of the standing committee of the House of 100306

Representatives that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party; 100307
100308
100309

(2) Two members of the standing committee of the Senate that is primarily responsible for considering agricultural matters appointed by the Governor, each from a different political party; 100310
100311
100312

(3) The Chief of the Division of Plant Industry in the Department of Agriculture or the Chief's designee; 100313
100314

(4) The Director of Natural Resources or the Director's designee; 100315
100316

(5) Two representatives of the Ohio State Beekeepers Association appointed by the Association; 100317
100318

(6) The Director of The Ohio State University Extension or the Director's designee; 100319
100320

(7) An apiculture specialist of The Ohio State University Extension appointed by the Director of The Ohio State University Extension; 100321
100322
100323

(8) The Chair of The Ohio State University Department of Entomology or the Chair's designee; 100324
100325

(9) A representative of the Ohio Produce Growers and Marketing Association appointed by the Association; 100326
100327

(10) A representative of the Ohio Farm Bureau Federation Bee and Honey Committee appointed by the Federation; 100328
100329

(11) A representative of the Ohio Farmers Union appointed by the Union; 100330
100331

(12) A representative of the County Commissioners Association of Ohio appointed by the Association. 100332
100333

(B) The members shall be appointed not later than sixty days after the effective date of this section. The Task Force shall 100334
100335

hold its first meeting not later than ninety days after the 100336
effective date of this section. 100337

(C) The Governor shall select a chairperson and 100338
vice-chairperson from among the members of the Task Force. The 100339
chairperson may appoint a secretary. 100340

(D) The members of the Task Force shall receive no 100341
compensation for their services. 100342

(E) Not later than ten months after the effective date of 100343
this section, the Ohio Beekeepers Task Force shall submit a report 100344
to the Governor, the President of the Senate, the Speaker of the 100345
House of Representatives, and the Ohio State Beekeepers 100346
Association. The report shall do all of the following: 100347

(1) Provide an overview of the characteristics of the 100348
honeybee crisis in Ohio; 100349

(2) Examine and provide an overview of and conclusions 100350
regarding whether pollinator shortages are affecting crop 100351
pollination in Ohio; 100352

(3) Review and provide an overview of the Ohio Honeybee 100353
Emergency Action Plan; 100354

(4) Review and provide a summary of the federal initiatives 100355
regarding Ohio's bee population and of all of the Department of 100356
Agriculture's and the Ohio State Beekeepers Association's programs 100357
concerning Ohio's bee population; 100358

(5) Provide an overview of the five-year goals of the 100359
Department of Agriculture concerning honeybees, including 100360
recommendations for the restoration of Ohio's bee population; 100361

(6) Examine and describe the funding that is available for 100362
honeybee programs and issues affecting honeybees; 100363

(7) Any other issues that the Task Force considers 100364
appropriate. 100365

(F) Not later than ninety days following the submission of 100366
the report, the Task Force shall meet and respond to any question 100367
from a person who received the report. The Task Force shall cease 100368
to exist upon submitting its response to all questions from 100369
persons who received the report. 100370

Section 709.20. There is hereby created the State Clean 100371
Diesel Funding Task Force consisting of ten members as follows: 100372
the Director of the Ohio Air Quality Development Authority or the 100373
director's designee, the Director of Development or the director's 100374
designee, a representative from the Environmental Protection 100375
Agency, appointed by the Director of Environmental Protection, a 100376
representative from the Ohio Department of Transportation, 100377
appointed by the Director of Transportation, and six members 100378
appointed by the Governor, including one representative from a 100379
diesel engine manufacturer, one representative from a statewide 100380
environmental advocacy organization, one representative of a 100381
construction equipment dealer as defined in section 1353.01 of the 100382
Revised Code, one representative from a statewide organization 100383
representing contractors, one representative from a statewide 100384
organization representing the trucking industry, and one 100385
representative from a metropolitan planning organization. The 100386
Governor shall appoint the appropriate members of the Task Force 100387
not later than thirty days after the effective date of this 100388
section. 100389

The task force shall study methods of funding state clean 100390
diesel incentive programs and shall issue a report of its 100391
findings, including a recommendation for a dedicated and stable 100392
long term funding source for the Diesel Emissions Reduction Grant 100393
Program, to the General Assembly and the Governor by January 1, 100394
2010. Upon issuing the report, the task force shall cease to 100395
exist. 100396

Section 739.10. The Department of Insurance shall not 100397
designate any entities, which have not been designated prior to 100398
the effective date of this section, to provide investment options 100399
under alternative retirement plans established by public 100400
institutions of higher education in accordance with Chapter 3305. 100401
of the Revised Code pursuant to section 3305.03 of the Revised 100402
Code until July 1, 2010. 100403

Section 741.10. PAYROLL REDUCTION STRATEGIES 100404

Notwithstanding any other provision of law to the contrary, 100405
the Office of Collective Bargaining of the Department of 100406
Administrative Services is authorized to negotiate with the 100407
respective state collective bargaining units various payroll 100408
reduction strategies through the collective bargaining process 100409
prior to July 1, 2009, including, but not limited to, reductions 100410
in pay for fiscal years 2010 and 2011 and an increase in each 100411
state employee's share of dental, vision, and life insurance 100412
benefits for those fiscal years. If the Office successfully 100413
negotiates or reaches alternative payroll reduction strategies 100414
through the collective bargaining process, those payroll reduction 100415
strategies shall be implemented. The total amount of state 100416
employee payroll reduction strategy savings to be negotiated or 100417
implemented for each of those fiscal years shall be between 100418
\$170,000,000 and \$200,000,000, unless otherwise agreed to by the 100419
Office of Collective Bargaining and the Director of Budget and 100420
Management. The Director of Budget and Management is authorized to 100421
transfer cash from non-General Revenue Fund funds to the General 100422
Revenue Fund to carry out this section. 100423

Section 745.10. For the time period beginning on the 100424
effective date of this section and ending June 30, 2010: 100425

(A) For purposes of Chapter 4505. of the Revised Code, 100426

"manufactured housing broker" includes a manufactured home broker. 100427

(B) Notwithstanding division (N) of section 4517.01 of the 100428
Revised Code, "salesperson" shall include any person employed by a 100429
manufactured home broker to sell, display, and offer for sale, or 100430
deal in manufactured homes or mobile homes for a commission, 100431
compensation, or other valuable consideration, but does not 100432
include any public officer performing official duties. 100433

(C)(1) For purposes of section 4517.03 of the Revised Code, 100434
if a licensed new or used motor vehicle dealer also is a licensed 100435
manufactured home park operator, all of the following apply: 100436

(a) An established place of business that is located in the 100437
operator's manufactured home park and that is used for selling, 100438
leasing, and renting manufactured homes and mobile homes in that 100439
manufactured home park shall be considered as used exclusively for 100440
that purpose even though rent and other activities related to the 100441
operation of the manufactured home park take place at the same 100442
location or office. 100443

(b) The dealer's established place of business in the 100444
manufactured home park shall be staffed by someone licensed and 100445
regulated under Chapter 4517. of the Revised Code who could 100446
reasonably assist any retail customer with or without an 100447
appointment, but such established place of business shall not be 100448
required to satisfy office size, display lot size, and physical 100449
barrier requirements applicable to other used motor vehicle 100450
dealers. 100451

(c) The manufactured and mobile homes being offered for sale, 100452
lease, or rental by the dealer may be located on individual rental 100453
lots inside the operator's manufactured home park. 100454

(2) For purposes of section 4517.03 of the Revised Code, a 100455
place of business used for the brokering or sale of manufactured 100456
homes or mobile homes shall be considered as used exclusively for 100457

brokering, selling, displaying, offering for sale, or dealing in 100458
motor vehicles even though industrialized units, as defined by 100459
section 3781.06 of the Revised Code, are brokered, sold, 100460
displayed, offered for sale, or dealt at the same place of 100461
business. 100462

(D) Notwithstanding division (B) of section 4517.22 of the 100463
Revised Code, contracts may be signed, deposits taken, and sales 100464
consummated at a motor vehicle show at which the motor vehicles 100465
being displayed are new manufactured homes, as defined in division 100466
(C)(4) of section 3781.06 of the Revised Code. 100467

Section 745.20. Notwithstanding section 4781.16 of the 100468
Revised Code, any person licensed as a new motor vehicle dealer, 100469
used motor vehicle dealer, manufactured homes broker, or 100470
salesperson under Chapter 4517. of the Revised Code on June 30, 100471
2010, may continue to engage in the business of displaying, 100472
selling at retail, or brokering manufactured homes or mobile homes 100473
under the authority of such license until the license expires or 100474
until the manufactured homes commission issues or denies the 100475
person a manufactured housing dealer's license, manufactured 100476
housing broker's license, or manufactured housing salesperson's 100477
license under Chapter 4781. of the Revised Code, whichever occurs 100478
earlier. 100479

Section 745.30. Effective July 1, 2010, the manufactured 100480
homes commission may suspend or revoke any existing new motor 100481
vehicle dealer, used motor vehicle dealer, manufactured homes 100482
broker, or salesperson license issued to a person engaged in the 100483
business of displaying, selling at retail, or brokering 100484
manufactured homes or mobile homes, and such action may be 100485
appealed under section 4781.25 of the Revised Code. 100486

Section 745.40. Effective July 1, 2010, nothing in sections 100487

4517.01 to 4517.99 of the Revised Code shall be construed to apply 100488
to any of the following: 100489

(A) Manufactured homes as defined in division (C)(4) of 100490
section 3781.06 of the Revised Code; 100491

(B) Mobile homes as defined in division (O) of section 100492
4501.01 of the Revised Code; or 100493

(C) Dealers, brokers or salespersons of manufactured homes or 100494
mobile homes. 100495

Section 747.10. (A) The terms of the members of the 100496
Residential Construction Advisory Committee serving on the 100497
effective date of section 4740.14 of the Revised Code as amended 100498
by this act shall expire one hundred eighty days after the 100499
effective date of section 4740.14 of the Revised Code as amended 100500
by this act. 100501

(B) Upon the expiration of the terms of the members of the 100502
Residential Construction Advisory Committee serving on the 100503
effective date of section 4740.14 of the Revised Code as amended 100504
by this act, the members of the Residential Construction Advisory 100505
Committee shall be appointed as described in section 4740.14 of 100506
the Revised Code as amended by this act and such members' terms 100507
shall expire as follows: 100508

(1) The terms of the members described in divisions (A)(3), 100509
(A)(6), and one of the members described in division (A)(1) of 100510
section 4740.14 of the Revised Code as amended by this act shall 100511
expire on January 1, 2012. 100512

(2) The terms of the member described in division (A)(4), one 100513
of the members described in division (A)(1), and one of the 100514
members described in division (A)(2) of section 4740.14 of the 100515
Revised Code as amended by this act shall expire on January 1, 100516
2013. 100517

(3) The terms of the member described in division (A)(5), one 100518
of the members described in division (A)(1), and one of the 100519
members described in division (A)(2) of section 4740.14 of the 100520
Revised Code as amended by this act shall expire on January 1, 100521
2014. 100522

(C) The Board of Building Standards shall determine which of 100523
the members appointed pursuant to division (A)(1) of section 100524
4740.14 of the Revised Code as amended by this act will serve the 100525
term described in division (B)(1), which member will serve the 100526
term described in division (B)(2), and which member will serve the 100527
term described in division (B)(3) of this section, and shall 100528
determine which of the members appointed pursuant to division 100529
(A)(2) of section 4740.14 of the Revised Code as amended by this 100530
act will serve the term described in division (B)(2) and which 100531
member will serve the term described in division (B)(3) of this 100532
section. 100533

(D) Upon the expiration of the appointments to the 100534
Residential Construction Advisory Committee made by division (B) 100535
of this section, all successive terms shall last for the period 100536
described in division (C) of section 4740.14 of the Revised Code 100537
as amended by this act. 100538

Section 751.10. MEDICAID COMMUNITY BEHAVIORAL HEALTH AND 100539
ADMINISTRATION ADVISORY GROUP 100540

(A) As used in this section: 100541

(1) "ADAMHS board" means all of the following: 100542

(a) Boards of alcohol, drug addiction, and mental health 100543
services; 100544

(b) Alcohol and drug addiction services boards; 100545

(c) Community mental health boards. 100546

(2) "Community behavioral health services" means both of the 100547

following:	100548
(a) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code;	100549 100550 100551
(b) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code.	100552 100553 100554
(B) There is hereby created the Medicaid Community Behavioral Health Administration Advisory Group. The Group shall consist of all of the following:	100555 100556 100557
(1) The Director of Mental Health or the Director's designee;	100558
(2) The Director of Alcohol and Drug Addiction Services or the Director's designee;	100559 100560
(3) The Director of Job and Family Services or the Director's designee;	100561 100562
(4) Subject to division (C) of this section, representatives of ADAMHS boards appointed by the co-chairpersons of the Group;	100563 100564
(5) Subject to division (C) of this section, representatives of providers of community behavioral health services appointed by the co-chairpersons of the Group;	100565 100566 100567
(6) Subject to division (C) of this section, consumers of community behavioral health services and advocates of such consumers appointed by the co-chairpersons of the Group;	100568 100569 100570
(7) The following state policy makers:	100571
(a) At the option of the Speaker of the House of Representatives, up to two members of the House of Representatives from different political parties appointed by the Speaker of the House of Representatives;	100572 100573 100574 100575
(b) At the option of the President of the Senate, up to two	100576

members of the Senate from different political parties appointed 100577
by the President of the Senate; 100578

(c) Other state policy makers deemed necessary and appointed 100579
by the co-chairpersons of the Group. 100580

(C) The Directors of Mental Health and Alcohol and Drug 100581
Addiction Services, or their designees, shall serve as 100582
co-chairpersons of the Advisory Group. The co-chairpersons shall 100583
determine the number of persons to be appointed under divisions 100584
(B)(4), (5), (6), and (7)(c) of this section. The co-chairpersons 100585
shall appoint the same number of persons under divisions (B)(4), 100586
(5), and (6) of this section so as to ensure balanced 100587
representation by the ADAMHS boards, providers, and consumers and 100588
consumer advocates. In making appointments under divisions (B)(4), 100589
(5), and (6) of this section, the co-chairpersons shall accept 100590
nominations from all of the following: 100591
100592

(1) The Ohio Association of County Behavioral Health 100593
Authorities; 100594

(2) The National Alliance on Mental Illness Ohio; 100595

(3) The Ohio Council of Behavioral Health and Family Services 100596
Providers; 100597

(4) The Ohio Association of Child Caring Agencies; 100598

(5) The Ohio Citizens Advocates for Chemical Dependency 100599
Prevention and Treatment; 100600

(6) The Ohio Alliance for Recovery Providers; 100601

(7) The Ohio Federation for Children's Mental Health; 100602

(8) Other organizations that represent the interests of 100603
ADAMHS boards, providers, and consumers and consumer advocates. 100604

(D) Members of the Advisory Group shall serve without 100605
compensation, except to the extent that serving on the Group is 100606

considered part of their regular employment duties. The 100607
Departments of Mental Health and Alcohol and Drug Addiction 100608
Services jointly may reimburse members of the Group for their 100609
reasonable travel expenses. 100610

(E) The Advisory Group shall study the administration and 100611
management of Medicaid-covered community behavioral health 100612
services. Not later than June 30, 2010, the Group shall submit a 100613
report regarding its study to the Governor and, in accordance with 100614
section 101.68 of the Revised Code, the General Assembly. The 100615
report shall include all of the following: 100616

(1) A plan for the administration and management of 100617
Medicaid-covered community behavioral health services in 100618
accordance with federal requirements, including the applicable 100619
federal requirements of 42 C.F.R. Parts 431 and 433; 100620

(2) A fiscal analysis of the impact that changing the entity 100621
that is responsible for paying providers of Medicaid-covered 100622
community behavioral health services and changing related 100623
management functions would have on the Departments of Mental 100624
Health and Alcohol and Drug Addiction Services and ADAMHS boards. 100625
The fiscal analysis shall include an examination of funding 100626
options for any such changes and focus on creating the most 100627
efficient and effective payment system possible. 100628

(3) Recommendations for increasing efficiencies related to 100629
all of the following: 100630

(a) Submission of Medicaid claims for community behavioral 100631
health services; 100632

(b) The processing and payment of Medicaid claims for 100633
community behavioral health services; 100634

(c) Exchange of information regarding Medicaid-covered 100635
community behavioral health services and non-Medicaid-covered 100636
community behavioral health services. 100637

(4) Recommendations for system changes needed for the effective administration and management of the Medicaid-covered community behavioral health services. Such recommendations shall focus on increasing efficiencies, transparency, and accountability in order to improve the delivery of community behavioral health services.

(F) The Advisory Group shall cease to exist on submission of its report.

(G)(1) Subject to division (G)(2) of this section, the Departments of Mental Health and Alcohol and Drug Addiction Services may implement, in whole or in part, the recommendations included in the Advisory Group's report. If the Departments implement any of the recommendations, the Departments shall implement the recommendations under the supervision of the Department of Job and Family Services.

(2) The Departments' implementation of recommendations under division (G)(1) of this section is subject to changes in state law, including state law regarding funding, that otherwise would conflict with the Departments' implementation of the recommendations. The Departments may take actions as part of the implementation of the recommendations as are consistent with state law.

Section 751.13. STUDY REGARDING AMOUNT, DURATION, AND SCOPE OF COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) The Directors of Alcohol and Drug Addiction Services, Mental Health, and Job and Family Services shall convene a group consisting of representatives of all of the following:

(1) Their departments;

(2) Boards of alcohol, drug addiction, and mental health services; community mental health boards; and alcohol and drug

addiction services boards;	100668
(3) Providers of community behavioral health services;	100669
(4) Consumers of community behavioral health services and advocates of such consumers.	100670 100671
(B) Members of the group convened under this section shall serve without compensation, except to the extent that serving on the group is considered part of their regular employment duties.	100672 100673 100674
The group shall develop recommendations regarding the amount, duration, and scope of publicly funded community behavioral health services that should be available through Ohio's community behavioral health system, including recommendations regarding the conditions under which the services should be available. The group shall prepare a report with its recommendations. The group shall submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly not later than June 30, 2011. The group shall cease to exist on submission of the report.	100675 100676 100677 100678 100679 100680 100681 100682 100683 100684
Section 751.20. SERVICE COORDINATION WORKGROUP	100685
(A) There is hereby created the Service Coordination Workgroup. The Workgroup shall consist of a representative of each of the following:	100686 100687 100688
(1) The Office of the Governor, appointed by the Governor;	100689
(2) The Department of Alcohol and Drug Addiction Services, appointed by the Director of Alcohol and Drug Addiction Services;	100690 100691
(3) The Department of Education, appointed by the Superintendent of Public Instruction;	100692 100693
(4) The Department of Health, appointed by the Director of Health;	100694 100695
(5) The Department of Job and Family Services, appointed by	100696

the Director of Job and Family Services; 100697

(6) The Department of Mental Health, appointed by the 100698
Director of Mental Health; 100699

(7) The Department of Mental Retardation and Developmental 100700
Disabilities, appointed by the Director of Mental Retardation and 100701
Developmental Disabilities; 100702

(8) The Department of Youth Services, appointed by the 100703
Director of Youth Services; 100704

(9) The Office of Budget and Management, appointed by the 100705
Director of Budget and Management; 100706

(10) The Family and Children First Cabinet Council, appointed 100707
by the chairperson of the Council. 100708

(B) The representative of the Office of the Governor shall 100709
serve as chairperson of the Workgroup. 100710

(C) Members of the Workgroup shall serve without 100711
compensation, except to the extent that serving on the Workgroup 100712
is considered part of their regular employment duties. 100713

(D) The Workgroup shall develop procedures for coordinating 100714
services that the entities represented on the Workgroup provide to 100715
individuals under age twenty-one and the families of those 100716
individuals. In developing the procedures, the Workgroup shall 100717
focus on maximizing resources, reducing unnecessary costs, 100718
removing barriers to effective and efficient service coordination, 100719
eliminating duplicate services, prioritizing high risk 100720
populations, and any other matters the Workgroup considers 100721
relevant to service coordination. Not later than July 31, 2009, 100722
the Workgroup shall submit a report to the Governor with 100723
recommendations for implementing the procedures. 100724

(E) The Workgroup shall cease to exist June 30, 2011. 100725

Section 751.40. The Director of Natural Resources shall enter into a memorandum of understanding with Farmers and Hunters Feeding the Hungry. The memorandum shall prescribe a method by which, during the period from July 1, 2009, through June 30, 2011, Farmers and Hunters Feeding the Hungry may donate venison to Ohio's food banks. The memorandum also shall prescribe methods that encourage private persons to make matching donations in money or food to Ohio's food banks that are equal or greater in value to the venison that is donated by the Farmers and Hunters Feeding the Hungry.

Section 753.10. (A) The Director of Natural Resources shall enter into a memorandum of understanding with the Southeastern Ohio Port Authority to develop the future use of the property that formerly comprised the Marietta State Nursery. The memorandum shall provide for all of the following:

- (1) Sale of the property for highest and best use;
- (2) Sale and usage of the property that is compatible with neighboring properties;
- (3) Maximum financial return for the Department of Natural Resources;
- (4) Expeditious sale of parcels of the property.

(B) The memorandum shall require contracted professional engineering services to provide both of the following:

- (1) A phase 1 environmental site assessment;
- (2) A master plan for property development, including all of the following:
 - (a) An inventory of site features and assets;
 - (b) Collection of public input through a meeting and comment period;

(c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;	100755 100756 100757
(d) Lot lines and parcel sizes in concept;	100758
(e) Means of ingress and egress from State Route 7 and interior site access that are delineated in concept, including possible eastern access to the site with a rough calculation of cut and fill required for the construction of roads;	100759 100760 100761 100762
(f) Identification of utility services, locations, and capacities;	100763 100764
(g) Plans for compliance with subdivision regulations;	100765
(h) Recommendations for possible deed restrictions;	100766
(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	100767 100768 100769
(j) Any necessary maps.	100770
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	100771 100772
(1) Manage the formulation of the master plan;	100773
(2) Create a master plan brochure and sales brochures;	100774
(3) Market the property by mail, signage, and the web sites <i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	100775 100776
(4) Respond to sales leads;	100777
(5) Screen inquiries regarding the property;	100778
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	100779 100780
(7) Present qualified purchase offers to the Department.	100781
(D) The memorandum shall specify that the Department of	100782

Natural Resources owns the property, that it may sell the property 100783
in lots to the Port Authority, and that the Port Authority then 100784
may sell the lots to individual private buyers. 100785

(E) The memorandum shall specify that the Department of 100786
Natural Resources is responsible for paying for the environmental, 100787
engineering, graphic design, signage, and printing costs as 100788
invoices for those costs are received. The Department and the Port 100789
Authority shall agree to a cap for each of those invoices. In 100790
addition, the memorandum shall specify that as parcels of the 100791
property are transferred to private buyers, the Port Authority 100792
retains five per cent of the sale price of each parcel as a fee 100793
for services provided by the Port Authority. 100794

Section 753.30. Not later than October 1, 2009, the Director 100795
of Administrative Services shall prepare and submit a report to 100796
the Controlling Board that lists all state-owned real property and 100797
building leases throughout the state. The report shall provide at 100798
least the following details for each parcel of real property and 100799
each building lease: the location; the lease holder, if relevant; 100800
the square footage; and the value. 100801

Section 753.40. (A) The Governor is hereby authorized to 100802
execute a deed in the name of the state conveying to Fairfield 100803
Village Realty, LLC, ("grantee"), an Ohio limited liability 100804
company, and its successors and assigns, all of the state's right, 100805
title, and interest in the following described real estate: 100806

Situated in Section 20, Township 2, Range 2, City of 100807
Fairfield, County of Butler, State of Ohio, being part of 100808
Fairfield City Lot No. 483, and being all of that real estate 100809
conveyed to The Butler County Board of Mental Retardation and 100810
Developmental Disabilities by deeds recorded in Deed Book 1553, 100811
Page 549 and Deed Book 1602, Page 538, and part of that real 100812

estate recorded in Deed Book 1451, Page 248 (all references to 100813
deeds, microfiche, plats, surveys, etc. refer to the records of 100814
the Butler County Recorder's Office, unless noted otherwise) and 100815
being more particularly bounded and described as follows: 100816

Commencing at the southwest corner of said Section 20; 100817

Thence North 4°00'00" East, along the west line of said 100818
Section 20 for a distance of 1138.50 feet to the south line of a 100819
tract of land conveyed to Cincinnati Financial Corporation by deed 100820
recorded in Official Record Volume 6544, Page 199; 100821

Thence North 80°01'34" East, leaving the west line of said 100822
Section 20 along the south line of said Cincinnati Financial 100823
Corporation for a distance of 1476.72 feet to the northwest corner 100824
of a tract of land conveyed to The Butler County Board of Mental 100825
Retardation and Developmental Disabilities by deed recorded in 100826
Deed Book 1451, Page 248, also being the TRUE PLACE OF BEGINNING 100827
for the land herein described; 100828

Thence North 80°01'34" East, continuing along the south line 100829
of said Cincinnati Financial Corporation tract for a distance of 100830
1215.00 feet to the west line of a tract of land conveyed to 100831
Cincinnati Financial Corporation by deed recorded in Official 100832
Record Volume 7039, Page 97; 100833

Thence South 3°59'06" West, leaving the south line of said 100834
Cincinnati Financial Corporation tract along the west line of said 100835
Cincinnati Financial Corporation tract for a distance of 1140.76 100836
feet to the northerly line of a tract of land conveyed to 100837
Cincinnati Mills, LLC by deeds recorded in Official Record Volume 100838
9048, Page 5078, Official Record Volume 9494, Page 5461, and 100839
Official Record Volume 9494, page 5496 (Hamilton County, Ohio 100840
Recorder's Office), also being in the south line of said Section 100841
20 and the corporation line between the City of Fairfield (Butler 100842
County) and the City of Forest Park (Hamilton County); 100843

Thence South 80°04'24" West, leaving the west line of said Cincinnati Financial Corporation tract along the south line of said Section 20 for a distance of 521.77 feet to the easterly line of said Cincinnati Mills, LLC tract;

Thence leaving the south line of said Section 20 along the easterly line of said Cincinnati Mills, LLC tract the following three (3) courses:

1) Along the arc of a curve to the right having a radius of 225.00 feet for an arc distance of 260.16 feet, the chord of said arc being subtended by a central angle of 66°15'00" and a long chord bearing North 66°48'06" West for a distance of 245.91 feet;

2) North 33°40'36" West for a distance of 519.55 feet;

3) Along the arc of a curve to the left having a radius of 250.00 feet for an arc distance of 65.00 feet, the chord of said arc being subtended by a central angle of 14°53'52" and a long chord bearing North 41 °07'32" West for a distance of 64.82 feet to the existing south right-of-way of Kolb Drive;

Thence leaving the easterly line of said Cincinnati Mills, LLC tract along the existing south right-of-way of Kolb Drive the following two (2) courses:

1) Along the arc of a curve to the left having a radius of 50.00 feet for an arc distance of 34.31 feet, the chord of said arc being subtended by a central angle of 39°19'01" and a long chord bearing North 45°31'41" East for a distance of 33.64 feet;

2) North 79°00'00" East for a distance of 10.00 feet to the east terminus of Kolb Drive also being in the west line of said Butler County Board of Mental Retardation and Developmental Disabilities (Deed Book 1451, Page 248).

Thence North 11 °00'00" West, leaving the existing south right-of-way of Kolb Drive along the west of said Butler County

Board of Mental Retardation and Developmental Disabilities (Deed 100874
Book 1451, Page 248) for a distance of 421.73 feet to the place of 100875
beginning and containing 25.349 acres, subject however to all 100876
covenants, conditions, reservations or easements of record 100877
contained in any instrument of record to the above described tract 100878
of land. 100879

Being all of that real estate conveyed to The Butler County 100880
Board of Mental Retardation and Developmental Disabilities by 100881
deeds recorded in Deed Book 1553, Page 549 and Deed Book 1602, 100882
Page 538, and part of that real estate recorded in Deed Book 1451, 100883
Page 248 of the Butler County, Ohio Recorder's Office. 100884

This description was prepared from deeds and plats of record 100885
with bearings based upon deed recorded in Deed Book 1451, Page 248 100886
of the Butler County, Ohio Recorder's Office. 100887

WOOLPERT, INC., Paul W. Feie, Ohio Registered Surveyor No. 100888
6723 100889

This legal description may be modified to a final form if 100890
modifications are needed to meet recordation standards in Butler 100891
County, Ohio. 100892

(B)(1) Consideration for conveyance of the real estate 100893
described in division (A) of this section is \$450,000. The 100894
consideration shall be paid by the grantee to the state at the 100895
closing according to an executed offer to purchase real estate 100896
agreement reached between the state, through the Department of 100897
Administrative Services, and the grantee. 100898

(2) As additional consideration for conveyance of the real 100899
estate described in division (A) of this section, grantee and 100900
Empowering People, Inc., ("EPI"), an Ohio corporation and the 100901
licensed operator of the facility on the real estate, have 100902
executed and delivered to the Department of Mental Retardation and 100903
Developmental Disabilities, a "Cognovit Promissory Purchase Note," 100904

dated June 30, 2008, for \$5,000,000. The grantee and EPI shall be 100905
entitled to credits against the "Cognovit Promissory Purchase 100906
Note" for certain completed improvements and development 100907
obligations defined as the "Improvement Plan" in the "Definitive 100908
Agreement" dated June 30, 2008, and signed by the grantee and EPI. 100909
The balance of the "Cognovit Promissory Purchase Note" shall be 100910
forgiven if the grantee and EPI complete all development 100911
obligations set forth in the "Definitive Agreement," the 100912
"Improvement Plan," and the "Cognovit Promissory Purchase Note." 100913

(C) The real estate described in division (A) of this section 100914
shall be sold as an entire tract and not in parcels through a 100915
Governor's Deed. Any personal property or chattels located on the 100916
real estate shall be transferred to the grantee through a bill of 100917
sale. 100918

(D) The Governor's Deed shall contain deed restrictions that 100919
prohibit, within five years from the date of closing, the grantee 100920
from transferring the real estate described in division (A) of 100921
this section to a third party or assigning its interest in the 100922
real estate to a third party without the prior written approval of 100923
the Department of Mental Retardation and Developmental 100924
Disabilities. Prior written approval shall not be required if the 100925
transfer or assignment is due to the death or disability of the 100926
grantee's owner. If a transfer or assignment of the real estate 100927
involves the termination or reduction in the level of services 100928
provided to individuals with mental retardation and developmental 100929
disabilities, the Department shall not approve the transfer or 100930
assignment unless the termination or reduction is otherwise 100931
required by law, including a judicial proceeding that is not 100932
caused by any act or omission of the grantee. 100933

(E) Before the execution of the Governor's Deed as described 100934
in division (F) of this section, possession of the real estate 100935
described in division (A) of this section shall be governed by an 100936

existing interim lease between the Department of Administrative Services and the grantee, an operating license between the Department of Mental Retardation and Developmental Disabilities and EPI, and the "Definitive Agreement" between the grantee, EPI, and the Department of Mental Retardation and Developmental Disabilities.

(F) The Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed to the real estate described in division (A) of this section. The Governor's Deed shall state the consideration and the deed restrictions contained in division (D) of this section. The deed shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the Governor's Deed for recording in the Office of the Butler County Recorder.

(G) The grantee shall pay the costs of the conveyance of the real estate described in division (A) of this section, including recordation costs of the Governor's Deed.

(H) This section expires two years after its effective date.

Section 753.50. (A) The Governor is hereby authorized to execute a deed in the name of the state conveying to the Jackson City Schools Board of Education ("grantee"), its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Parcel 1

The following described tract is located in part of the Scioto Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West, Franklin Township, Jackson County Ohio. Being part of the State of Ohio, Ohio Agricultural Research and Development Center's tract

two and tract three, as recorded in Volume 209, at Page 648, of 100967
the Deed Records, Recorder's Office, Jackson County, Ohio and 100968
being more accurately described as follows: 100969

Beginning at the intersection of the centerline of the Portsmouth 100970
Branch of the B&O SW Railroad (Jackson Short Line) and the 100971
township line between Franklin and Lick Townships, thence South 100972
82°18'53" East, along the township line, a distance of 1398.90 100973
feet to an iron pin set, said pin being the **TRUE POINT OF** 100974
BEGINNING for the herein described tract; 100975

Thence South 82°18'53" East, continuing along the township line, 100976
passing an iron pin previously set at the southeast corner of Lick 100977
Township, SSR Lot 116 at a distance of 41.07 feet, a total 100978
distance of 215.54 feet to an iron pin set on the west 100979
right-of-way line of County Home Road (Township Road 707, 40' 100980
right-of-way), also being a tract of the Board of County 100981
Commissioners of Jackson County, as recorded in Deed Volume 76, at 100982
Page 267; 100983

Thence South 07°11'24" West, along the west right-of-way line of 100984
County Home road and said Commissioner's tract, a distance of 100985
637.87 feet to an iron pin set; 100986

Thence South 25°23'58" West, through the tract of which this 100987
description is a part, a distance of 677.82 feet to an iron pin 100988
set on the north right-of-way line of State Route 93 (right-of-way 100989
varies) and being the south line of the tract of which this 100990
description is a part; 100991

Thence North 64°30'00" West, along the north right-of-way line of 100992
State Route 93, a distance of 223.70 feet to an iron pin set on 100993
the east line of the Ohio Department of Transportation's tract as 100994
recorded in Deed Volume 270, at Page 49; 100995

Thence along said Ohio Department of Transportation's tract and 100996
the right-of-way line for state Route 93, the following two (2) 100997

courses; 100998

North 25°30'00" East, a distance of 20.00 feet to an iron pin set; 100999
101000

North 61°03'58" West, a distance of 136.45 feet to an iron pin set; 101001
101002

Thence North 23°14'34" East, through the tract of which this description is a part, a distance of 1190.21 feet to the point of beginning. Containing a total of 9.665 acres, 9.648 acres are within Scioto Salt Reserve Lot 4, and 0.017 acres within Scioto Salt Reserve Lot 5. All being part of Auditor's Parcel # 0050010004500; 101003
101004
101005
101006
101007
101008

Being subject to all legal right-of-ways and easements. 101009

All iron pins set for this survey are 5/8" rebar (30" long) with i.d. cap stamped "Dana Exline 7060." 101010
101011

A plat of survey is attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with it. 101012
101013
101014

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 recorded in Jackson County Record of Centerline Plats Book 1, Page 83. 101015
101016
101017

The above description was prepared from an actual field survey completed on March 08, 2001, by Dana A. Exline, Ohio Professional Surveyor #7060. 101018
101019
101020

Easement 101021

The following described easement is located in part of the Scioto Salt Reserve (SSR) Lots 4 and 5, Township 6 North, Range 18 West, Franklin Township, Jackson County Ohio, and being part of the State of Ohio, Ohio Agricultural Research and Development Center's tract two and three, as recorded in Volume 209, at Page 648, of the Deed Records, Recorder's Office, Jackson County, Ohio. Being a 101022
101023
101024
101025
101026
101027

sixty (60) foot wide easement, with thirty (30) feet on each side 101028
of the following described centerline: 101029

Beginning at the intersection of the Portsmouth Branch of the B&O 101030
SW Railroad (Jackson Short Line) and the township line between 101031
Franklin and Lick Townships, thence South 82°18'53" East, along 101032
the township line, a distance of 1398.90 feet to an iron pin set 101033
for the northwest corner of the 9.665 acre tract this easement 101034
will serve; thence South 23°14'34" West, along the west line of 101035
said 9.665 acre tract, a distance of 1048.27 feet to a point, said 101036
point being the **TRUE POINT OF BEGINNING** for this easement 101037
description; 101038

Thence North 64°30'00" West, through the tract of which this 101039
description is a part, a distance of 739.98 feet to a point on the 101040
easterly right-of-way line of the Jackson Short Line Railroad, 101041
formerly known as the Portsmouth Branch of the B&O SW Railroad, 101042
said point being the terminus of this easement description. 101043

All iron pins set for this survey are 5/8" rebar (30" long) with 101044
i.d. cap stamped "Dana Exline 7060." 101045

A plat of survey is attached hereto and made a part hereof. This 101046
description is valid only if the plat is attached and recorded 101047
with it. 101048

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 101049
recorded in Jackson County Record of Centerline Plats Book 1, Page 101050
83. 101051

The above description was prepared from an actual field survey 101052
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 101053
Surveyor #7060. 101054

Parcel 2 101055

The following described tract is located in part of the Scioto 101056
Salt Reserve (SSR) Lot 4, Township 6 North, Range 18 West, 101057

Franklin Township, Jackson County Ohio. Being part of the State of 101058
Ohio, Ohio Agricultural Research and Development Center's tract 101059
two as recorded in Volume 209, at Page 648, of the Deed Records, 101060
Recorder's Office, Jackson County, Ohio and being more accurately 101061
described as follows: 101062

Beginning at the intersection of the centerline of the Portsmouth 101063
Branch of the B&O SW Railroad (Jackson Short Line) and the 101064
township line between Franklin and Lick townships, thence South 101065
82°18'53" East, along the township line, a distance of 1654.44 101066
feet to an iron pin set on the east right-of-way line of County 101067
Home Road (Township Road 707, 40' right-of-way) also being a tract 101068
of the Board of County Commissioners of Jackson County, as 101069
recorded in Deed Volume 76, at page 267, said pin being the **TRUE** 101070
POINT OF BEGINNING for the herein described tract; 101071

Thence South 82°18'53" East, continuing along the township line, a 101072
distance of 353.70 feet to an iron pin set; 101073

Thence South 38°54'57" West, through the tract of which this 101074
description is a part, a distance of 672.60 feet to an iron pin 101075
set on the east right-of-way line of County Home Road and said 101076
Commissioner's tract; 101077

Thence North 07°11'24" East, along the east right-of-way line of 101078
County Home Road, a distance of 575.15 feet to the point of 101079
beginning. Containing a total of 2.335 acres. Being part of 101080
Auditor's Parcel # 0050010004500; 101081

Being subject to all legal right-of-ways and easements. 101082

All iron pins set for this survey are 5/8" rebar (30" long) with 101083
i.d. cap stamped "Dana Exline 7060." 101084

A plat of survey is attached hereto and made a part hereof. This 101085
description is valid only if the plat is attached and recorded 101086
with it. 101087

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 101088
recorded in Jackson County Record of Centerline Plats Book 1, Page 101089
83. 101090

The above description was prepared from an actual field survey 101091
completed on March 08, 2001, by Dana A. Exline, Ohio Professional 101092
Surveyor #7060. 101093

(B) Consideration for conveyance of the real estate is the 101094
conveyance from the grantee to the state, its successors and 101095
assigns, of the following described real estate: 101096

The following described tract is located in part of the Scioto 101097
Salt Reserve (SSR) Lots 117 and 118, Township 7 North, Range 18 101098
West, Lick Township, Jackson County Ohio, and being part of the 101099
Jackson City Schools, Board of Education's 24.118 acre tract, as 101100
recorded in Volume 330, at Page 333, of the Deed Records, 101101
Recorder's Office, Jackson County, Ohio and being more accurately 101102
described as follows: 101103

Beginning at the intersection of the centerline of the Portsmouth 101104
Branch of the B&O SW Railroad (Jackson Short Line) and the 101105
township line between Lick and Franklin Townships, thence South 101106
82°18'53" East, along the township line, passing an iron pin set 101107
at the southwest corner of SSR Lot 117 at 1439.97 feet, a total 101108
distance of 2112.86 feet to an iron pin set and being the **TRUE** 101109
POINT OF BEGINNING for the herein described tract; 101110

Thence North 05°33'28" East, through the tract of which this 101111
description is a part, a distance of 735.22 feet to an iron pin 101112
set on the north line of the 24.118 acre tract; 101113

Thence South 82°15'00" East, along the north line of the tract of 101114
which this description is a part, a distance of 659.26 feet to an 101115
iron pin previously set on the west line of a twenty foot wide 101116
ingress-egress easement for the Jackson County Home Cemetery; 101117

Thence South 07°08'47" West, along an easterly line of the tract 101118

of which this description is a part, a distance of 308.00 feet to 101119
an iron pin previously set; 101120

Thence South 82°18'53" East, along a boundary line of the tract of 101121
which this description is a part passing into SSR Lot 118 at 20.00 101122
ft, a total distance of 108.20 feet to an iron pin previously set; 101123

Thence South 07°08'47" West, along an easterly line of the tract 101124
of which this description is a part, a distance of 426.00 feet to 101125
an iron pin previously set on the township line between Lick and 101126
Franklin Townships; 101127

Thence North 82°18'53" West, along the township line passing an 101128
iron pin previously set for the southeast corner of SSR Lot 117 at 101129
88.20 feet, a total distance of 747.07 feet to the point of 101130
beginning. Containing a total of 12.000 acres. 11.137 acres are 101131
within Scioto Salt Reserve Lot 117, and 0.863 acres are within 101132
Scioto Salt Reserve Lot 118. All being part of Auditor's Parcel # 101133
H120060025401; 101134

Being subject to all legal right-of-ways and easements. 101135

All iron pins set for this survey are 5/8" rebar (30" long) with 101136
i.d. cap stamped "Dana Exline 7060." 101137

A plat of survey is attached hereto and made a part hereof. This 101138
description is valid only if the plat is attached and recorded 101139
with it. 101140

Bearings for this survey are rotated to ODOT plans JAC 93-13.95 101141
recorded in Jackson County Record of Centerline Plats Book 1, Page 101142
83. 101143

The above description was prepared from an actual field survey 101144
completed on March 08, 2001 by Dana A. Exline, Ohio Professional 101145
Surveyor #7060. 101146

(C) The grantee shall pay the costs of the conveyance. 101147

(D) Upon the conveyance to the state of the real estate 101148

described in division (B) of this Section, the Auditor of State, 101149
with the assistance of the Attorney General, shall prepare a deed 101150
to the real estate described in division (A) of this Section. The 101151
deed shall state the consideration. The deed shall be executed by 101152
the Governor in the name of the state, countersigned by the 101153
Secretary of State, sealed with the Great Seal of the State, 101154
presented in the Office of the Auditor of State for recording, and 101155
delivered to the grantee. The grantee shall present the deed for 101156
recording in the Office of the Jackson County Recorder. 101157

(E) This Section expires one year after its effective date. 101158

Section 755.10. AMISH TRANSPORTATION STUDY 101159

The Director of Transportation shall conduct an Amish 101160
Transportation Study in Burton Township, Geauga County. 101161

The study shall: 101162

(1) Identify the major problems involving the integration of 101163
Amish transportation into the existing motor vehicle 101164
transportation system; 101165

(2) Evaluate the existing transportation network, including 101166
horse and buggy and foot traffic routes within Burton Township, 101167
and quantify the effectiveness of those routes for transporting 101168
persons and commodities; 101169

(3) Include a study of the indigenous Amish population within 101170
Burton Township; 101171

(4) Identify potential bypass routes for alternate types of 101172
traffic to reduce alternate traffic reliance on existing public 101173
transportation routes; and 101174

(5) List recommendations for future public roadway 101175
improvement projects to improve the safety for alternate types of 101176
traffic, such as horse and buggy and persons walking on foot, as 101177
well as for motor vehicle traffic. 101178

Section 757.10. (A) This section is intended as remedial 101179
legislation authorizing the exemption of airport property for 101180
which a port authority applied for tax exemption, but was denied 101181
because the applicant was a lessee and not the owner of the 101182
property, as required under section 5715.27 of the Revised Code as 101183
that section existed before its amendment by Sub. H.B. 160 of the 101184
127th General Assembly. 101185

(B) As used in this section: 101186

(1) "Eligible year" means any year for which taxes, 101187
penalties, and interest could have been remitted or abated, and 101188
the property placed on the exempt tax list, under a previous 101189
application for exemption if the application had not been 101190
dismissed as provided under division (A) of this section. 101191

(2) "Qualified property" means real property owned by a 101192
subdivision of this state, leased to a port authority created 101193
under Chapter 4582. of the Revised Code, and used as an airport, 101194
and that currently qualifies for exemption from taxation under any 101195
section of the Revised Code, but for which the application for 101196
exemption for an eligible year was dismissed by the Tax 101197
Commissioner as provided in division (A) of this section. 101198

(3) "Subdivision," "taxing authority," and "taxing unit" have 101199
the same meanings as in section 5705.01 of the Revised Code. 101200

(C) Notwithstanding section 5713.081 of the Revised Code, if 101201
an application for exemption from and abatement or remission of 101202
property taxes for qualified property was dismissed because of 101203
failure to comply with Chapter 5713., or section 5715.27 of the 101204
Revised Code as that section existed before its amendment by Sub. 101205
H.B. 160 of the 127th General Assembly, the current owner of 101206
qualified property, on or before January 1, 2010, may file with 101207
the Tax Commissioner an application requesting that the property 101208
be placed on the exempt tax list and that all paid or unpaid 101209

taxes, penalties, and interest on the property be abated or 101210
remitted, as appropriate, for each eligible year. The application 101211
shall be filed on the form prescribed by the Commissioner under 101212
section 5715.27 of the Revised Code. The owner shall include with 101213
the application a copy of the Commissioner's final determination 101214
dismissing the previous application and the certificate issued by 101215
the county treasurer under division (F) of this section. Failure 101216
to include the Commissioner's final determination that dismissed 101217
the previous application for exemption or the treasurer's 101218
certificate shall result in dismissal of the application filed 101219
under this section. 101220

(D) Upon receiving an application under this section, the Tax 101221
Commissioner shall determine if the applicant and the applicant's 101222
property satisfy the requirements for exemption, abatement, and 101223
remission under this section. If the requirements are satisfied, 101224
the Commissioner shall issue an order directing the auditor to 101225
place the property on the exempt tax list of the county and 101226
ordering that all paid or unpaid taxes, penalties, and interest be 101227
abated or remitted for every eligible year the property was 101228
qualified property. If the Commissioner determines that the 101229
property does not satisfy the requirements for exemption for one 101230
or more years, the Commissioner shall deny the application for 101231
those years and certify the finding to the county treasurer of the 101232
county in which the property is located for collection of all 101233
taxes, penalties, and interest and distribution thereof to the 101234
appropriate subdivisions. Tax payments for eligible years shall 101235
not be considered unpaid taxes for purposes of establishing 101236
jurisdiction to consider an application under this section. 101237

(E) The county auditor shall notify the county treasurer that 101238
any tax payments for eligible years that have not been distributed 101239
shall be held in a special fund pending a decision by the Tax 101240
Commissioner on an application filed under this section. No 101241

subdivision or other taxing unit is entitled to advance payment of 101242
such amounts under section 321.34 of the Revised Code. After the 101243
Commissioner issues a decision, the county auditor shall either 101244
remit the taxes, penalties, and interest to the applicant if the 101245
application is approved or distribute the taxes, penalties, and 101246
interest to the proper taxing authorities if the application for 101247
exemption is denied. 101248

(F) Upon request by the applicant, the county treasurer shall 101249
determine whether all taxes, penalties, and interest that were 101250
levied for all tax years that are not eligible years and whether 101251
all special assessments charged against the property have been 101252
paid in full. If so, the treasurer shall issue a certificate to 101253
the applicant stating that all such amounts have been paid, or, if 101254
not, the certificate shall list the tax years for which such 101255
taxes, penalties, interest, and special assessments remain unpaid. 101256

Section 759.10. Notwithstanding division (B)(1) of section 101257
5919.34 of the Revised Code, the number of participants in the 101258
Ohio National Guard Scholarship Program for the summer term 101259
occurring in the year 2009 shall be limited to the equivalent of 101260
one thousand two hundred full-time participants. 101261

Section 801.10. As used in the uncodified law of this act, 101262
"American Recovery and Reinvestment Act of 2009" means the 101263
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 101264
111-5, 123 Stat. 115. 101265

Section 803.20. Section 718.04 of the Revised Code, as 101266
amended by this act, first applies to taxable years beginning on 101267
or after January 1, 2010. 101268

The amendment by this act of section 5725.151 of the Revised 101269
Code applies to any credit claimed under that section on or after 101270
the effective date of this amendment. 101271

Section 5747.113 of the Revised Code, as amended by this act, 101272
first applies to taxable years beginning on or after January 1, 101273
2009. 101274

The amendment by this act of section 5747.76 of the Revised 101275
Code applies to taxable years ending on or after the effective 101276
date of this amendment. 101277

Section 803.30. In anticipation of the amendments to section 101278
124.134 of the Revised Code taking effect on August 30, 2009, the 101279
Director of Administrative Services shall determine an additional, 101280
prorated amount of vacation leave for employees who are in their 101281
fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of 101282
service to receive as a result of the transition occurring on that 101283
date. The additional, prorated amount shall be such that the 101284
affected employees are not harmed as a result of the transition, 101285
and shall be added to the vacation leave balances of the affected 101286
employees on August 30, 2009. 101287

Section 803.40. Notwithstanding division (B) of section 101288
4763.06 of the Revised Code, a certificate holder, registrant, or 101289
licensee whose certificate, registration, or license expired on or 101290
after October 1, 2008, may, up and until the effective date of 101291
section 4763.06 of the Revised Code as amended by this act, renew 101292
the certificate, registration, or license without having to comply 101293
also with section 4763.05 of the Revised Code by payment of all 101294
fees for renewal and payment of the late filing fee set forth in 101295
section 4763.09 of the Revised Code. Such a certificate holder, 101296
registrant, or licensee may not engage in any activities permitted 101297
by the certification, registration, or license being renewed 101298
during the period following the certificate's, registration's, or 101299
license's normal expiration date until all renewal fees and the 101300
late filing fee have been paid. 101301

Section 803.50. The amendment by this act of section 5727.811 101302
of the Revised Code applies to the measurement period that 101303
includes the effective date of that section and ensuing 101304
measurement periods. 101305

Section 803.60. The amendment of section 105.41 of the 101306
Revised Code by this act does not abrogate any collective 101307
bargaining agreement, for the duration of the agreement, that 101308
applies to employees of the Capitol Square Review and Advisory 101309
Board and that was entered into under Chapter 4117. of the Revised 101310
Code before the effective date of that amendment. 101311

Section 806.10. The items of law contained in this act, and 101312
their applications, are severable. If any item of law contained in 101313
this act, or if any application of any item of law contained in 101314
this act, is held invalid, the invalidity does not affect other 101315
items of law contained in this act and their applications that can 101316
be given effect without the invalid item of law or application. 101317
101318

Section 809.10. An item of law, other than an amending, 101319
enacting, or repealing clause, that composes the whole or part of 101320
an uncodified section contained in this act has no effect after 101321
June 30, 2011, unless its context clearly indicates otherwise. 101322

Section 812.10. Except as otherwise provided in this act, the 101323
amendment, enactment, or repeal by this act of a section is 101324
subject to the referendum under Ohio Constitution, Article II, 101325
Section 1c and therefore takes effect on the ninety-first day 101326
after this act is filed with the Secretary of State or, if a later 101327
effective date is specified below, on that date. 101328

The amendments by this act to section 3901.381 of the Revised 101329

Code take effect ninety days after the effective date specified in 101330
the first paragraph of this section. 101331

The amendments by this act to sections 173.99, 2921.13, 101332
3733.02, and 4781.06 of the Revised Code take effect January 1, 101333
2010. 101334

The amendment, enactment, or repeal by this act of sections 101335
4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 101336
4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 101337
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 101338
4781.25, and 4781.99 of the Revised Code takes effect July 1, 101339
2010. 101340

The amendment of sections 5743.15 and 5743.61 of the Revised 101341
Code takes effect January 1, 2010. 101342

The enactment of section 3903.77 of the Revised Code takes 101343
effect one year after the effective date specified in the first 101344
paragraph of this section. 101345

The repeal of sections 173.71, 173.72, 173.721, 173.722, 101346
173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 101347
173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 101348
173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 101349
173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 101350
173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 101351
173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 173.872, 101352
173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 173.891, 101353
173.892, 173.90, and 173.91 of the Revised Code takes effect 101354
January 1, 2010. 101355

Sections 803.10 and 803.20 of this act take effect January 1, 101356
2010. 101357

The repeal by this act of sections 119.031 and 121.24 of the 101358
Revised Code takes effect January 1, 2010. 101359

Section 812.20. The amendment, enactment, or repeal by this 101360
act of the sections listed below is exempt from the referendum 101361
because it is or relates to an appropriation for current expenses 101362
within the meaning of Ohio Constitution, Article II, Section 1d 101363
and section 1.471 of the Revised Code, or defines a tax levy 101364
within the meaning of Ohio Constitution, Article II, Section 1d, 101365
and therefore takes effect immediately when this act becomes law 101366
or, if a later effective date is specified below, on that date. 101367

Sections 103.24, 121.40, 121.401, 121.402, 124.03, 124.15, 101368
124.152, 124.18, 124.183, 124.34, 124.381, 124.382, 124.385, 101369
124.386, 124.392, 124.393, 124.821, 124.822, 124.86, 126.05, 101370
131.33, 145.298, 303.213, 307.79, 319.301, 319.302, 319.54, 101371
321.24, 323.156, 504.21, 901.20, 903.082, 903.11, 903.25, 905.32, 101372
905.33, 905.331, 905.36, 905.38, 905.381, 905.50, 905.51, 905.52, 101373
905.56, 905.66, 907.13, 907.14, 907.16, 907.30, 907.31, 921.02, 101374
921.06, 921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 101375
923.44, 923.46, 927.51, 927.52, 927.53, 927.54, 927.56, 927.69, 101376
927.70, 927.701, 927.71, 927.74, 1501.01, 1501.05, 1501.07, 101377
1501.30, 1504.01, 1504.02, 1504.03, 1504.04, 1506.01, 1507.01, 101378
1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 101379
1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 101380
1515.14, 1515.183, 1519.03, 1520.02, 1520.03, 1521.02, 1521.03, 101381
1521.031, 1521.04, 1521.061, 1521.062, 1521.064, 1521.07, 1521.10, 101382
1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 101383
1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 101384
1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 101385
1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 101386
1541.03, 3301.07, 3301.122, 3301.163, 3301.164, 3301.95, 101387
3311.0510, 3313.64, 3313.642, 3313.843, 3314.028, 3314.08, 101388
3314.35, 3317.01, 3317.013, 3317.02, 3317.021, 3317.022, 3317.03, 101389
3317.063, 3333.04, 3333.122, 3333.27, 3333.28, 3333.61, 3333.62, 101390
3333.66, 3333.91, 3704.14, 3704.143, 3712.03, 3714.073, 3718.03, 101391

3901.3812, 3923.90, 3923.91, 4117.02, 4117.12, 4117.24, 4501.29, 101392
4503.068, 4503.10, 4505.06, 5101.073, 5111.21, 5111.5211, 5111.65, 101393
5111.651, 5111.688, 5111.689, 5111.874, 5111.875, 5112.40, 101394
5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.451, 5112.46, 101395
5112.47, 5112.48, 5123.0412, 5123.19, 5123.193, 5703.80, 5725.18, 101396
5727.84, 5729.03, 5739.01, 5739.011, 5739.03, 5739.033, 5739.051, 101397
and 6111.044 of the Revised Code. 101398

The amendment by this act to section 124.134 of the Revised 101399
Code takes effect on August 30, 2009. 101400

The amendment or enactment of sections 3721.02, 3721.50, 101401
3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 3721.55, 3721.56, 101402
4301.43, 4503.182, 4507.23, 5111.222, 5111.231, 5111.24, 5111.25, 101403
5112.30, 5112.31, 5112.37, 5112.371, and 5112.372 of the Revised 101404
Code takes effect July 1, 2009. 101405

The amendment by this act to section 2921.13 of the Revised 101406
Code takes effect January 1, 2010. 101407

The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 101408
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the 101409
Revised Code takes effect October 1, 2011. 101410

Sections of this act prefixed with section numbers in the 101411
200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 101412
207.10.90, 241.20, 265.60.60, 265.70.20, 265.70.90, 309.40.20, 101413
309.50.30, 313.20, 371.60.20, 399.20, 512.40, 523.10, 701.20, and 101414
751.10 of this act. 101415

The amendment of Sections 120.01, 120.02, and 120.05 of Am. 101416
Sub. H.B. 119 of the 127th General Assembly takes effect July 1, 101417
2009. 101418

The amendment of Section 153 of Am. Sub. H.B. 117 of the 101419
121st General Assembly. 101420

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 101421

309.30.60, and 309.30.70 of this act take effect July 1, 2009. 101422

Section 812.30. The sections that are listed in the left-hand 101423
column of the following table combine amendments by this act that 101424
are and that are not exempt from the referendum under Ohio 101425
Constitution, Article II, Sections 1c and 1d and section 1.471 of 101426
the Revised Code. 101427

The middle column identifies the amendments to the listed 101428
sections that are subject to the referendum under Ohio 101429
Constitution, Article II, Section 1c and therefore take effect on 101430
the ninety-first day after this act is filed with the Secretary of 101431
State or, if a later effective date is specified, on that date. 101432

The right-hand column identifies the amendments to the listed 101433
sections that are exempt from the referendum because they are or 101434
relate to an appropriation for current expenses within the meaning 101435
of Ohio Constitution, Article II, Section 1d and section 1.471 of 101436
the Revised Code, or define a tax levy within the meaning of Ohio 101437
Constitution, Article II, Section 1d, and therefore take effect 101438
immediately when this act becomes law or, if a later effective 101439
date is specified, on that date. 101440

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
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121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	101442
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1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	101443
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1521.06	All amendments except those described in the right-hand column	The amendments to division (A)	101444
1521.063	All amendments except those described in the right-hand column	The amendments to divisions (A) and (A)(1) replacing "division of water" with "division of soil and water resources"	101445
3314.03	All amendments except the amendments to divisions (A)(8), (A)(15), and (A)(23)	Amendments to divisions (A)(8), (A)(15), and (A)(23)	101446
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	101447
3317.01	Division (B)	All amendments except those in division (B)	101448
3333.38	All amendments except the amendment described in the right-hand column	The amendment to division (A)(2) that strikes through "3333.27,"	101449
3345.32	All amendments except the amendment described in the right-hand column	The amendment to division (D) that strikes through "3333.27,"	101450
3734.57	The amendment to division (A) authorizing electronic payment of solid waste disposal fees	All other amendments to division (A)	101451
4117.01	All amendments except those described in the	The amendment to division (C)(5), the	101452

	right-hand column	amendment striking the language from division (C)(15), and the amendments adjusting the division numbering in divisions (C)(16) and (17)	
5751.20	All amendments except those described in the right-hand column	The amendments to division (B), effective July 1, 2009	101453
	Section 812.40. The amendment by this act to section 127.16 of the Revised Code is subject to the referendum. The amendment to division (D)(34) takes effect on the ninety-first day after this act is filed with the Secretary of State, and the amendment striking through division (B)(35) and renumbering division (B)(36) as division (B)(35) takes effect on January 1, 2010.		101454 101455 101456 101457 101458 101459
	Section 815.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:		101460 101461 101462 101463 101464 101465 101466 101467
	Section 9.314 of the Revised Code as amended by Am. Sub. H.B. 106 and Sub. H.B. 204, both of the 125th General Assembly.		101468 101469
	Section 109.57 of the Revised Code as amended by both Sub. H.B. 428 and Sub. S.B. 163 of the 127th General Assembly.		101470 101471
	Section 109.572 of the Revised Code as amended by Sub. H.B. 195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General		101472 101473

Assembly.	101474
Section 109.77 of the Revised Code as amended by Am. Sub.	101475
H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General	101476
Assembly.	101477
Section 121.37 of the Revised Code as amended by both Sub.	101478
H.B. 289 and Am. Sub. H.B. 530 of the 126th General Assembly.	101479
Section 122.075 of the Revised Code as amended by Sub. H.B.	101480
245 and Sub. H.B. 251, both of the 126th General Assembly.	101481
Section 149.43 of the Revised Code as amended by Am. Sub.	101482
H.B. 214 and Am. Sub. S.B. 248, both of the 127th General	101483
Assembly.	101484
Section 1511.01 of the Revised Code as amended by Am. Sub.	101485
S.B. 73 and Am. Sub. S.B. 182, both of the 120th General Assembly.	101486
Section 1520.02 of the Revised Code as amended by Sub. H.B.	101487
443 and Am. Sub. H.B. 699, both of the 126th General Assembly.	101488
Section 2913.46 of the Revised Code as amended by Am. Sub.	101489
S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the	101490
121st General Assembly.	101491
Section 2921.51 of the Revised Code as amended by Sub. H.B.	101492
259 and Sub. S.B. 281, both of the 126th General Assembly.	101493
Section 3313.64 of the Revised Code as amended by Am. Sub.	101494
H.B. 119 and Am. Sub. H.B. 214, both of the 127th General	101495
Assembly.	101496
Section 3319.291 of the Revised Code as amended by Sub. H.B.	101497
428 and Am. Sub. H.B. 562, both of the 127th General Assembly.	101498
Section 3733.02 of the Revised Code as amended by Am. Sub.	101499
H.B. 368 and Sub. S.B. 102, both of the 125th General Assembly.	101500
Section 4115.04 of the Revised Code as amended by Sub. H.B.	101501
443 and Am. Sub. H.B. 699, both of the 126th General Assembly.	101502

Section 4303.182 of the Revised Code as amended by Am. Sub. 101503
H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly. 101504

Section 4763.05 of the Revised Code as amended by Am. Sub. 101505
H.B. 699 and Am. Sub. S.B. 223, both of the 126th General 101506
Assembly. 101507

Section 4767.08 of the Revised Code as amended by Am. Sub. 101508
H.B. 138 and Sub. H.B. 531, both of the 123rd General Assembly. 101509